



**WEST VALLEY WATER DISTRICT
855 W. Base Line Road Rialto, CA**

**HUMAN RESOURCES COMMITTEE MEETING
AGENDA**

MONDAY, MARCH 11, 2019 - 6:00 PM

NOTICE IS HEREBY GIVEN that West Valley Water District has called a meeting of the Human Resources Committee to meet in the Administrative Conference Room, 855 W. Base Line Road, Rialto, CA 92376.

I. CONVENE MEETING

II. PUBLIC PARTICIPATION

The public may address the Board on matters within its jurisdiction. Speakers are requested to keep their comments to no more than three (3) minutes. However, the Board of Directors is prohibited by State Law to take action on items not included on the printed agenda.

III. DISCUSSION ITEMS

- a. Update for Human Resources Committee
- b. Amendment of Article 9 - Vacation/Administrative Leave Policy.
- c. Approval of Amendment of Article 17 - Discipline, Dismissal and Violence in the Workplace.

IV. ADJOURN

DECLARATION OF POSTING:

I declare under penalty of perjury, that I am employed by the West Valley Water District and posted the foregoing Human Resources Committee meeting agenda at the District offices on March 7, 2019.



Crystal L. Escalera, Board Secretary



**BOARD OF DIRECTORS
HUMAN RESOURCES COMMITTEE
STAFF REPORT**

DATE: March 11, 2019
TO: Human Resources Committee
FROM: Clarence Mansell Jr., General Manager
SUBJECT: AMENDMENT OF ARTICLE 9 - VACATION/ADMINISTRATIVE LEAVE POLICY

BACKGROUND:

Employees of the West Valley Water District (“District”) 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.

In addition to vacation accruals, employees receive floater days twice per year, each January and July 1st of each fiscal year and whenever a Holiday falls on an employee’s off day. Therefore, Holiday hours are banked as floater hours. Employees are not able to cash out those hours and are reaching high limits of accruals.

DISCUSSION:

The District would like to amend Article 9 – Vacation/Administrative Leave policy to allow employees to cash out their accrued floater hours as specified in **Exhibit A** (redlined). **Exhibit B** is the policy without tracked changes. The amendment would allow employees to cash out vacation/floater accrued floater hours (4) four times during the calendar year for a maximum of 160 hours as long as they maintain a minimum of 80 hours of accrued vacation time and have used 40 hours of accrued vacation time. We have attached the vacation/floater cash out request form as **Exhibit C**.

FISCAL IMPACT:

This item is included in the 18-19 FY approved budget..

STAFF RECOMMENDATION:

Staff recommends Board approval for amendments to Article 9 of the Human Resources Policies and Practices Manual.

Respectfully Submitted,



Clarence Mansell Jr, General Manager

CE:DM

ATTACHMENT(S):

1. Exhibit A - Article 9 redlined version
2. Exhibit B Article 9 without tracked changes
3. Exhibit C - Vacation Floater cash out form

EXHIBIT A

 West Valley Water District Board of Directors	WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual	Article No. 9
		Board Effective Date 043-1921-189
		Revision Date & No.
TITLE: VACATION/ADMINISTRATIVE LEAVE		Page 1 of 2

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.

Length of Continuous Service	Annual Vacation Allowance	Per Pay Period Accrual	Maximum Allowed Accrued Vacation
After 1 Year	80 Work Hours	3.1 Work Hours	120 Work Hours
After 4 Years	120 Work Hours	4.6 Work Hours	180 Work Hours
After 9 Years	160 Work Hours	6.2 Work Hours	240 Work Hours
After 14 Years	200 Work Hours	7.7 Work hours	300 Work Hours

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.

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904. VACATION/FLOATER CASH OUT

Employees may cash out ~~two~~ four (4) times during the year for a maximum of ~~80~~ 160 hours of their accrued vacation/floaters time, as long as they maintain a minimum of 80 hours of accrued vacation/floaters time and they have used 40 hours of accrued vacation/floaters 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~~ 160 hours within the calendar year. The request needs to be submitted to the Human Resources Department.

The employee is allowed a maximum of 80 floater hours. Once an employee's floater accrual allowance reaches the maximum allowed, the employee will no longer continue to accrue floater time until the floater hours are used or cashed out. Once the accrued floater balance falls below the accrued maximum, the employee will begin to accrue floater time again, up to the maximum.

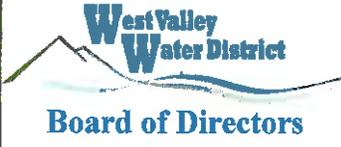
905. ADMINISTRATIVE LEAVE

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 shall cash out the unused balance at the end of the fiscal year during the month of June. Administrative Leave will not be carried over to the next fiscal year. The request needs to be submitted to the Human Resources Department.

EXHIBIT B

	WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual	Article No. 9
		Board Effective Date 03-21-19
		Revision Date & No.
TITLE: VACATION/ADMINISTRATIVE LEAVE		Page 1 of 2

901. VACATION

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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.

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904. VACATION/FLOATER CASH OUT

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The employee is allowed a maximum of 80 floater hours. Once an employee's floater accrual allowance reaches the maximum allowed, the employee will no longer continue to accrue floater time until the floater hours are used or cashed out. Once the accrued floater balance falls below the accrued maximum, the employee will begin to accrue floater time again, up to the maximum.

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906. ADMINISTRATIVE LEAVE CASH OUT

Employees entitled to Administrative Leave shall cash out the unused balance at the end of the fiscal year during the month of June. Administrative Leave will not be carried over to the next fiscal year. The request needs to be submitted to the Human Resources Department.

EXHIBIT C



Vacation/Floater Cash-Out Request Form

Request Date: _____

Employee Name: _____

Policy: Employees may cash out four (4) times during the calendar year for a maximum of 160 hours of their accrued vacation/floater time, as long as they maintain a minimum of 80 hours of accrued vacation time and they have used 40 hours of accrued vacation/floater 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 160 hours within the calendar year.

- The request needs to be submitted to the Human Resources Department the Wednesday before a payroll week by 5:30 pm.
- The requested vacation/floater cash out payment will be included with the next regular payroll check.

Have you used 40 vacation/floater hours in the last 12-months? Yes No

Will you have 80 available vacation hours after this request? Yes No

How many vacation/floater hours would you like to cash out? _____

Employee Signature: _____



HR Dept use only

Approved: Yes No

Hours used in the last 12-months _____

Vacation Hours remaining after this request _____

Approved by:

Print Name: _____

Signature: _____

Date: _____



**BOARD OF DIRECTORS
HUMAN RESOURCES COMMITTEE
STAFF REPORT**

DATE: March 11, 2019
TO: Human Resources Committee
FROM: Clarence Mansell Jr., General Manager
SUBJECT: APPROVAL OF AMENDMENT OF ARTICLE 17 - DISCIPLINE,
DISMISSAL AND VIOLENCE IN THE WORKPLACE

BACKGROUND:

The current West Valley Water District Human Resources Policy Article 17 - Discipline, Dismissal, and Violence in the Workplace requires updating.

DISCUSSION:

The attached Exhibit A (Article 17 - Red Line Version) and attached Exhibit B (Article 17 - Final Version) have been provided by legal counsel for BOD review and approval.

FISCAL IMPACT:

There is no fiscal impact for this item.

STAFF RECOMMENDATION:

HR Committee to review for final Board approval for amended updates to Article 17 of the Human Resources Policies and Practices Manual.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Clarence C. Mansell Jr." with a stylized flourish at the end.

Clarence Mansell Jr, General Manager

CE:DM

ATTACHMENT(S):

1. Article 17 redlined version Ex A
2. Article 17 Ex B

EXHIBIT A

 <p>West Valley Water District Board of Directors</p>	<p>WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual</p>	<p>Article No. 17</p>
		<p>Board Effective Date: 04-19-18</p>
		<p>Revision Date & No:</p>
<p>TITLE: DISCIPLINE, DISMISSAL AND VIOLENCE IN THE WORKPLACE</p>		<p>Page 1 of 9</p>

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 Districts 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,

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suspension, reprimand of an employee, or other similar processes 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, unauthorized use, or unauthorized transfer of District property.
- g) Dishonesty.
- h) Frequent or habitual tardiness, unexcused absences, or unsatisfactory attendance.
- i) Conducting non-District business activities during working hours.

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- 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) Making false reports or complaints against a fellow employee, member of management, or contractor.
- s) Possessing or bringing firearms or weapons onto District property.
- t) Destroying or willfully damaging District or employee property, records, or other materials.
- u) 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.
- v) Failure to immediately report any violation of workplace rules or policies.

2. **Disciplinary Actions Not Subject to Notice and Hearing Procedures**

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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 Plans (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-five (35)~~ days or less without pay. (However, the employee will be provided a Skelly hearing before, during or shortly after the suspension.)

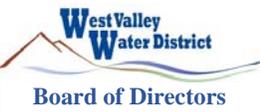
The following form shall be used for procedures of disciplinary action under Section 1702 (2):

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-six (64)~~ 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

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probationary period, organizational changes, or layoffs are not disciplinary in nature and not subject to this Section.)

d) **Termination:** Discharge from District employment.

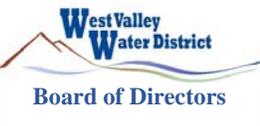
4. Disciplinary Procedures

The procedures provided below apply to regular employees [\(not subject a written employment agreement\)](#) who have completed their probationary periods and are subject to disciplinary measures set forth in Section 1702 (3).

a. **Notice of Proposed Disciplinary Action.** If a disciplinary action under Section 1702 (3) is warranted, the employee shall be notified in writing five (5) working days prior to the effective date of the proposed 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.
- ~~iii.~~ A statement of the charges upon which the action is based, including a reference to or description of the specific law, District rule, or policy violated.
- ~~iii.~~iv. 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 ("Skelly Hearing") 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.~~v. A statement that the employee has the right to a "Skelly Hhearing" 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).

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~~v.vi.~~ 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.vii.~~ A statement that in the absence of a timely written request for a hearing or written response, 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 administrative leave during the pendency of disciplinary action.

~~b.~~ **Notice of Disciplinary Action.** If a disciplinary action under Section 1702(3) is warranted, the employee will be provided a written Notice of Disciplinary Action composed of a statement of the charges upon which the action is based, including a reference to or description of the specific law or District rule or policy violated.

~~c.~~ **Appeal Right.** The employee shall have the right to appeal the disciplinary action to the Board, or its designee, after the discipline becomes effective.

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

~~e-i.~~ **Request for an Appeal Hearing.** The employee shall have the right to request a hearing on the proposed appeal of the disciplinary action, within the time limits set forth in the Notice of Disciplinary Action and/or in Section 1702 (4a) (v) or five (5) working days.

~~d-ii.~~ **Appeal Hearing.** Upon receipt of a timely request for an appeal hearing, the Board shall determine whether they wish to hear the appeal or designate a subcommittee to hear the matter. 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 and General Manager shall have the right to:

a. Call witnesses and question them;

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b. Be represented by anyone of his/her choice, including an _____ attorney;

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

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~~iv.d.~~ Record the proceedings.

If an employee intends to be represented by legal counsel, he/she must notify the District immediately. In the event an appeal 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-iii.~~ **Result of Hearingan Appeal.** Within five (5) working days after completion of the hearing, the Board, or its designee, Hearing Committee shall submit its written findings and recommendations to the General Manager and the employee, whose decision will be made within five (5) days and shall be final. The recommendation by the Committee and ~~t~~he final decision by the General Manager shall be one of the following:

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~~i.~~ a. Rule in favor of the proposed disciplinary action.

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~~ii.b.~~ Rule against the proposed disciplinary action.

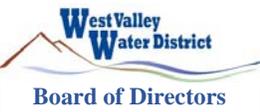
~~iii.c.~~ Rule that less severe action is warranted.

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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:

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- 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 (5) 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 (5) 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 (5) 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 (5) working days and copies delivered to his/her immediate supervisor and the General Manager.

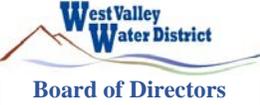
- c) **Third Level Review:** Should the answer in "Level Two" be unsatisfactory to the employee, he/she may, within five (5) working days, appeal his/her case to the General Manager by submitting the Request for Review Form, Level Three, to the General Manager. The General Manager's decision will be 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:

- Request for Review:
- Level One Form 1703-A
 - Level Two Form 1703-B
 - Level Three Form 1703-C

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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.

EXHIBIT B

	WEST VALLEY WATER DISTRICT Human Resources Policies & Practices Manual	Article No. 17
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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 Districts 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,

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suspension, reprimand of an employee, or other similar processes for dealing with and/or attempting to correct behavior that does not meet 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, unauthorized use, or unauthorized transfer of District property.
- g) Dishonesty.
- h) Frequent or habitual tardiness, unexcused absences, or unsatisfactory attendance.
- i) Conducting non-District business activities during working hours.

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- 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) Making false reports or complaints against a fellow employee, member of management, or contractor.
- s) Possessing or bringing firearms or weapons onto District property.
- t) Destroying or willfully damaging District or employee property, records, or other materials.
- u) 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.
- v) Failure to immediately report any violation of workplace rules or policies.

2. Disciplinary Actions Not Subject to Notice and Hearing Procedures

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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 Plans (PIP).
- d) Reassignment not entailing a salary reduction or demotion.
- e) Suspension for five (5) days or less without pay. (However, the employee will be provided a Skelly hearing before, during or shortly after the suspension.)

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 six (6) 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.)

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d) **Termination:** Discharge from District employment.

4. **Disciplinary Procedures**

The procedures provided below apply to regular employees (not subject a written employment agreement) who have completed their probationary periods and are subject to disciplinary measures set forth in Section 1702 (3).

- a. **Notice of Proposed Disciplinary Action.** If a disciplinary action under Section 1702 (3) is warranted, the employee shall be notified in writing five (5) working days prior to the effective date of the proposed 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.
 - iii. A statement of the charges upon which the action is based, including a reference to or description of the specific law, District rule, or policy violated.
 - iv. 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 (“Skelly Hearing”) or in writing at any time before the proposed disciplinary action is to become effective.
 - v. A statement that the employee has the right to a “Skelly 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).
 - vi. 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.

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- vii. A statement that in the absence of a timely written request for a hearing or written response, 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 administrative leave during the pendency of disciplinary action.

- b. **Notice of Disciplinary Action.** If a disciplinary action under Section 1702(3) is warranted, the employee will be provided a written Notice of Disciplinary Action composed of a statement of the charges upon which the action is based, including a reference to or description of the specific law or District rule or policy violated.
- c. **Appeal Right.** The employee shall have the right to appeal the disciplinary action to the Board, or its designee, after the discipline becomes effective.
- i. **Request for an Appeal Hearing.** The employee shall have the right to request an appeal of the disciplinary action, within the time limits set forth in the Notice of Disciplinary Action or five (5) working days.
- ii. **Appeal.** Upon receipt of a timely request for an appeal, the Board shall determine whether they wish to hear the appeal or designate a subcommittee to hear the matter. During the hearing, the employee and General Manager shall have the right to:
- a. Call witnesses and question them;
 - b. Be represented by anyone of his/her choice, including an attorney;
 - c. Introduce other oral and written evidence on his/her behalf; and
 - d. Record the proceedings.

If an employee intends to be represented by legal counsel, he/she must notify the District immediately. In the event an appeal is requested, the District shall submit to the employee a copy of the policy regarding the

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format for the hearing.

- iii. **Result of an Appeal.** Within five (5) working days after completion of the hearing, the Board, or its designee, shall submit its written findings to the General Manager and the employee. The final decision shall be one of the following:
 - a. Rule in favor of the disciplinary action.
 - b. Rule against the disciplinary action.
 - c. 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 (5) 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 (5) 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 (5) working days, present his/her problem to the next level of management, by delivering the Request

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for Review Form, Level Two, directly to the appropriate supervisor. The written answer shall be delivered to the employee within five (5) 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 (5) 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:

Request for Review:

Level One	Form 1703-A
Level Two	Form 1703-B
Level Three	Form 1703-C

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.