# West Valley Water District


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101. **SHORT TITLE**

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

102. **WORDS AND PHRASES**

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

103. **SEVERABILITY**

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

104. **EXECUTION OF PROVISIONS**

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

105. **DISCIPLINARY ACTION**

See Article 17, Section 1702.

106. **ADMINISTRATIVE DECISIONS**

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

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

a) The right to determine the existence or non-existence of facts which are the basis for a management decision.
b) The right to establish, continue, discontinue or modify policies, practices, or procedures.

c) The right to transfer, re-classify, promote, or demote employees, or to layoffs, terminate, or otherwise relieve employees from duty for lack of work; to determine the facts of lack of work. (See Article 3, Section 306)

d) The District shall also reserve all other prerogatives and responsibilities normally inherent in management, provided the same are not contrary to this Resolution.

107. EFFECTIVE DATE

This Resolution shall take effect, and shall supersede any previous resolutions, revisions and/or amendments.
The words and terms defined in this article shall have the following meanings in this Resolution and any other Resolution classifying and fixing the salaries and compensation authorizing the employment of personnel of the District. To provide a mutual understanding and agreement in terminology, the following terms are defined as follows:

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

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

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

**Anniversary Date** means the anniversary of the hire date.

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

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

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

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

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

**Department** means an organizational unit with responsibility for carrying out a function or variety of functions under the supervision of a manager or supervisor.
**Dependent** means any dependent who meets the eligibility requirements of the West Valley Water District’s benefit providers.

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

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

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

**District** means the West Valley Water District (District).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Probation means that each newly hired, appointed, promoted or transferred employee shall serve a probationary period of six (6) months. At the conclusion of the probationary period, his/her
supervisor shall prepare a report of performance and evaluation. The General Manager shall have the discretion to extend an employee’s probation period for up to an additional six-month period upon written notice to the employee that an additional period of evaluation is required.

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

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

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

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

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

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

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

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

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

**Temporary Employee** is one who is hired to work within any job classification, but whose position is not “full time” in nature; and shall be limited in duration of employment and may be limited in hours of work per day. The “temporary” employee works whenever the District’s work load increases to a level that “full time” employees cannot accommodate it. A “temporary” employee will work less than one thousand (1,000) hours per fiscal year. A “temporary” employee shall not accrue
vacation, holidays or any other employee benefits, except as provided by law. A “temporary” employee shall accrue sick leave based on the schedule found in Article 10, Section 1001 (b).

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

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

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

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

   a) If the General Manager deems it advisable, the job announcement may also be posted in other public places, posted on the District website and/or published in newspapers and professional/trade publications. The announcement will minimally specify job title, salary range, necessary qualifications, opening and closing dates, time, place, and manner of making applications.

   b) In addition, positions may be posted as “promotional” and open internally for District employees only instead or prior to inviting “outside” applicants to apply.

302. **APPLICATIONS**

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

303. **SELECTION PROCESS**

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

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

   All offers of employment or promotion with change in level of physical activity by the District may be contingent upon the completion of a medical examination (See Article 14, Section 1402) and an employee’s demonstrated ability to perform the essential functions of the job, with or without reasonable accommodation, and may
include drug and alcohol testing. The District shall pay the cost of the examination and drug screen. No employee shall hold any position unless he/she is physically and mentally able to perform the essential functions of the job, with or without reasonable accommodation, without posting a direct threat to the health or safety of the employee or others. New employees who test positive for alcohol and/or illegal drugs will have their offer of employment rescinded and will not become employed by the District.

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

b) Proof of Employable Status. The Immigration Reform and Control Act of 1986 requires that the District verify the legal status and identity of all individuals accepting employment with the District. Acceptable proof of legal status and identity shall be determined by review of appropriate documentation as set forth in the regulations passed under the Immigration Reform and Control Act.

c) Orientation and Training. The General Manager, or designee, shall conduct an orientation for new employees as to District policies, procedures, and benefits. Subsequently, each employee shall be responsible for being familiar with the policies of West Valley Water District. The supervisor shall acquaint employees with all aspects of the job function as represented in the job description.

d) Public Employee Disaster Service Worker Status. As set forth in the California Government Code Sections 3100 through 3109, in the event of a disaster, all public employees become “disaster service workers.” The law requires, as a condition of employment, that every District employee take and subscribe to the oath set forth in the State Constitution that declares them to be disaster service workers in time of need.

304. ANTI-NEPOTISM POLICY

It is the policy of the District to ensure equal opportunity to all persons with regard to employment and benefits and that no person shall be given nor withheld privileges because of the employment relationship of immediate family members. However, the District reserves the right to refuse employment of a relative, spouse, live-in or domestic partner of
an employee under the direct supervision of that employee or in the same department or facility, where the potential may exist for creation of an adverse effect on supervision, safety, security or morale.

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

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

a) Have the potential for creating an adverse impact on work performance.

b) Create a conflict of interest or appearance thereof, or create a situation that would be in violation of any other policy law or regulation.

305. INTERNAL PROMOTION

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

1. The position to be promoted into must be included in the current approved budget. If the position is not in the current budget, approval by the Board of Director’s is required to either (1) add a position to the budget or (2) upgrade the current position.

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

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

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

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

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

307. **MEDICAL EXAMINATIONS**

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

308. **EMPLOYMENT CLASSIFICATION**

1. A regular “full-time” employee is one who has been hired to fill a full time position in any job classification and has completed his/her probationary period as provided for in Article 3, Section 310.

2. A "probationary" employee is:

   a) A regular “full time” employee who has not completed an initial probation period of six (6) continuous months of service with the District.

   b) A regular “full time” employee who has not completed a probation period in a position to which he/she was promoted, demoted or transferred.
3. A regular "part-time" employee is one who is hired to work within any job classification whose position is “full time” in nature and may be limited in hours of work per day or week. The “part-time” employee may be working within the District's Workers' Compensation or Rehabilitation Program or a special program approved by the Board of Directors. The regular “part-time” employee shall be eligible for all District benefits. Sick leave, vacation, retirement and holidays shall accrue on a pro-rated basis.

4. A "temporary" employee is one who is hired to work within any job classification, but whose position is not “full time” in nature; and shall be limited in duration of employment and may be limited in hours of work per day. The “temporary” employee works whenever the District's work load increases to a level that “full time” employees cannot accommodate it. A “temporary” employee will work less than one thousand (1,000) hours per fiscal year. A “temporary” employee shall not accrue vacation, holidays or any other employee benefits, except as provided by law. A “temporary” employee shall accrue sick leave based on the schedule found in Article 10, Section 1001(b).

309. CLASSIFICATIONS

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

310. PROBATION

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

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

312. **PERFORMANCE EVALUATION**

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

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

313. **ADVANCEMENTS**

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

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

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

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

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

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

315. TEMPORARY RECLASSIFICATION

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

316. TEMPORARY ASSIGNMENT – ACTING PAY

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

317. CROSS TRAINING

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

318. OPEN DOOR POLICY

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

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

319.  **EXIT INTERVIEW**

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

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

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

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

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

<table>
<thead>
<tr>
<th><strong>DO</strong></th>
<th><strong>OK</strong></th>
<th><strong>DON’T</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>WVWD Logo attire</td>
<td>Jeans</td>
<td>Loungewear</td>
</tr>
<tr>
<td>Blouses/sweaters/knit tops/banded-collar shirts</td>
<td>Casual skirts, culottes, and Bermudas (below the knee)</td>
<td>Flip flops, slippers or unsafe shoes</td>
</tr>
<tr>
<td>Collared polo shirts</td>
<td>Capri pants</td>
<td>Sweatpants, running suits, shorts, overalls</td>
</tr>
<tr>
<td>Corduroys</td>
<td>Footwear: athletic shoes, sneakers, casual boots, western boots, sandals</td>
<td>Spandex pants, leggings, jeggings</td>
</tr>
<tr>
<td>Footwear: Loafers, dress boots ankle or knee, flats, dress shoes, pumps, dress sandals, leather deck shoes</td>
<td>T-Shirts</td>
<td>Short, tight skirts; mini-skirts; skorts; beach dresses</td>
</tr>
<tr>
<td>Khaki/chino/twill pants</td>
<td>Non-collared shirts</td>
<td>Skin-tight, thin or transparent clothing</td>
</tr>
<tr>
<td>Knitted shirts</td>
<td>Sweatshirts without hoods</td>
<td>Spaghetti strap tops or dresses</td>
</tr>
<tr>
<td>Oxford button-down shirts</td>
<td>Shirts with sports team, university or school names.</td>
<td>Velcro sandals (no Tevas or Birkenstocks)</td>
</tr>
<tr>
<td>Polo/golf shirts</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Slacks, dress pants and capris</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sport coats/blazers</td>
<td></td>
<td></td>
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<tr>
<td>Tights with acceptable skirt or dress lengths</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ties (optional)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Turtlenecks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dresses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sweaters</td>
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</tbody>
</table>
402. FIELD

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

Field employees shall wear their uniforms on casual days.

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

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

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

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

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

403. SHOES AND BOOTS

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

404. COMPLIANCE

If clothing fails to meet these standards as determined by the employee’s manager, supervisor or the Human Resources Manager, the employee may be sent home to change clothes and will be required to use vacation or floater hours for time away from work.
<table>
<thead>
<tr>
<th>TITLE: DISTRICT EMPLOYEE APPEARANCE AND DRESS POLICY</th>
<th>Page 3 of 3</th>
</tr>
</thead>
</table>

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

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

502. **TERMINATION PAY**

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

   a) Termination Notice Given with More Than 72 Hours’ Notice – issued the last day of employment. An employee who provides a 72-hour notice shall be entitled to receive payment by mail if he or she so requests and designates a mailing address. The paycheck shall be made on the last day of employment.

   b) No Termination Notice Given or Less Than 72 Hours’ notice - issued within seventy-two (72) hours of the last day of employment.

   c) Termination/Firing – at termination.

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

503. **COST-OF-LIVING TYPE SALARY ADJUSTMENTS**

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

504. **STIPEND FOR CLASS “A” DRIVERS’ LICENSE AND BILINGUAL COMPENSATION**

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

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

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

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

602. **CLASSIFICATION AND SALARY**

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

603. **TRAVEL EXPENSES**

See Purchasing Policy

604. **ATTENDANCE AT CONFERENCES, SEMINARS, WORKSHOPS AND OTHER DISTRICT RELATED FUNCTIONS**

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

605. **EMPLOYEE REPRESENTATIVES**

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

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

606. **SALARY SCHEDULE REVIEW (SCHEDULE “A”)**

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

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

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

The District has established the following work schedules:

a. **Standard Schedule:**
   
   Employees work eight (8) straight time hours per day, Monday through Friday, forty (40) straight time hours per work week.

b. **9/80 Schedule:**
   
   Employees work nine (9) straight time hours per day, Monday through Thursday and work eight (8) hours every other Friday, averaging forty (40) straight time hours per work week.

c. **4/10 Schedule:**
   
   Employees work ten (10) straight time hours per day for four days per week, forty (40) straight time hours per work week.

d. **Rotation Schedule:**
   
   Employees’ schedules consist of a variation of the above schedules, forty (40) hours per work week.

702. **WORK WEEK**

For all schedules the work week is defined as starting on Friday at mid-day and ending the following Friday at mid-day.

703. **REST BREAKS AND MEAL PERIODS**

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

b. **Meal Period:**

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

### 704. ON-CALL WITH CELL PHONE

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

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

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

a. If the on-call employee receives a second call-out within two (2) hours of the start time for the first call-out, the employee shall not receive a second two (2) hour minimum overtime pay.

b. The start time for the call-out and overtime pay to begin shall be at the time the employee receives the call from either the on-call dispatcher or answering service.

c. The on-call employee shall receive his/her call from the on-call dispatcher, a supervisor or a member of the administrative staff unless prior arrangements are made for the on-call employee to receive calls from the answering service.

On-call supervisors will serve on-call for a fourteen day period, beginning and ending Mondays at 8:00 a.m. On-call supervisors shall receive on-call pay of one (1) hour overtime pay each day during their assigned rotation.
a. On-call dispatchers shall document the time spent actually taking calls.

b. When time spent taking calls is less than 60 minutes a day, the only compensation will be the on-call pay of one (1) hour of overtime pay for that day.

c. When time spent taking calls exceeds 60 minutes in a day, the time in excess of 60 minutes shall be considered hours worked and will be paid at the overtime rate in accordance with Section 706 of this manual.

d. Exempt employees assigned to on-call duties shall receive a $250.00 per week stipend.

705. ATTENDANCE

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

706. OVERTIME

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

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

b. Scheduled hours consist of the following:

- Standard: Eight (8) hours per day
- 9/80: Nine (9) hours per day; and eight (8) hours on Friday
- 4/10: Ten (10) hours per day
c. Due to the nature of demands on the District, all employees may be asked to work beyond normal employee’s scheduled work shift or forty (40) hours per work week. All employees who are required to work overtime shall be paid at time and one-half (1½ or 1.5) their regular hourly rate of pay for those hours worked beyond the normal employee’s scheduled work hours or over forty (40) hours per work week.

d. If an employee is called back to work after hours, on weekends, holidays or other times not considered regular hours of work, overtime shall begin at the time the employee arrives at the District or job site.

e. If an employee is schedule to work on a District recognized holiday, they shall receive double time (2 times their regular hourly rate of pay) for hours worked on the day the holiday is observed.

707. COMPENSATORY TIME OFF

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

a. CTO should be taken within the year it is earned whenever possible. Once an employee has a CTO balance in excess of eighty (80) hours he/she shall be paid in cash for all CTO hours in excess of eighty (80) hours.

b. Upon request of the employee, the supervisor shall provide an accounting of the employee's CTO balance.

c. When an employee is separated from service, he/she is entitled to a lump-sum payment for any earned CTO by reason of previous overtime worked.

d. Overtime eligibility and overtime rates shall be by classification.

708. FLEX TIME HOLIDAY

If a District holiday falls on a non-working day under the 9/80 schedule, 4/10 schedule or rotating schedule, each employee will receive nine (9) normal work hours added to the employee’s holiday accrual bank to be used at another time designated by the employee with Supervisor approval.
801. **DISTRICT HOLIDAYS**

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

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

802. **SPECIAL SIGNIFICANCE HOLIDAY**

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

803. **HOLIDAY ON WEEKEND**

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

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

902. **ACCRUAL**

Vacation leave accrues per complete pay period and is credited each pay period. Such vacation allowance shall be available as accrued.

<table>
<thead>
<tr>
<th>Length of Continuous Service</th>
<th>Annual Vacation Allowance</th>
<th>Per Pay Period Accrual</th>
<th>Maximum Allowed Accrued Vacation</th>
</tr>
</thead>
<tbody>
<tr>
<td>After 1 Year</td>
<td>80 Work Hours</td>
<td>3.1 Work Hours</td>
<td>120 Work Hours</td>
</tr>
<tr>
<td>After 4 Years</td>
<td>120 Work Hours</td>
<td>4.6 Work Hours</td>
<td>180 Work Hours</td>
</tr>
<tr>
<td>After 9 Years</td>
<td>160 Work Hours</td>
<td>6.2 Work Hours</td>
<td>240 Work Hours</td>
</tr>
<tr>
<td>After 14 Years</td>
<td>200 Work Hours</td>
<td>7.7 Work hours</td>
<td>300 Work Hours</td>
</tr>
</tbody>
</table>

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

903. **APPROVAL**

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

Employees may cash out two times during the year for a maximum of 80 hours of their accrued vacation time, as long as they maintain a minimum of 80 hours of accrued vacation time and they have used 40 hours of accrued vacation time in the previous 12-month period. The cash out increment can be any combination with a minimum of 20 hours and a maximum of 80 hours within the calendar year.

905. **ADMINISTRATIVE LEAVE**

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

906. **ADMINISTRATIVE LEAVE CASH OUT**

Employees entitled to Administrative Leave may cash out the unused balance at the end of the fiscal year.
1001. SICK LEAVE

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

SICK LEAVE FOR TEMPORARY EMPLOYEES

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

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

1002. BEREAVEMENT

The District allows up to five (5) days bereavement leave due to the death of persons in the immediate family or any relative living with the employee. Upon request, additional earned sick leave may be used, subject to the approval of the General Manager or designee. Immediate family is considered to include mother, father, brother, sister, child, spouse, registered domestic partner, mother-in-law, father-in-law, sister-in-law, brother-in-law, grandmother, grandfather, and step child, parent and grandparent.
1003. ACCUMULATIVE SICK LEAVE

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

1004. PAY

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

1005. ACCRUAL

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

1006. NOTICE OF SICKNESS

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

The Supervisor should be given as much notice as possible when an employee has scheduled a medical appointment.
1007. **IMPROPER USE**

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

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

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

1008. **SICK LEAVE CONVERSION-TERMINATION BENEFITS**

a) Upon retirement, permanent disability or death, an employee, or estate of a deceased employee, may elect to have all accrued sick leave applied to such employee’s PERS retirement account as provided for in the contract between PERS and the District. Such employee, or estate of a deceased employee, must elect to apply one hundred percent (100%) of accrued sick leave to such employee’s PERS retirement account, or Sections (b) and (c) below shall apply.

b) In the event the employee, or estate of a deceased employee, does not make the election pursuant to Section (a) above, upon retirement, permanent disability or death, an employee or the estate of a deceased employee will be paid for unused sick leave accrued to the date of retirement, permanent disability or death, based upon the formula below.

<table>
<thead>
<tr>
<th>Sick Leave Accrued as of Date of Retirement, Permanent Disability or Death</th>
<th>Percentage (%) to be Paid</th>
</tr>
</thead>
<tbody>
<tr>
<td>480 Hours or less</td>
<td>30%</td>
</tr>
<tr>
<td>481 to 600 Hours</td>
<td>35%</td>
</tr>
<tr>
<td>601 to 720 Hours</td>
<td>40%</td>
</tr>
<tr>
<td>721 to 840 Hours</td>
<td>45%</td>
</tr>
<tr>
<td>841 to 960 Hours</td>
<td>50%</td>
</tr>
</tbody>
</table>
Upon retirement, permanent disability or death, all accrued and unused sick leave above the cash payment formula shall be applied to the employee's PERS retirement account as provided for in the contract between PERS and the District or an employee may elect to allow all sick leave to be applied to the retirement account.

In no event shall any employee, or estate of a deceased employee, receive cash payment under this Section in excess of four hundred eighty (480) hours.

1009. SICK LEAVE CASH OUT

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

a) A total of 160 hours must be maintained after reimbursement.

b) The request for reimbursement must be submitted in writing to the Human Resources Department.

c) The General Manager must approve all requests.

d) Sick Leave Cash Out payments will be made on an off cycle payroll week in November.

1010. WORKER'S COMPENSATION

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

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

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

Workers’ compensation leave will run concurrently with any family and medical leave. During the period of leave, the District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. The District will also continue the employer contribution for employee benefit premiums, as if the employee were not in leave status, for the duration of the leave. The employee must reimburse the District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by the District within 30 days of the date of the invoice or written notification. If the District does not receive the reimbursement from the employee within 30 days, the District can cancel any policies and/or plans for which they have not been reimbursed. No accrual of vacation time, holiday, sick leave or employment service will take place during such leaves of absence.
1101. LEAVE WITHOUT PAY

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

1102. EXTENDED LEAVE WITHOUT PAY

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

1103. MEDICAL LEAVE

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

1104. PREGNANCY DISABILITY LEAVE

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

Upon the request of an employee and recommendation of the employee’s health care provider, the employee’s work assignment may be modified if necessary to protect the health
and safety of the employee and her child.

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

1. The date on which the employee became disabled due to pregnancy;

2. The probable duration of the period or periods of disability; and

3. A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

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

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

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

During the period of PDL, the District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. The District will also continue the employer contribution for employee benefit premiums as if the employee were not in leave status, as required by law or regulations. The employee must reimburse the District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by the District within 30 days of the date of the invoice or written notification. If the District does not receive the reimbursement from the employee within 30 days, the District can cancel any policies and/or plans for which they have not been reimbursed.
Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a PDL, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a PDL has no greater right to reinstatement than if the employee had been continuously employed.

1105. FAMILY AND MEDICAL LEAVE ACT (FMLA)

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

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

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

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

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

If an employee fails to return to work, the District shall seek to recover the contributions to their health benefits during the leave unless:
a) The employee fails to return because of a medical condition that would allow leave. In such case, the employee must submit documentation of a medical reason for not returning to work; or

b) The employee fails to return to work because of other circumstances beyond the employee’s control.

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

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

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

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

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

1106. DISABILITY LEAVE - STATE DISABILITY INSURANCE (SDI)

Disability includes any illness or injury either physical or mental including pregnancy,
childbirth or related medical condition that prevents the employee from performing his/her regular or customary work. (Work-related injury or illness is covered under Workers' Compensation Insurance.)

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

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

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

1. If the employee's injury/illness extends beyond seven (7) calendar days (the normal waiting period during which no State Disability benefits are payable), the employee must request that the doctor place him/her on disability.

2. An employee's sick time, vacation time, holiday pay, and employment service will accrue on a pro-rata basis if he or she accrued sick/vacation time, which will be (combined with SDI) to provide a full paycheck. However, if the employee has no accrued sick/vacation time, he/she will not accrue employment benefits or employment service. If you are working and are placed on disability leave, SDI benefits received are not taxable.

3. For additional information regarding SDI, please see the Human Resources Department or visit the State Disability Insurance Online at www.edd.ca.gov/Disability/SDI_Online.htm

1107. RETURN TO WORK

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

A medical release is required upon returning to work after three (3) consecutive work days of sick and/or disability leave. The release must indicate the employee is capable to return to his/her normal duties or to modified work if it is available.
The District reserves the right to have the employee examined by the District’s doctor to be qualified as fit-for-duty.

1108. MILITARY LEAVE

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

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

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

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

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

1109. JURY DUTY

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

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

General Jury Duty Information:

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

**1110. CIVIL AIR PATROL LEAVE – STATE OF CALIFORNIA**

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

**1111. CRIME VICTIM LEAVE**

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

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

Covered felonies include:

- A violent felony, as defined in subdivision (c) of §667.5 of the Penal Code.
• A serious felony, as defined in subdivision (c) of §1192.7 of the Penal Code.

• A felony provision of law proscribing theft or embezzlement.

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

1112. WITNESS DUTY OR SUBPOENA

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

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

1113. CALIFORNIA PAID FAMILY LEAVE

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

1114. ORGAN AND BONE MARROW DONATION LEAVE

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

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

Employees will be required to use up to five days of their accrued paid time off for leave under this policy to donate bone marrow, and up to two weeks of their accrued paid time off for leave to donate an organ.
1115. SCHOOL ACTIVITIES/SCHOOL APPEARANCE LEAVE

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

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

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

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

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

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

1116. CALIFORNIA EMERGENCY RESPONDER LEAVE

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

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

1117 CALIFORNIA DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING LEAVE

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

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

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

To request leave under this policy, an employee should provide his or her supervisor or Human Resources with as much advance notice as practicable under the circumstances. If advance notice is not possible, the employee requesting leave under this policy should provide his or her supervisor or Human Resources one of the following certifications upon returning back to work:
1. A police report showing that the employee was a victim of domestic violence or sexual assault.

2. A court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court.

3. Documentation from a medical professional, domestic violence or sexual assault victim advocate, health care provider, or counselor showing that the employee’s absence was due to treatment for injuries from domestic violence or sexual assault.

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

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

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

1118. VOTING LEAVE

In circumstances where an employee’s work schedule does not provide sufficient time to vote on an election day, the District will provide a reasonable amount of time off during scheduled work time, including up to two hours of paid time off, for employees to vote. Employees who need time off to vote should notify their supervisors at least two days prior to election day and submit proof of voting. The District reserves the right in its sole discretion to specify a time period during which the polls are open for employees to leave work to vote.
1201. **BENEFIT PLANS**

a) Social Security Plan. The District participates in Social Security with the employee/employer being responsible for their respective portion as mandated by the Social Security Administration.

b) California Public Employees’ Retirement System (CalPERS).

1. The California Public Employees’ Pension Reform Act (PEPRA), which took effect in January 2013, changes the way CalPERS retirement and health benefits are applied, and places compensation limits on members. The greatest impact is felt by new CalPERS Members (2% @ 62). As defined by PEPRA a new member includes:

   • A member who first established CalPERS membership prior to January 1, 2013, and who is rehired by a different CalPERS employer after a break in service of greater than six months.

   • A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and **who has no prior membership** in any California public retirement system.

   • A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and **who is not eligible for reciprocity** with another California public retirement system.

2. All members that don’t fall into the definitions above are considered Classic Members. Classic Members will retain the existing benefit levels for future service with the same employer. Classic Members (2% @ 55), the District pays the total cost of the member (employee) and employer contributions.

c) Long Term Disability Plan. Becomes effective the first of the following month after sixty (60) days of employment. District pays total cost.

d) Life Insurance Plan. Becomes effective the first of the following month after sixty (60) days of employment. District pays total cost, including dependents. Coverage: Two-times annual salary up to a maximum of $125,000.00.

e) Health Plans: 1) Become effective the first of the following month after thirty (30) days of employment; 2) District pays total cost including dependents.
f) Vision Service Plan. Becomes effective the first of the following month after thirty (30) days of employment. District pays total cost, including dependents.

g) Dental Plan. Becomes effective the first of the following month after thirty (30) days of employment. Coverage includes orthodontic benefits after one year (1) year of employment. There is the option of "fee-for-service" or the "HMO" plan. District pays total cost, including dependents.

h) Worker's Compensation. All District employees are covered on the first day of work. The law requires that the employer pay all premiums.

i) Deferred Compensation. A Deferred Compensation Plan is available to those who wish to participate. The District will match the following contributions per pay period based on the employee’s contribution as follows:

<table>
<thead>
<tr>
<th>Employee Contributions</th>
<th>Employer Match</th>
</tr>
</thead>
<tbody>
<tr>
<td>$50</td>
<td>$25.00</td>
</tr>
<tr>
<td>$100</td>
<td>$50.00</td>
</tr>
<tr>
<td>$150</td>
<td>$75.00</td>
</tr>
</tbody>
</table>

j) C.O.B.R.A. (Consolidated Omnibus Budget Reconciliation Act of 1985). Employees (or former employees), their spouses and dependents shall be offered a temporary extension of group health insurance when coverage is lost due to certain events, such as: Change in employee’s work status, divorce, and/or dependent child ages out of coverage. The Human Resources Department should be notified immediately of these type of changes.

k) Employees must notify the Human Resources Department immediately of any life event changes such as: marriage, divorce, legal separation, birth or adoption and death as these have an effect on insurance coverage.

1202. **LOOK-BACK MEASUREMENT AFFORDABLE CARE ACT POLICY**

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

**Standard measurement period:** November 1 - October 31  
**Administrative period:** November 1 - December 31  
**Stability Period:** January 1 through December 31

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

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

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

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

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

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

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

2. During the standard measurement period.

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

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

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

1203. DEPENDENT COVERAGE

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

a) Spouse;

b) Children to their 26th birthday including children placed in the home for adoption;

c) Unmarried children who were enrolled before age 26 and are incapable of self-sustaining employment due to physical or mental condition. A physician must certify in writing within 60 days this condition and it is subject to carrier approval;

d) Children eligible for coverage as a result of a valid qualified medical child support order;

e) Domestic Partner as defined by the State of California for state registration requirements;
f) Those designated according to the law;

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

NOTE: It is the employee’s responsibility to notify the District’s Human Resources Department in writing upon divorce, termination of Domestic Partnership, over-age dependent or any event that changes the status of dependency.

1204. BENEFITS AFTER RETIREMENT OR DEATH

a) A retired employee and dependent spouse (See Article 2 –“Dependent Spouse or Spouse of Disabled, Retired, or Deceased Employee”), or spouse of a deceased employee or retiree, may continue his/her medical, dental and vision insurance at District's expense on the basis of the following: employee is a minimum of fifty (50) years of age with a minimum of ten (10) years of continuous service. If the spouse of a deceased employee or retiree remarries and becomes eligible for health benefits under his/her new spouse's health plan, all District benefits shall be terminated.

b) With respect to a new employee hired after July 1, 2006, a retired employee (must be minimum of 55 years) and dependent spouse (See Article 2 – “Dependent Spouse or Spouse of Disable, Retired, or Deceased Employee”), or spouse of a deceased employee or retiree, may continue his/her medical, dental and vision insurance at District's expense on the basis of the following: employee is a minimum of fifty-five (55) years of age with a minimum of twenty (20) years of continuous service. If the Spouse of a deceased employee or retiree remarries and becomes eligible for health benefits under his/her new spouse’s health plan, all District benefits shall be terminated.

Effective on December 9, 2014, Resolution No. 388.54, if a retired employee was hired on or after January 1, 2015, such employee and dependent spouse, or the spouse of a deceased employee or retiree, may continue his/her medical, dental and vision insurance at District’s sole cost and expense if such employee is a minimum of fifty-five (55) years of age with a minimum of twenty (20) years of continuous service with the District; provided that the retired employee and dependent spouse shall be required to pay at his/her/their sole cost and expense any cost associated with Medicare Part B (or any successor statute or law). If the spouse of a deceased employee or retiree remarries and becomes eligible for health benefits under his/her new spouse’s health plan, all District
benefits shall be terminated.

1205. **BENEFITS AFTER DISABILITY**

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

1206. **EMPLOYEE RETENTION INCENTIVE PROGRAM (INCENTIVE PAY)**

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

<table>
<thead>
<tr>
<th>Duration</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>After 5 years through the end of the 9th</td>
<td>$150.00</td>
</tr>
<tr>
<td>After 10 years through the end of 14th</td>
<td>$225.00</td>
</tr>
<tr>
<td>After 15 years through the end of 19th</td>
<td>$350.00</td>
</tr>
<tr>
<td>After 20 years through the end of 24th</td>
<td>$475.00</td>
</tr>
<tr>
<td>After 25 years</td>
<td>$600.00</td>
</tr>
</tbody>
</table>

1207. **EDUCATIONAL ASSISTANCE LOANS PROGRAM**

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

It is District policy to provide loans for educational assistance to regular, full-time employees for certain expenses*(registration fees, tuition (educational fees), books, parking and laboratory fees) for an approved educational course(s) or undergraduate degree program that will mutually benefit the District and the employee.
The Human Resources Department is responsible for administering this policy and any policy interpretation or course eligibility questions should be directed to that department. However, all final approval of the employee educational assistance loan requests shall be granted by the General Manager. The Board of Directors reserves the right to amend or repeal this policy.

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

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

Reimbursement will be provided if the education is undertaken to:

1. Maintain or improve competency in the current job.

2. Provide related knowledge in order to advance to a higher level position in the field.

3. Provide the training/knowledge needed to progress on any approved career path at the District.

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

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

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

One hundred percent of fees will be eligible for the loan program each fiscal year, not to exceed $5,000.00. The employee shall successfully complete the course(s) with a “C” or equivalent passing grade. Failure to successfully complete the course(s) with the required grade will result in no reimbursement loan. The Board of Directors will review fees and make adjustments, if necessary, to the educational assistance amount on a periodic basis.
If an employee remains employed by the District for 48 months after completing any course, the loan will be forgiven. If the employee leaves prior to 48 months, the loan incurred for the course(s) shall be paid back to the District by the employee on a prorated basis (see table below). Any exceptions must be approved by the General Manager.

Payback Proration

<table>
<thead>
<tr>
<th>Duration</th>
<th>Proration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 12 months</td>
<td>100%</td>
</tr>
<tr>
<td>13 to 24 months</td>
<td>75%</td>
</tr>
<tr>
<td>26 to 36 months</td>
<td>50%</td>
</tr>
<tr>
<td>37 to 48 months</td>
<td>25%</td>
</tr>
<tr>
<td>49 + months</td>
<td>0%</td>
</tr>
</tbody>
</table>

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

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

*"Accredited" is defined as a college or university that has been accredited by an accrediting association recognized by the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA).
In compliance with the District's Safety & Injury Illness Prevention Program, the following procedure is outlined.

1301. REPORTING A WORKPLACE INJURY

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

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

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

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

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

1302. COMPENSATION

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

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

Payments for lost wages are not made for the first three (3) days you are off work by Workers’ Compensation. However, if you are hospitalized as an inpatient, or unable to work for more than fourteen (14) days, payments will be made by Workers’ Compensation for even the first three (3) days.
The first week following an occupational injury, no deduction of sick leave shall be made, except where gross negligence is established. After the first week, an employee is required to use accrued sick leave, and upon employee request, the employee can use accrued vacation time to make up the difference in what he or she is receiving in temporary disability payments to equal a full day's pay. This will continue until the employee exhausts accrued sick leave and/or vacation time. At that time, the employee will be receiving checks only from the Workers’ Compensation carrier.

1303. SICK LEAVE/VACATION ACCRUALS

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

a) You will accrue sick leave on a pro-rated basis;

b) You will accrue vacation time on a pro-rated basis;

c) If a holiday falls on a day you are on disability leave, you will receive holiday pay on a pro-rated basis;

d) District will continue to pay your medical benefits.

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

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

1304. EMPLOYEE’S OBLIGATION

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

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

A medical release shall be required upon returning to work after three (3) consecutive days of disability leave indicating that the employee is physically able to return to his/her normal
duties or to modified work, if it is available. (See Article 11, Section 1107)
1401. **PURPOSES**

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

The purposes of this policy are as follows:

a) To establish and maintain a safe, healthy working environment for all employees.

b) To establish and maintain a safe, healthy environment for the public.

c) To reduce the incidence of accidental injury to persons or property.

d) To reduce absenteeism and tardiness.

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

1402. **MEDICAL EXAMINATIONS**

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

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

a) All applications for employment shall contain a statement to prospective applicants advising them that the selection procedure includes taking and passing a medical
examination, which includes, but is not limited to, testing for the presence of health problems which may interfere with their prospective job performance or be detrimental to the District employees or the public and testing for the presence of drugs or alcohol.

b) Applicants who are referred for a medical examination shall be required to sign consent forms authorizing the examination and the release of the examination results to the Human Resources Department.

c) Any applicant who refuses to sign the consent form(s) or to submit to the medical examination shall not be considered for employment.

d) Examination results are confidential and shall be used solely for assistance in the District's determination for employment of the applicant and will not be released except to:

1. Appropriate District personnel.
2. The applicant upon written request.
3. Pursuant to court order.
4. Examination reveals a medical problem that should be brought to the applicant's attention. This shall be done only on the advice of the examining physician.

e) Applicants who are taking medication prescribed by a physician shall so indicate on the examination form and must be otherwise disclosed prior to the examination. Any positive indications related to the presence of that medication will not prohibit employment unless, pursuant to applicable law, the use of said medication would otherwise interfere with the applicant's job performance or create an unsafe condition for the applicant, District employees, or the public.

f) If a required medical examination reveals a medical problem that is recommended by the examining physician to be investigated further, any such investigation and/or follow-up medical procedures shall be paid for by the applicant.

1403. CURRENT EMPLOYEE MEDICAL EXAMINATION

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

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

This policy supplements, but does not replace, the disciplinary rules and procedures currently in force relating to violations of District policy with regard to sick leave, tardiness and absenteeism. (See Articles 10, 11, 17)
1501. **USE OF DISTRICT VEHICLES**

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

1502. **PERSONAL USE OF DISTRICT VEHICLES**

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

1503. **EQUIPMENT**

District owned equipment shall not be used for personal use.

1504. **TOOLS**

District owned tools shall not be used for personal use.

1505. **CELL PHONE USE WHILE DRIVING**

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

If your job requires that you keep your District issued cell phone turned on while you are driving, you must use a hands-free device or safely pull off the road before conducting District business. Under no circumstances should employees place phone calls or text message while driving or operating equipment or a motor vehicle while on District business and/or District time. Violating this policy is a violation of District rules and could be a violation of the law beginning July 1, 2008.
1506. **PERSONAL CELL PHONE USE**

District employees may use their personal cell phones as long as it does not interfere with the productivity of the employee or his/her co-workers. Office personnel shall use the District two way radios to contact field personnel. In turn, field personnel will use the District two way radios to conduct daily business. In emergency situations, cell phones may be utilized for communication purposes.
1601. **OVERVIEW**

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

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

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

1602. **SCOPE**

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

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

1603. **POLICY STATEMENT**

a) **General Requirements**

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

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

b) System Accounts

1. You are responsible for the security of data accounts and systems under your control. Keep passwords secure and do not share account or password information with anyone, including other personnel, family, or friends. Providing access to District information systems either deliberately or through failure to secure system access is a violation of this policy.

2. You must maintain system-level authentication and user-level passwords in accordance with policy.

3. You must ensure through legal or technical means that proprietary information remains within the control of the District at all times. Conducting District business that results in the storage of proprietary information on personal or non-District controlled environments, including devices maintained by third parties with whom the District does not have a contractual agreement, is prohibited. This specifically prohibits the use of an e-mail account that is not provided by the District for District business.

c) Computing Assets

1. You are responsible for ensuring the protection of District electronic assets assigned to you by the District. Promptly report any security breaches or theft of District assets to the Information Technology Department and Supervisor.

2. All District PC’s, PDA’s, smart phones, laptops, and workstations must be secured with a password. You must lock the screen or log off when the device is unattended.
3. Devices that connect to the District network must comply with District security standards.

4. Do not interfere with District device management or security systems software, including, but not limited to, antivirus, network security protocols, Sungard utility systems, and any other District computer system.

d) **Network Use**

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

1. Causing a security breach to either District or other District connected network resources, including, but not limited to accessing restricted data, servers, or accounts to which you are not authorized; circumventing user authentication on any device; or capturing network traffic.

2. Causing a disruption of service to either District or other network resources, including, but not limited to ICMP floods, packet spoofing, denial of service, heap or buffer overflows, and forged routing information for malicious purposes.

3. Violating copyright law, including, but not limited to illegally duplicating or transmitting copyrighted pictures, music, video, and software. See the Information Technology Administrator for additional information on copyright restrictions.

4. Exporting or importing software, technical information, encryption software, or technology in violation of international or regional export control laws.

5. Use of the internet or District networks that violates the District Policies, or local, State or Federal laws.

6. Intentionally introducing malicious code, including, but not limited to viruses, worms, Trojan horses, e-mail bombs, spyware, adware, and key...
e) E\n
Electronic Communications

The following are strictly prohibited:

1. Inappropriate use of communication vehicles, internet and equipment, including, but not limited to supporting illegal activities, and procuring or transmitting material that violates District policies against harassment or the safeguarding of confidential or proprietary information.

2. Sending spam via e-mail, text messages, pages, instant messages, voice mail, or other forms of electronic communication.

3. Forging, misrepresenting, obscuring, suppressing, or replacing a user identity on any electronic communication to mislead the recipient about the sender.

4. Use of a District e-mail or IP address to engage in conduct that violates District policies or guidelines. Posting to a public newsgroup, bulletin board, or listserv with a District e-mail or IP address that represents the District.

5. When communicating with the public; you must exercise good judgment to avoid misrepresenting or exceeding your authority in representing the opinion of the District.

1604. DISCIPLINARY ACTION FOR VIOLATION OF ACCEPTABLE USE POLICY

An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment. A violation of this policy by a temporary worker, contractor or vendor may result in the termination of their contract or assignment with the District.
1701. PROHIBITION AGAINST VIOLENCE IN THE WORKPLACE

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

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

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

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

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

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

1702. DISCIPLINARY ACTION

As used herein, disciplinary action is an action taken by a supervisor or management against an employee, which could mean the dismissal, demotion, reduction in pay,
suspension, reprimand of an employee or other similar process for dealing with and/or attempting to correct behavior that does not meet the expected performance standards.

1. **Grounds for Disciplinary Action**

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

   a) Failure to follow direction, procedure, or policies of the District.

   b) Rudeness or discourtesy to the public, a supervisor, or fellow employees.

   c) Misuse or damage of District property and/or equipment.

   d) Incompetence, insubordination, lack of ability or failure to perform the assigned duties in a satisfactory manner.

   e) Physical violence, fighting, or creating a disturbance. Such conduct may include, but is not limited to, the following:

      1. Threatening, intimidating, coercing, or abusing fellow employees or customers.

      2. Physically intimidating or attacking another individual through the use or intended use of force.

      3. Verbal or physical abuse to the public, a supervisor or fellow employee.

      4. Disorderly, indecent or immoral conduct while on duty or while in District uniform, either during or outside of duty hours which causes discredit to the District.

   f) Theft or unauthorized use of District property.

   g) Dishonesty.

   h) Frequent or habitual tardiness, unexcused absences or unsatisfactory attendance.
i) Conducting non-District business activities during working hours.

j) Harassment, bullying and/or discrimination in any form.

k) Consumption of alcoholic beverages, use of drugs and marijuana/cannabis while on duty or on District premises, or being under the influence of alcohol and or drugs while on duty.

l) Use of, possession of, and/or transfer or sale of, non-prescribed drugs or narcotics while on duty or on District premises.

m) Conviction of any felony or of a misdemeanor involving moral turpitude, dishonesty or immoral conduct.

n) Unauthorized absence from work.

o) Failure to report an injury promptly or significant unsafe working practices to a supervisor.

p) Misrepresentations in obtaining employment with or promotion within the District.

q) Falsification of forms, records, or reports; including, but not limited to, time sheets, employment applications and District documents.

r) Possessing or bringing firearms or weapons onto District property.

s) Destroying or willfully damaging District or employee property, records, or other materials.

t) Failure to immediately report the loss of a California driver’s license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Department of Motor Vehicles by employees who must maintain such a license as a condition of employment.

2. Disciplinary Actions Not Subject to Notice and Hearing Procedures

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

b) Verbal or written warnings.

c) Performance Improvement Plan (PIP) (Form A) for 90 calendar days during which time the employee’s performance, attention to job duties, attitude, and timeliness are closely supervised. This can lead to further disciplinary action.

d) Reassignment not entailing a salary reduction or demotion.

e) Suspension for three (3) days or less without pay.

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

Employee Commendation/Disciplinary Action Report Form 1702 A

3. Disciplinary Actions Subject to Notice and Hearing Procedures

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

a) **Suspension from Duty**: Suspension from duty for four (4) or more days without pay.

b) **Salary Reduction**: A reduction in pay from the employee’s current pay range to any lower amount within that same range, as such range is recorded in the Districts current salary schedule.

c) **Demotion**: Reduction from a position in one class to a position in another class having a lower salary range for disciplinary purposes. (Demotions resulting from employee’s inability to satisfactorily complete his/her probationary period, organizational changes, or layoffs are not disciplinary in nature and not subject to this Section.)

d) **Termination**: Discharge from District employment.
4. Disciplinary Procedures

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

a) Notice of Disciplinary Action. If a disciplinary action under Section 1702 is warranted, the employee shall be notified in writing five (5) working days prior to the effective date of the disciplinary action. The contents of the notice shall be as follows:

i. A description of the disciplinary action being taken.

ii. The date on which that action will become effective. A statement of the charges upon which the action is based, including a reference to or description of the specific District rule or policy violated.

iii. A statement that if the employee feels that the proposed action is not appropriate, he/she has the right to respond to the charges either orally or in writing at any time before the proposed disciplinary action is to become effective. This right is separate from the right to hearing as set forth below.

iv. A statement that the employee has the right to a hearing on the charges. Said right may be exercised by filing a written request for a hearing, dated, and signed by the employee. Said request shall be submitted to the employee’s supervisor personally or by certified mail before the end of the fifth (5th) working day after the notice is delivered to the employee (counting the day of delivery as the first day).

v. A statement that the employee requesting a hearing is entitled to be represented at the hearing by an attorney or anyone else of his choosing.
vi. A statement that in the absence of a timely written request for a hearing, the proposed discipline will become effective as scheduled unless it is modified or rescinded.

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

b) **Right to Respond.** The employee shall have the right to respond in writing to a notice of discipline before the discipline becomes effective.

c) **Request for a Hearing.** The employee shall have the right to request a hearing on the proposed disciplinary action, within the time limits set forth in the notice of disciplinary action and/or in Section 1702 (4a) (v).

d) **Hearing.** Upon receipt of a timely request for a hearing, the General Manager shall appoint a Hearing Committee composed of three individuals. The members of this Hearing Committee must consist of supervisory staff of the District and/or individuals employed by other entities in supervisory positions. One of the members of the Hearing Committee shall preside over the hearing as Chair. During the hearing, the employee shall have the right to:

i. Call witnesses and question them;

ii. Be represented by anyone of his choice, including an attorney;

iii. Introduce other oral and written evidence on his/her behalf; and

iv. Record the proceedings.

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

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

i. Rule in favor of the proposed action.

ii. Rule against the proposed action.

iii. Rule that less severe action is warranted.

1703. GRIEVANCE RIGHTS OF EMPLOYEES

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

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

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

b) **Second Level Review:** Should the answer in "Level One" be unsatisfactory to the employee, the employee may, within five working days, present his/her problem to the next level of management, by delivering the Request for Review Form, Level Two, directly to the appropriate supervisor. The written answer shall be delivered to the employee within five working days and copies delivered to his/her immediate supervisor and the General Manager.
c) **Third Level Review**: Should the answer in "Level Two" be unsatisfactory to the employee, he/she may, within five working days, appeal his/her case to the General Manager by submitting the Request for Review Form, Level Three, to the General Manager. The General Manager's decision will be made within five (5) working days and shall be final.

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

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

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

<table>
<thead>
<tr>
<th>Request for Review:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Level One</td>
</tr>
<tr>
<td>Level Two</td>
</tr>
<tr>
<td>Level Three</td>
</tr>
</tbody>
</table>

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

ACTION REPORT

Employee:_____________________________________________ Classification:______________________

Date:_____________________ Time:____________ Department:___________________________________

Subject of Report:  
- Investigation Only  
- Rule or Policy Infraction  
- Exceptional  
- Other: 
- Safety Violation

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

<table>
<thead>
<tr>
<th>Action Taken:</th>
<th>(Explain)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commendation</td>
<td></td>
</tr>
<tr>
<td>Verbal warning given</td>
<td></td>
</tr>
<tr>
<td>Performance Improvement Plan (90 days)</td>
<td></td>
</tr>
<tr>
<td>Reassignment</td>
<td>1 day</td>
</tr>
<tr>
<td>Written warning given</td>
<td>2 day</td>
</tr>
<tr>
<td>Suspension without compensation:</td>
<td>3 day</td>
</tr>
</tbody>
</table>

This Consultation was Conducted with:
Employee Only
Others present (if any): _____________________ ______________________ _____________________

Comments/Action Plan:

Supervisor’s Name/Title___________________________ Signature_________________________

Duration of Consultation: Hours Minutes

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

Employee Signature _______________ Date _______________

Employee Comments:____________________________________________
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

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

Reviewed for Filing (initials)

Supv
Supt.
AGM.
Gen. Mgr.
Pers. File

*Form to be used for Disciplinary Actions not subject to Notice and Hearing Procedures per Article 17 of the Human Resources Personnel Policies & Practices Manual
<table>
<thead>
<tr>
<th>NOTICE OF TERMINATION DURING PROBATIONARY PERIOD</th>
</tr>
</thead>
</table>

NAME OF EMPLOYEE: ________________________________________________________________

HOME ADDRESS: ________________________________________________________________

CLASSIFICATION: ________________________________________________________________

DEPARTMENT: ________________________________________________________________

You are hereby notified that you are terminated effective ____________________________.

WEST VALLEY WATER DISTRICT

Date ____________________ By ______________________________

WEST VALLEY WATER DISTRICT

P. O. Box 920
Rialto, CA 92377

Article No. 17
Form B
Board Effective Date: 04-19-18
Revision Date & No:
NOTICE OF PROPOSED SUSPENSION IN EXCESS OF FIVE DAYS

NAME OF EMPLOYEE:__________________________________________________________

HOME ADDRESS:______________________________________________________________

CLASSIFICATION:_____________________________________________________________

DEPARTMENT:________________________________________________________________

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

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

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

WEST VALLEY WATER DISTRICT

Date:_______________________ By________________________________
NAME OF EMPLOYEE: __________________________________________________________

HOME ADDRESS: ________________________________________________________________

CLASSIFICATION: _______________________________________________________________

DEPARTMENT: _________________________________________________________________

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

This action is being taken for the following reasons: _____________________________________________

______________________________________________________________________________.

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

Your demotion will continue through and conclude on __________________________________________

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

WEST VALLEY WATER DISTRICT

Date: ___________________________ By ___________________________
<table>
<thead>
<tr>
<th>NOTICE OF PROPOSED TERMINATION</th>
<th></th>
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</thead>
</table>

NAME OF EMPLOYEE: ___________________________________________________________

HOME ADDRESS: ______________________________________________________________

CLASSIFICATION: _____________________________________________________________

DEPARTMENT: ________________________________________________________________

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

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

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

WEST VALLEY WATER DISTRICT

Date:_______________________ By________________________________
I, ____________________________________________, declare:

(Name of person serving notice)

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

On ________________________, 20 ____, I served the attached Notice of ____________________________ on _____________________________________.

(Name of employee served)

Said service was accomplished as follows:

_______ Personal Service

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

Address_____________________________________________________.

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

Executed on ________________________, 20 ___ at ________________________, California.

__________________________
Signature

(This form is to be used with WVWD 1702 - B, C, D, and E.)
# REQUEST FOR REVIEW
## LEVEL ONE

<table>
<thead>
<tr>
<th>NAME</th>
<th>________________________________________________________________________</th>
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<tbody>
<tr>
<td>TITLE AND LOCATION</td>
<td>________________________________________________________________________</td>
</tr>
<tr>
<td>PROBLEM OR QUESTION</td>
<td>________________________________________________________________________</td>
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<td>________________________________________________________________________</td>
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<td>________________________________________________________________________</td>
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<tr>
<td>WHAT DO YOU THINK SHOULD BE DONE?</td>
<td>________________________________________________________________________</td>
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_____________________________  __________________________
Employee Signature                Date

**TO BE COMPLETED BY SUPERVISOR**

DATE RECEIVED ________________

ANSWER __________________________________________________________________

| | ________________________________________________________________________ |
| | ________________________________________________________________________ |
| | ________________________________________________________________________ |

SUPERVISOR SIGNATURE ________________

SIGNATURE OF EMPLOYEE RECEIVING ANSWER ________________

DATE ________________

cc: General Manager  
Chief Financial Officer  
Assistant General Manager  
Superintendent  
Employee
REQUEST FOR REVIEW
LEVEL TWO

NAME __________________________ TITLE/LOCATION ____________________________
PROBLEM OR QUESTION _______________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

ANSWER GIVEN BY SUPERVISOR ________________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

WHY FIRST LEVEL WAS UNSATISFACTORY ________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

SIGNED __________________________

TO BE COMPLETED BY SUPERVISOR/SUPERINTENDENT/OFFICE MANAGER
DATE RECEIVED ______________________
ANSWER ______________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

SUPERVISOR OR SUPERINTENDENT/OFFICE MANAGER ____________________________

SIGNATURE OF EMPLOYEE RECEIVING ANSWER __________________________________

cc: General Manager
    Chief Financial Officer
    Assistant General Manager
    Superintendent
    Employee
# REQUEST FOR REVIEW

**LEVEL THREE**

<table>
<thead>
<tr>
<th>NAME</th>
<th>TITLE/LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>PROBLEM OR QUESTION</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>ANSWER GIVEN BY SUPERVISOR OR SUPERINTENDENT/OFFICE MANAGER</th>
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<table>
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<tr>
<th>WHY SECOND LEVEL ANSWER WAS UNSATISFACTORY</th>
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**Signature**

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**TO BE COMPLETED BY GENERAL MANAGER**

<table>
<thead>
<tr>
<th>DATE RECEIVED</th>
<th>ANSWER</th>
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<tbody>
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<table>
<thead>
<tr>
<th>GENERAL MANAGER SIGNATURE</th>
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</table>

<table>
<thead>
<tr>
<th>SIGNATURE OF EMPLOYEE RECEIVING ANSWER</th>
<th>DATE</th>
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<tbody>
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</tbody>
</table>

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**cc:**
- General Manager
- Chief Financial Officer
- Assistant General Manager
- Superintendent
- Employee
1801. **POLICY REGARDING HARASSMENT**

The District strictly prohibits unlawful harassment and discrimination. This includes harassment and discrimination on the basis of sex, and gender, sexual orientation, gender identity, gender expression, genetic information, race, color, ancestry, national origin, religious creed, handicap or physical disability, mental disability, medical condition, age (over 40), marital status, military and veteran status, or any other protected class under applicable law. Harassment by fellow employees and non-employees is demeaning and harmful to both the victims and the District. It can result in high turnover, absenteeism, low morale, the loss of productivity, and an uncomfortable atmosphere in which to work. Therefore, the District will not tolerate any such harassment of its employees and will take affirmative steps to stop it.

Sexual harassment is sexual behavior that is illegal, unwelcome and personally offensive. Specifically, in regard to sexual harassment of employees, the regulations of the Fair Employment and Housing Commission of the State of California define sexual harassment as unwanted sexual advances, or visual, verbal or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender based harassment of a person of the same sex as the harasser. The following is a partial list of behavior deemed to be sexual harassment:

a) Unwanted sexual advances.

b) Offering employment benefits in exchange for sexual favors.

c) Making or threatening reprisals after a negative response to sexual advances.

d) Visual conduct: leering, making sexual gestures, displaying of sexual suggestive objects or pictures, cartoons or posters.

e) Verbal conduct: making or using derogatory comments, epithets, slurs and jokes.

f) Verbal sexual advances or propositions.

g) Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, suggestive or obscene letters, note, or invitations.

h) Physical conduct: touching, assault, impeding or blocking movement.
If you think another employee is harassing you because of your age, ancestry, color, creed, marital status, medical condition, national origin, physical handicap, race, religion, sex or other reason, tell him or her that you find such behavior offensive, that such behavior is against District policy, and ask him or her to immediately stop the behavior. It is important to let your fellow employees know when you consider such behavior offensive, as the District hires people from a wide variety of cultural and ethnic backgrounds, and that person may not realize behavior he or she thinks is proper could be seen by others as offensive. If that employee continues to "pester" you. The employee should follow the chain of command in reporting continued “pestering”.

If you see another employee being harassed because of his or her age, ancestry, color, creed, marital status, medical condition, national origin, physical handicap, race, religion, sex or other reason, tell him or her that the District has a policy prohibiting such behavior, that he or she can demand the other stop such behavior, and that he or she can contact the General Manager for help. Supervisors who observe or otherwise learn of harassment that violates this policy have a duty to report it to Human Resources so the District can try to resolve the matter internally.

If another employee tells you he or she finds your behavior offensive, do not get angry or insulted. People have different ethnic values and standards, and may be offended by behavior you think is proper. Tell the employee you did not realize he or she would be offended by your behavior, and refrain from such initiating conduct.

If you are harassed by a non-employee, contact the General Manager for help. The District cannot control the offensive behavior of all non-employees, but it will do what it can to remedy the situation.

If you prefer not to report to the General Manager, or he is unavailable, a report may be made to any management employee. The report may be formal or informal. If formal, the attached complaint form may be completed or your own narrative report substituted. If the complaint is against the General Manager, it should be routed to Human Resources/Risk Manager and District Legal Counsel.

Upon the filing of a complaint with the District, the complainant will be provided with a copy of this policy. The complainant shall be notified in a timely manner that their complaint has been received and will be investigated. The Human Resources/Risk Manager is the person designated to investigate complaints of harassment and/or discrimination. The Human Resources/Risk Manager may, however, delegate the investigation to qualified, impartial personnel at his/her discretion. In the event the harassment or discrimination complaint is against the Human Resources/Risk Manager, a different investigator shall be
appointed by the General Manager. A fair, timely and thorough investigation will be conducted. All parties to the investigation will receive appropriate due process.

Charges filed with the DFEH are investigated by the DFEH. Any employee who condones, participates in, or initiates such harassment will be severely disciplined, including possible demotion, suspension, or termination. Any employee knowing of a management employee abusing his or her official position by condoning, participating in, or initiating such harassment should inform the General Manager so the District can take action against that management employee.

Specifically, in regard to sexual harassment of employees, management shall take immediate, appropriate and effective action to stop any further harassment and to ameliorate any effects of the harassment. The determination made by management as to the appropriate measures to be taken shall be communicated to the complainant, to the alleged harasser; and, as appropriate, to all others directly concerned. In addition, management shall take steps to prevent any further harassment and appropriate action shall be taken to redress any harm done to the victims of sexual harassment.

Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors or others may file a complaint with the California Department of Fair Employment and Housing ("the DFEH"). The phone number for the DFEH is located in the phone book under government agencies.

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.

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 or the DFEH, is strictly prohibited by state regulations. It may subject the offending person to, among other things, disciplinary action, up to and including, termination of employment.
TITLE: HARASSMENT COMPLAINT FORM

EMPLOYEE'S NAME______________________________________________________________

POSITION_________________________DEPARTMENT__________________________________

NAME OF SUPERVISOR__________________________________________________________

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

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Employee's Signature_________________________ Date_________________________

Date Received by Manager__________________________

Manager's Decision_____________________________________________________________

______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________
______________________________________________________________________________

Manager's Signature _______________________________________________________

Date Given to Employee________________________
1901. PURPOSE

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

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

1902. APPLICABILITY

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

1903. PROHIBITED SUBSTANCES

"Prohibited substances" addressed by this policy include the following:
a) **Drugs.** Marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.

b) **Alcohol.** The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. “Alcohol” is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl or isopropyl alcohol.

### 1904. PROHIBITED CONDUCT

1. **Manufacture, Trafficking, Possession, and Use.** Any safety-sensitive employee engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from his/her duties and referral to a Substance Abuse Professional (SAP).

2. **Impaired/Not Fit for Duty.** Any safety-sensitive employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to a Substance Abuse Professional (SAP). A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines.

3. **Alcohol Use.** No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned function is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty or while performing safety-sensitive functions. No safety-sensitive employee shall use alcohol within four hours of reporting for duty nor during hours that he/she is on call. Violation of this provision is prohibited and will subject the employee to removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP).
4. **Compliance with Testing Requirements.** All safety-sensitive employees are subject to controlled substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tapering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to a Substance Abuse Professional (SAP). Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

5. **Treatment/Rehabilitation Program.** An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

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

   b) **Voluntary Admittance:** All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to an Administrator or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol-testing costs will be paid by the safety-sensitive employee. An employee failing to complete the program may be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to
unannounced follow-up testing for 36 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 36-month period will result in termination from employment.

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

1905. NOTIFYING THE DISTRICT OF CRIMINAL DRUG CONVICTION

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

1906. PROPER APPLICATION OF THE POLICY

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

1907. TESTING FOR PROHIBITED SUBSTANCES

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

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities, which have been approved by the Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.
The controlled substances that will be tested for include marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the Department of Transportation guidelines.

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

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

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

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

1. **Employment Testing.** All new employees conditionally hired for safety-sensitive classifications shall undergo urine controlled substance testing. Receipt of satisfactory test results is required as a condition of employment and failure of a controlled substance test will disqualify the applicant from further employment. Employment testing requirements will be conducted in compliance with the current law and the testing procedures set.

2. **Reasonable Suspicion Testing.** All safety-sensitive employees will be subject to urine and/or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances, which are consistent with the effects of substance abuse.
Examples of reasonable suspicion include, but are not limited to, the following:

a) Adequate documentation of unsatisfactory work performance or on-the-job behavior.

b) Physical signs and symptoms consistent with prohibited substance use.

c) Occurrence of a serious or potentially serious accident that may have been caused by human error.

d) Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

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

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

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

4. **Random Testing.** Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be
by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

5. **Return-To-Duty Testing.** All employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP. However, it shall not be less than 6 tests during the first 12 months, nor longer than 60 months in total, following return to duty.

6. **Employee Requested Testing.** Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Request after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

1908. **EMPLOYEE ASSESSMENT**

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

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

1909. DEFINITIONS

1. **Accident.** Means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

2. **Alcohol.** Means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

3. **Alcohol Concentration.** Means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.

4. **Alcohol Use.** Means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the Department of Transportation prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

5. **Breath Alcohol Technician (BAT).** Means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.

6. **Chain of Custody.** Means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.
7. **Collection Site.** Means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

8. **Commercial Motor Vehicle.** Means a motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
   a) Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
   b) Has a gross vehicle weight rating of 26,001 or more pounds;
   c) Designed to transport 16 or more passengers, including the driver; or
   d) Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

9. **Confirmation Test.** For alcohol testing means a second test, following a screening test with a result of 0.02 or greater, which provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which used a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

10. **Controlled Substance (Drug) Test.** A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

   Controlled substances will be tested under the Department of Health and Human Services guidelines. The primary (initial or screening) controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:
Marijuana Metabolites  50 ng/ml  
Cocaine Metabolites  300 ng/ml  
Phencyclidine (PCP)  25 ng/ml  
Opiates Metabolites (1)  300 ng/ml  
Amphetamines  1000 ng/ml  

(1) 25 ng/ml if immunoassay

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

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

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

11. Covered Employee. Means a person including a volunteer, applicant, or transferee, who performs a safety-sensitive function for the District.
12. **Department of Transportation Guidelines.** Means the controlled substance and alcohol testing rules (49 CFR Part 199 (RSPA - Pipeline), Part 219 (FRA - Railroad), Part 382 (FHWA - Commercial Motor Vehicle), 654 (FTA - Mass Transit) and 14 CFR 61 (FAA - Aviation) et. al.) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all the transportation industries.

13. **District.** Means West Valley Water District.

14. **District Time.** Means any period of time in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

15. **Driver.** Means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of employment pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

16. **Drug (Controlled Substance) Metabolite.** Means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

17. **Evidential Breath Testing Device (EBT).** Means the device to be used for breath alcohol testing.

18. **Medical Review Officer (MRO).** Means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

19. **Performing (Safety Sensitive Function).** Means a safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or
immediately available to perform such functions.

20. **Post-Accident Alcohol and/or Controlled Substance Testing.** Conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. (See Accident)

21. **Employment Controlled Substance Testing.** Conducted after an offer to hire, but before a prospective employee actually begins employment. It is also required when an employee transfers to a safety-sensitive position.

22. **Prohibited Drugs (Controlled Substances).** Means Marijuana, Cocaine, Opiates, Amphetamines, or Phencyclidine.

23. **Prohibited Substances.** Means and is synonymous to drug abuse and/or alcohol misuse or abuse.

24. **Random Alcohol and/or Controlled Substance Testing.** Conducted on a random unannounced basis just before, during or just after performance of safety sensitive functions.

25. **Under the Influence.** Any detectable amount of alcohol or drugs that may impair an employee's ability to work safely and effectively.

26. **Reasonable Suspicion Alcohol and/or Controlled Substance Testing.** Conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

27. **Refuse to Submit (To an Alcohol and/or Controlled Substance Test).** Means that a safety-sensitive employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that safety-sensitive employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.)

28. **Rehabilitation.** The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to
resolve personal, physical or emotional/mental problems which contributed to job problems.

29. **Return-To-Duty and Follow-up Alcohol and/or Controlled Substance Testing.** Conducted when an individual who has violated the prohibited alcohol or controlled substance conducts standards return to performing safety sensitive-duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

30. **Return-To-Duty Agreement.** Means a document agreed to and signed by the employer, safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.04 or greater on an alcohol test.

31. **Safety-Sensitive Employee (Function and/or Position).** An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

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

32. **Screening (Initial) Test.** In alcohol testing, it means an analytical procedure to determine whether a safety-sensitive employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

33. **Substance Abuse Professional (SAP).** Means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge or/and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.
34. **Supervisor.** Means a person in authority who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

35. **Vehicle.** Means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

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

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

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

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

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

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

1911. **PROCEDURES - REASONABLE SUSPICION TESTING**

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

Any employee may identify someone suspected of alcohol and/or controlled substance to any supervisor. Employees should realize, however that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action being taken against the offending employee. However, the supervisor must witness first hand the safety-sensitive employee's signs and symptoms.
2. The supervisor is then obligated to insure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the safety-sensitive employee in question may indeed be under the influence of alcohol and/or controlled substances.

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

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

4. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are suspected or a breath sample in the event that alcohol intoxication is suspected to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

5. The District will take precautions to prevent the safety-sensitive employee being tested from going back to work and driving their own car home. Instead, the safety-sensitive employee will be given assistance in obtaining a ride home from the collection site.

6. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
7. The safety-sensitive employee whose controlled substance test results are verified negative will be reinstated. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified outside Substance Abuse Professional who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

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

1. The compliance company notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.

2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver’s license or state-issued photo identification card.

3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

4. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

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

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

1913. PROCEDURES - POST ACCIDENT

1. The safety-sensitive employee notifies a supervisor that an accident has occurred.

2. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver’s license or state-issued photo identification card.

3. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

4. An Administrator will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.

5. The safety-sensitive employee whose test results are negative (less than 0.02 alcohol concentration) will be reinstated. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be
referred to a District specified outside Substance Abuse Professional (SAP) who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee.

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

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

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

1. The compliance company notifies the District to send the safety-sensitive employee to the collection site for alcohol and controlled substance testing.

2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a photo driver’s license or state-issued photo identification card.

3. At the collection site, the safety-sensitive employee will be required to submit a urine sample in the event that controlled substances are to be tested for, or a breath sample in the event that alcohol is being tested for to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.

4. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 or whose controlled substance test is verified positive will be terminated.
1915. **PROCEDURES - CHAIN OF CUSTODY FOR CONTROLLED SUBSTANCE SPECIMENS**

1. At the time a specimen is collected, the safety-sensitive employee will be given a copy of the specimen collection procedures.

2. Urine will be in a wide-mouthed clinic specimen container, which will remain in full view of the safety-sensitive employee until split, transferred to sealed and initialed in two tamper-resistant urine bottles.

3. Immediately after the specimens are collected, the urine bottles will, in the presence of the safety-sensitive employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol-testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the safety-sensitive employee's presence and the safety-sensitive employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.

4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

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

1. A safety-sensitive employee is observed with a strange and/or unrecognizable substance.

2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled, and signed by both the supervisor and a witness.

3. An incident report is made and signed by both the supervisor and a witness.

4. The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.
1917. **PROCEDURES - ALCOHOL CONCENTRATION**

1. The safety-sensitive employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.

2. After an explanation of how the breathalyzer works, an initial breath sample is taken.

3. If the results of the initial test show an alcohol concentration of 0.02 or greater a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after or more than 20 minutes after the screening test.

4. The confirmation test will utilize Evidential Breath Testing devices that prints out the results, date and time, a sequential test number, and the name and serial number of the Evidential Breath Testing device to ensure the reliability of the results.
TITLE: POLITICAL ACTIVITIES POLICY

2001. PURPOSE

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

(See California Government Code Sections 3201 and 3207)

2002. APPLICABILITY

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

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

2003. POLICY

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

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

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

Disciplinary action up to an including termination of employment will be instituted if this policy is violated.
Nothing stated herein shall be construed as limiting any District Officer’s or employee's right to vote, or freedom of reasonable expression or right of association, nor the exercise of any rights protected by the Constitution of the United States of America and the State of California.

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

(See California Government Code Sections 3201-3207, and Section 3209)
2101. PURPOSE

To provide guidelines for Anti-Bullying.

2102. APPLICABILITY

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

2103. POLICY

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

2104. POLICY COVERAGE

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

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

2105. COMPLAINT PROCEDURE

West Valley Water District will not tolerate bullying in any form. Any individual who believes that he or she is being or has been subjected to any form of bullying should immediately report this to his or her supervisor, department head, or the Manager of Human Resources and Risk. In addition, any person who believes they have witnessed bullying and
any person who has received a report of such conduct, whether the perpetrator is an employee or a non-employee, shall immediately report the conduct to their supervisor or other appropriate person in the chain of command. If this is not possible, the conduct should be reported to the General Manager or District Legal Counsel.

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

2106. Policy Against Retaliation

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