



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

HUMAN RESOURCES COMMITTEE MEETING
AGENDA

WEDNESDAY, AUGUST 21, 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 to Article 1703 - Discipline, Dismissal and Violence in the Workplace.
- c. Amendment to Article 10 -Bereavement Policy.
- d. Amendment to Article 303 (a) - Selection Process.

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 August 16, 2019.

Crystal L. Escalera, Board Secretary



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

DATE: August 21, 2019
TO: Human Resources Committee
FROM: Clarence Mansell Jr., General Manager
SUBJECT: AMENDMENT TO ARTICLE 1703 - DISCIPLINE, DISMISSAL AND VIOLENCE IN THE WORKPLACE

BACKGROUND:

The West Valley Water District (“District”) Human Resources Policies and Practices Manual specifies its Grievance Rights of Employees in Article 1703. The Article has been amended to allow sufficient time for management to respond to an employee grievance

DISCUSSION:

Article 1703 - Grievance Rights of Employees provides every employee the right to present any question or problem which may affect his/her work environment. The proposed amendment as described in **Exhibit A** will allow management to acknowledge receipt of a complaint within 5 days and a written response within 30 days. Currently, the policy provides a written response from the supervisor within 5 days. This will allow any matter presented to be thoroughly investigated.

FISCAL IMPACT:

There is not fiscal impact for this item.

STAFF RECOMMENDATION:

Staff recommends the HR committee to approve the changes to Article 1703 of the Human Resources Policies and Practices Manual for full board approval.

Respectfully Submitted,

Clarence C. Mansell Jr.


Clarence Mansell Jr, General Manager

DM:ce

ATTACHMENT(S):

1. Art 17 Redlined

EXHIBIT A

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


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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) 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.

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- 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

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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

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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.

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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 acknowledgement ~~written answer~~ to the employee within five working days and a written answer within thirty 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 acknowledgement ~~answer~~ shall be delivered to the employee within five working days and a written answer within thirty days with 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

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made within thirty days ~~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.



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

DATE: August 21, 2019
TO: Human Resources Committee
FROM: Clarence Mansell Jr., General Manager
SUBJECT: AMENDMENT TO ARTICLE 10 -BEREAVEMENT POLICY

BACKGROUND:

The West Valley Water District (“District”) Human Resources Policies and Practices Manual Bereavement Policy allows employees up to five (5) days bereavement leave due to the death of persons in their immediate family. Specifications of when that leave would expire is not specified in the policy.

DISCUSSION:

The District’s Bereavement Policy is proposed as specified in **Exhibit A** to subject employees to use the bereavement benefit leave of 5 days within a 30 day period.

FISCAL IMPACT:

There is no fiscal impact for this item

STAFF RECOMMENDATION:

Staff recommends the HR committee to approve the proposed amendment for full board approval.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Clarence C. Mansell Jr." in a cursive script.


Clarence Mansell Jr, General Manager

DM:ce

ATTACHMENT(S):

1. Article 10 Redlined

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. 10</p>	<p>3.c.a</p>
		<p>Board Effective Date: 04-19-18</p>	
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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. Such Leave shall be taken within a 30 day period. 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

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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.

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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.

Sick Leave Accrued as of Date of Retirement, Permanent Disability or Death	Percentage (%) to be Paid
480 Hours or less	30%
481 to 600 Hours	35%
601 to 720 Hours	40%
721 to 840 Hours	45%

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841 to 960 Hours	50%
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- c) 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.
- d) 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.

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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.



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

DATE: August 21, 2019
TO: Human Resources Committee
FROM: Clarence Mansell Jr., General Manager
SUBJECT: AMENDMENT TO ARTICLE 303 (A) - SELECTION PROCESS

BACKGROUND:

The West Valley Water District (“District”) Human Resources Policies and Practices Manual specifies its Selection Process to include Interviews and Examination, Proof of Employment Status, and Orientation and Training.

DISCUSSION

The District’s Selection Process policy described in Article 303 section (a) reads “All selections will be conducted in accordance with the District’s **fair employment policy**. This reference should be corrected to read “in accordance with California Department of Fair Employment and Housing regulations.” Please see attached **Exhibit A** with noted changes.

FISCAL IMPACT:

There is no fiscal impact for this item.

STAFF RECOMMENDATION:

Staff recommends approval by the HR committee for full board approval.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Clarence C. Mansell Jr."


Clarence Mansell Jr, General Manager

DM:ce

ATTACHMENT(S):

1. Art 03 Redlined

EXHIBIT A

 <p>West Valley Water District Board of Directors</p>	<p>WEST VALLEY WATER DISTRICT</p> <p>Human Resources Policies & Practices Manual</p>	<p>Article No. 3</p>
		<p>Board Effective Date: 04-19-18</p>
		<p>Revision Date & No: 5-16-19</p>
<p>TITLE: RECRUITMENT PROCESS, HIRING AND EMPLOYMENT</p>		<p>Page 1 of 8</p>

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

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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 posing 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 California Department of Fair Employment and Housing regulations. ~~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

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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

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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 have full power and authority 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.

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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

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a position.

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.

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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

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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 maybe requested, but not required, of an employee who submits a written resignation. The interview shall be conducted by the General Manager or designee.