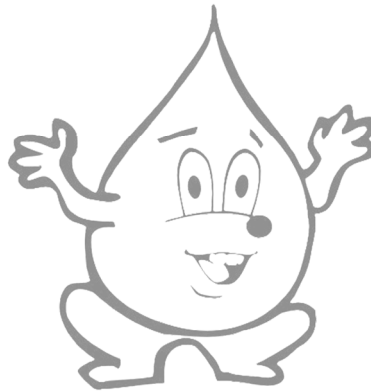


**Ventura River Water District  
Personnel Policies & Procedures**

**Effective  
January 1, 2020**

**We Serve**



**Water**

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## 3090 Overview of Ventura River Water District

### ***General Overview and History***

The District is a water producer and retailer for the Mira Monte, Oak View and Casitas Springs areas of the Ojai Valley and a portion of the City of Ojai. It serves a population of approximately 5,700 and 2,162 connections. The District provides water treatment, domestic water service and fire service mainly from groundwater sources.

Water service in the Ojai Valley developed in a fragmented way as different areas and neighborhoods developed. The Ventura River Water District was formed on August 14, 1956, and this new District knitted together systems developed by 6 small mutual water companies and County water districts which served the Casitas Springs, Mira Monte, Live Oak Acres, Los Encinos and Oak View unincorporated areas. Subsequent annexation by the City of Ojai of some of this territory led to the District serving a small part of the City.

### ***Mission Statement***

It is the purpose of the District to serve the people of the District with excellent customer service by distributing water which meets or exceeds state and federal drinking water standards; and provide as little water as possible to make effective use of water resources and protect human health, all in a professional, competent and cost effective manner.

To do this effectively the District will communicate with the community to develop understanding and participation, develop professional competence in drinking water standards and technology and administration. Continue an organization of dedicated and certified people who are proud to serve the customers of this District to the best of their ability.

### ***Purpose of This Policy***

This policy has been prepared to inform new and existing employees of the policies and procedures of this District and to establish the District's expectations. This policy is not a contract, expressed or implied, guarantying employment for any length of time and is not intended to induce an employee to accept employment with the District.

The Board reserves the right to unilaterally revise, suspend, revoke, terminate or change any of its policies, in whole or in part, whether described within this policy or elsewhere, in its sole discretion. Every effort will be made to keep employees informed of the District's policies, however we cannot guarantee that notice of revisions will be provided. Employees are encouraged to ask questions about any of the information within this policy.

This policy supersedes and replaces any and all personnel policies and manuals previously distributed, made available or applicable to employees.

### ***At-Will Employment***

All employees of the Ventura River Water District are “at- will.” All District employees are free to quit for any reason, or no reason at all, and the District is equally free to terminate or demote individuals without notice and for any reason, with or without cause or good reason (subject, of course, to the District’s obligation under California and Federal law to not engage in illegal discrimination or terminate for an employee’s participation in certain protected activities). All employees will remain at-will unless their position is changed in writing by the General Manager. For example, only the General Manager can promise that a District employee will not be fired except for with “good cause,” or that the employee will be employed for a specified term, and as such the modification must be in writing to be enforceable.

An employee may appeal the General Manager’s termination decision to the Board of Directors after they utilize the Skelly review process as described in Section 3104. However, the Board’s decision shall be in the Board’s sole discretion and be final, and shall not imply an agreement with the employee to terminate only with “good cause,” or imply any other agreement which modifies the at-will nature of the employee’s employment.

### ***Organizational Structure***

The District has an elected Board of Directors. The day-to-day operations of the District are managed by the General Manager who reports directly to the Board. In addition to the General Manager, the District currently has the following positions which support District operations:

- Field Supervisor
- Utility Worker I
- Utility Worker II
- Office Manager
- Office Assistant

## **3095 District Rights**

The District retains, solely and exclusively, the prerogative to change, modify or rescind all employment conditions.

### **3095.1 SPECIFIC DISTRICT RIGHTS RESERVED**

The sole and exclusive rights of management shall include, but not be limited to, the following:

- (1) The right to determine the existence or non-existence of facts which are the basis for a management decision.
- (2) The right to determine the nature, manner, and extent of services to be provided to the public, methods of financing, and types of equipment to be used.
- (3) The right to establish, continue, discontinue, or modify policies, practices, or procedures.

- (4) The right to determine, and to re-determine from time to time the number, location, relocation and types of its operations and the methods, processes and materials to be employed: including the right to introduce new or improved methods or facilities, to discontinue processes or operations, or to determine the number of hours per day or per week operations shall be carried on and the schedules of work thereof.
- (5) The right to select, determine and schedule the number and types of employees required.
- (6) The right to assign work to such employee in accordance with requirements determined by management.
- (7) The right to establish and change work schedules and assignments.
- (8) The right to transfer, reclassify, promote, or demote employees; or to lay off, terminate, or otherwise relieve employees from duty; to determine the facts of lack of work.

### **3100 Accommodations for Disability**

3100.1 The employment related provisions of the Fair Employment and Housing Act (“FEHA”) and the Americans with Disabilities Act (“ADA”) apply to all employees and job applicants seeking employment with the District. Under the ADA, a qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the position in which the individual is employed.

3100.2 The District will attempt to provide reasonable accommodation for known physical or mental disabilities if a job applicant or employee is otherwise qualified, unless undue hardship related to the necessity of business operations would result, in accordance with federal or state law. An applicant or employee who requires accommodation in order to perform the essential functions of the job should inform the General Manager, or his or her supervisor, to request an evaluation of such an accommodation. Generally, an interactive process meeting will be scheduled to discuss the request, job duties and possible accommodations.

Employee or applicant should contact his or her supervisor or the General Manager for further information.

### **3102 Demotion – Non-disciplinary**

3102.1 The General Manager may demote an employee, with the written consent of the employee, to a vacant position in lieu of layoff, provided the employee possesses the desired qualifications for the position to which he/she is assigned.

3102.2 At least five working days before a non-disciplinary demotion becomes effective, written notice of the action shall be provided to the employee and the Office Manager.

3102.3 The General Manager shall provide the employee with written job duties within five working days of starting the new position and a written performance review within six months. The employee shall be subject to a probationary period, generally a six month period. In the event that the employee does not perform satisfactorily within the probationary period, the General Manager shall have the discretion of extending the employee's probationary period or terminating the employee.

## 3104 Disciplinary Action

3104.1 The District expects all of its employees to act in the best interest of the District and its customers and residents. It is the responsibility of all employees to observe all rules, guidelines, and operating procedures of the District. The District further expects that each of its employees will act in a polite and professional manner when dealing with members of the public and other employees. These General Rules of Conduct, along with the "Examples of Unacceptable Conduct" listed below, are not meant to be all-inclusive, but rather to provide illustrations of acceptable conduct versus problematic conduct.

3104.2 Examples of Unacceptable Conduct. The following list presents examples of some of the types of unacceptable conduct that may result in disciplinary action, up to and including immediate termination. This list is not an exhaustive list of what may result in discipline, up to and including immediate termination:

- Discourteous treatment of the public or fellow employees
- Drinking of intoxicating beverages or the use of Prohibited Substances , or arriving on the job under the influence of such beverages or Prohibited Substances;
- Habitual absence or tardiness;
- Abuse of sick leave;
- Disorderly conduct;
- Incompetence or inefficiency;
- Being wasteful of material, property, or working time;
- Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor;
- Neglect of duty;
- Dishonesty or fraud;
- Misuse of District property;
- Willful disobedience;
- Conduct unbecoming a District employee;
- Violation of the District's Unlawful Harassment Policy;
- Possession of firearms or dangerous weapons on District property;

- Theft.

3104.3 Types of Disciplinary Action. Disciplinary action includes oral warning, written warning, disciplinary probation, suspension, reduction in salary, demotion, or termination of employment.

3104.3.1 Oral Warning: Communication to an employee that his or her performance or behavior must be improved and failure to do so may result in more serious discipline. An employee's supervisor or the General Manager may note the date, time, and content of oral reprimand, but no record of oral reprimand shall be placed in the employee's personnel file unless subsequent action is necessary.

3104.3.2 Written Warning: A formal written notice to an employee that further disciplinary action will be taken unless his or her performance or behavior improves. A copy of the written reprimand is given to the employee and the original is filed in the employee's personnel file. The employee must acknowledge receipt of the written warning by signing the letter at the time of presentation; this signature signifies only the receipt of the document, it does not signify the employee's agreement with the allegations.

3104.3.3 Disciplinary Probation: This form of disciplinary action lasts for a specified period of time not to exceed six (6) months. Employees on disciplinary probation may be terminated for failure to meet performance or behavior standards as provided by in the employee's job classification.

3104.3.4 Suspension: The temporary removal of an employee from his or her duties without pay for disciplinary purposes for up to thirty (30) working days. Employees suspended from his or her employment with the District forfeit all rights, privileges, and salary with the exception of group health and life insurance benefits.

3104.3.5 Reduction in Salary: A decrease in salary paid to an employee for a specified period of time for disciplinary purposes.

3104.3.6 Demotion: The removal of an employee from a position to another position carrying a lower maximum rate of pay as a result of a disciplinary action.

3104.3.7 Discharge: The removal of an employee from District services, as provided for in these Guidelines.

#### 3104.4 Disciplinary Notice/Appeal Procedure

This Section does not apply to probationary or temporary employees.

3104.4.1 Written Notice of Proposed Action



In the event the District imposes disciplinary action as described in sections 3104.3.3-3104.3.7 above, the employee will be given a notice of the disciplinary action.

- a) Notice of Disciplinary Action. Whenever a disciplinary action is to be taken against an employee, the employee shall be notified in writing of the proposed disciplinary action to be taken. The notice may be served upon the employee, either personally or by certified mail and shall contain the following information:
  - 1) A statement of the disciplinary action to be taken;
  - 2) The effective date of the disciplinary action;
  - 3) The reason or cause of the disciplinary action;
  - 4) A summary of the facts upon which the charges are based;
  - 5) Notice that the employee may inspect copies of all materials upon which the disciplinary action is based; and
  - 6) A statement notifying the employee that he or she has ten (10) business days in which to respond orally or in writing regarding the proposed disciplinary action.
  - 7) Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.
  
- b) Notice of Suspension. Prior to the imposition of discipline as described in sections 3104.3.3-3104.3.7 above, a regular employee shall be provided a written notice or "Skelly letter" by the employee's supervisor or General Manager proposing to implement discipline which contains:
  - 1) Notice of the proposed action;
  - 2) The reasons for the proposed action;
  - 3) A copy of the charges and any materials upon which the proposed action is based;
  - 4) Notice that the employee is entitled to an opportunity to respond within five (5) working days after the notice has been served upon employee to the charges orally or in writing, or both, personally or with a representative who may be an attorney;
  - 5) The date and time of the response or "Skelly" meeting, which shall be held according to section 3104.4.2; and
  - 6) Notice that if the employee fails to attend the response meeting the employee shall be deemed to have waived all rights to said meeting and from appeal to any action taken.

#### 3104.4.2 Response Meeting/Skelly Hearing

No less than ten (10) business days after the notice has been served upon employee, employee shall have the opportunity to refute charges or present facts that may not be known at a "Skelly" Hearing. The employee may respond orally or in writing, personally or with a representative. Neither party shall be entitled to call witnesses or take testimony.

At the meeting, the General Manager may consider information contained in the charges and recommendations, as well as information presented by the employee or his or her representative.

#### 3104.4.3 Post-Skelly Final Notice

Within ten (10) days after the Skelly Hearing, the appropriate authority shall: 1) dismiss the notice and take no disciplinary action against the employee; 2) modify the intended disciplinary action; or 3) prepare and serve upon the employee a final notice of disciplinary action.

The final notice of disciplinary action shall include the following:

- 1) The disciplinary action taken;
- 2) The effective date of the disciplinary action taken;
- 3) Specific charges upon which the action is based;
- 4) A summary of the facts upon which the charges are based;
- 5) The written materials, reports and documents upon which the disciplinary action is based; and
- 6) The employee's right to appeal.

If an employee fails to respond to the notice for a Skelly Hearing, the General Manager shall notify the employee in writing that his or her time to respond has expired and that the discipline shall be imposed.

Disciplinary action other than a suspension, demotion or termination (i.e., written or oral reprimands) shall not be subject to appeal. Disciplinary action consisting of a suspension, demotion or termination may be appealed by regular employees pursuant to section 3104.4.4.

#### 3104.4.4 Appeals of Disciplinary Action

Any regular employee shall have the right to appeal to the General Manager from any disciplinary action taken by his or her supervisor following a Skelly Hearing. Such appeal shall be in writing and must be filed with the General Manager within ten (10) business days after receipt of written notice of such disciplinary action. Failure to file an appeal within such period constitutes a waiver of right to appeal.

The General Manager shall conduct a hearing as provided above. Provisions of this section shall not apply to reductions in force or reductions in pay, which are part of a general plan to reduce or adjust salaries and wages. However, any reduction in pay is subject to the meet and confer process pursuant to Government Code sections 3504.5 and 3505.

In the event the General Manager institutes the disciplinary action against an employee, he or she shall be disqualified from presiding at the appeal hearing. In such case, the hearing officer will be appointed by mutual agreement of the parties.

#### 3104.4.5 Selection of Hearing officer for Appeal of Disciplinary Action

If the General Manager is disqualified, the appeal shall be heard by a hearing officer provided to the District by a non-profit organization or governmental agency with whom the District has contracted to conduct hearing pursuant to these Guidelines. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcome of any hearing.

#### 3104.4.6 Appeal Hearing

The General Manager, or the appointed hearing officer, shall conduct an appeal within thirty (30) days of receipt of employee's request for appeal. The General Manager, or the appointed hearing officer, may continue the hearing either for the convenience of the District or for good cause upon written application of the appellant or District, for a period not to exceed an additional thirty (30) days from the receipt of the appeal. Written notice of the time and place of the hearing shall be conducted in accordance with the provisions of section 11509 of the Government Code of the State of California, except that the appellant and other persons may be examined as provided in section 19580 of said Government Code, and the parties may submit all proper and competent evidence against, or in support of the causes.

#### 3104.4.7 Representation at Appeal

Any District employee, other than those appointed to supervisory, management, and confidential classifications, shall be permitted to represent another District employee or group of District employees at the hearing of the appeal. The appellant may appear in person or be represented by counsel.

#### 3104.4.8 Notices to Witnesses: Cost

Either party may call witnesses. The General Manager shall issue notice for the appearances of witnesses for the appellant upon his or her written request and at his or her cost. The General Manager may require such cost to be prepaid.

#### 3104.4.9 Failure of Employee to Appear at Appeal Hearing

Failure of the appellant to appear at the hearing, without the prior written approval of the hearing officer, shall be deemed a withdrawal of his or her appeal and the action of the General Manager or supervisor shall be final.

#### 3104.4.10 Decision on the Appeal

The General Manager or appointed hearing officer shall render a written decision within thirty (30) days after concluding the hearing. The General Manager's decision shall be final and conclusive, except when an employee is suspended for more than three (3) days or discharged. A copy of such decision shall be forwarded to the appellant. If the disciplinary action taken against the employee is reversed or modified by the General Manager or an appointed hearing officer, the employee will be compensated for the time lost, if any, that resulted from the reversed disciplinary action.

In cases involving suspending an employee for more than three (3) days or discharging an employee, a copy of such decision shall be forwarded to the employee. The employee may appeal the decision by the General Manager or the appointed hearing officer to the Board of Directors in accordance with Section 3120.

### **3105 Use of District Vehicles**

#### **3105.1**

- A. District-owned vehicles are to be used only for District related business.
- B. Persons using District vehicles must have a valid driver's license.
- C. Employees shall exercise the highest degree of care in the operation, use and protection of District vehicles.
- D. Every driver of a District vehicle is responsible for reporting to the General Manager any repairs or maintenance that may be necessary to keep the vehicle in a safe and efficient operating condition.
- E. The driver of a District vehicle involved in an accident shall call the local law enforcement agency for an investigation and fill out an "Incident Report" or its equivalent.
- F. An employee on Standby Duty may take a vehicle home after regular working hours.
- G. If an Employee is on standby duty and there is a family event that would require the employee's family to drive separate vehicles to the event, it shall be considered "District related business" for the Employee to drive the District vehicle to the event. District vehicles shall not be used for transporting family members.
- H. Reasonable and prudent personal use of District vehicles is allowed for the General Manager.
- I. To the extent possible vehicles will be stored off the street, preferably covered.

### **3106 Driver Training and Record Review**

**3106.1 Purpose.** The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by: (a) applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; (b) establishing disciplinary procedures for different types of driving violations.

**3106.2 Scope.** This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District. Directors are encouraged to provide their license information through the "Pull Program", but cannot be required to do so in accordance with State law.

**3106.3 Implementation.** Ventura River Water District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (a.k.a.: "Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV: (a) every six months; and, (b)

immediately in the event of new activity (e.g., moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

3106.4 Review Criteria. Information that will be generated during the record review will include: (a) type of license; (b) expiration date; (c) endorsements; (d) DMV action suspensions, revocations, and penal code violations; and, (d) Vehicle Code violations.

3106.5 Disciplinary Procedures:

- a) A driver will immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc.) if:
  - 1) They earn two points within 36 months of report date; or,
  - 2) They receive any moving violation in a District vehicle within 36 months of report date; or,
  - 3) They are involved in an accident within 36 months of report date.
- b) A driver will be placed on a 12-month driving probation if they earn three to five points within 36 months of report date. Additional point violations within this probation period will affect a 120-day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
- c) A driver will be suspended from District driving privileges for 120 days if:
  - 1) They earn four or more points within 24 months of report date; or,
  - 2) They earn six or more points within 36 months of report date; or,
  - 3) They receive a citation for DUI, reckless driving, or speed contest on personal time within 36 months of report date; or,
  - 4) If they are involved in two chargeable (resulting in a point violation) accidents within 24 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
- d) A driver will be permanently suspended of District driving privileges if:
  - 1) They receive a citation for DUI, reckless driving, or speed contest during District business within 36 months of report date; or,
  - 2) They receive two citations for DUI, two citations for reckless driving, or two citations for speed contest on personal time within 12 months of report date.If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.
- e) Occasionally, it may be brought to the District's attention that an employee is exposing it to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.

## 3108 Drug and Alcohol Testing

3108.1 Pre-Employment Drug Testing: As a part of the District's employment screening process, any applicant to whom a conditional offer of employment is made must pass a test for controlled substances, per procedures described below. The offer of employment is conditioned on a negative drug test result. Applicants will be informed of the District's drug testing policy in the employment application.

3108.2 Reasonable Suspicion Testing: If an employee's supervisor or manager has a verifiable and confirmed reasonable suspicion by at least two (2) people, including any Board Members, who are qualified by having reasonable suspicion training, that the employee is working in an impaired condition or otherwise engaging in conduct that violates these Guidelines, then the employee will be asked about any observed behavior or impaired condition and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be requested to take a drug test in accordance with the procedures described herein. If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result, which results in termination.

3108.3 On-the-Job Inquiry: Should an injury occur while working, a drug or alcohol test may be administered if the injured employee's supervisor has a reasonable suspicion that an employee was injured due to drug or alcohol use.

3108.4 Procedures for Drug Testing:

The District will refer the applicant or employee to an independent, National Institute on Drug Abuse ("NIDA"), certified medical clinic or laboratory, which will administer the test. The District shall require drug testing for: A) pre-employment testing, B) random testing, and C) reasonable suspicion testing. The District will pay the cost of the test. If the employee is determined by verifiable and confirmed reasonable suspicion observation as unable to drive or impaired for driving, then a District supervisor or General Manager will transport the individual to a medical facility for immediate testing or treatment.

The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. The clinic or laboratory will handle the required testing. The District will have no control over the clinic or laboratory's testing methods. The clinic or laboratory will inform the District as to whether or not the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of these Guidelines and will be subject to discipline accordingly.

3108.5 Acknowledgment and Consent: Any employee subject to testing under this policy will be directed to sign a form acknowledging the procedures governing testing and authorizing (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to the District of medical information regarding the test results. Refusal to sign the

authorization form or to submit to the drug test, will result in the revocation of an applicant's job offer, or will be considered the same as a positive test leading to termination.

3108.6 Confidentiality: All drug testing records will be treated as confidential.

## **3110 Employee Information/Emergency Data**

3110.1 It shall be the policy of District to maintain accurate and vital personal contact information for each employee and Director of the District in case of need to contact them. All such information shall be maintained as confidential to the extent allowed by law.

3110.2 It is important that employees promptly notify District of any changes to their personal information including:

- Name
- Home and Mailing Address
- Home and Cell Phone Telephone Numbers
- Number, Names, and Status of Spouse and Dependents
- Change of Emergency Contact Information
- Educational Accomplishments if relevant to District Operations
- Marital or Registered Domestic Partner Status
- Change of Military Status
- Payroll Deductions
- Benefit Plan Beneficiary

3110.3 Employees are responsible for notifying the General Manager in the event of a name, address or other vital information change as required by this policy.

3110.4 The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner and a loss of benefits or services by the employee or dependents.

3110.5 Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

3110.6 Release of Information. Personnel records are considered confidential. Employees may examine their own personnel records, except for letters of reference, by contacting the General Manager or his or her designee. Employees may authorize the release of their own personnel records by executing a written request identifying the records to be released and the person or entity to which they may be released. Ordinarily, no information on past or present employees shall be provided by the District, other than employment dates and job title, unless such requests for

information are accompanied by a signed authorization by the employee to release the information requested.

### **3114 Employee Promotion**

3114.1 An employee may be promoted only if the employee has the desirable qualifications for the higher position. Desirable qualifications shall be ascertained on the same basis of information, application, examination, interview, and evaluation as those for an initial appointment in accordance with the most current Job Description.

3114.2 A promoted employee shall be required to successfully complete a six (6) month probation period, as outlined in Policy 3116. If a promoted employee is unable to perform the required duties of the new position and has not successfully completed the probation period, the employee may be restored to the position from which he or she was promoted, if the position is available, or be required to successfully complete an additional six (6) month probationary period.

### **3116 Employee Status**

3116.1 A "Regular Full-Time" employee is one who has been hired to fill a regular position in any job classification. Regular full-time employees are regularly scheduled to work at least forty (40) hours per week, are not temporary employees, and who have successfully completed the probationary period.

3116.2 A "Probationary" employee is one who has been hired to fill a regular position in any job classification and has less than twelve (12) continuous months of service with the District. Upon completion of twelve (12) months of continuous service with the District in said classification, and upon the General Manager's decision to retain said employee, said employee shall be granted regular employee status.

- a) A probationary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, PTO pay, insurance coverage or items of a similar nature, as he or she becomes eligible. A probationary employee will not be eligible for a leave of absence.
- b) The General Manager, in conjunction with the employee's supervisor, may elect to extend the probationary period for any employee up to an additional three (3) months.

3116.3 A "Temporary" employee is one who is hired to work within any job classification, but whose position is not regular in nature. A temporary employee shall not work more than one thousand (1,000) hours in a fiscal year.



- a) Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees unless said leave of absence is in excess of one hundred eighty (180) days.
- b) A temporary employee will receive not less than the minimum rate for the job, but will not be eligible for sick leave pay, holiday pay, PTO pay, insurance coverage or items of a similar nature, nor will he or she accrue seniority or leave of absence rights. A temporary employee may take time off without pay with the approval of his or her supervisor or the General Manager and shall be permitted to take time off for District-recognized holidays without pay.
- c) If a temporary employee is reclassified to probationary status, he or she will be credited with all continuous service in determining eligibility for such benefits that may accrue to him or her in his or her new status.

3116.4 A "Part-Time" employee is one who is hired to work within any job classification but whose position is not regular in nature. The part-time employee works whenever the District's workload increases to a level that regular employees cannot accommodate it. He or she also works standby as discussed in Section 3122, "Hours of Work and Overtime."

3116.5 An "Exempt" employee is an employee who is exempt from the minimum wage and overtime requirements of the Federal Fair Labor and Standard Act ("FLSA"). To be considered "exempt", an employee must work in a bona fide executive, administrative, or professional capacity and be paid on a salary basis as required by the FLSA. These positions shall be so designated in the Job Descriptions in Attachment H.

3116.6 A "Non-Exempt" employee is an employee who is not a bona fide executive, administrative, or professional employee as defined by the FLSA. Non-exempt employees can earn overtime pay in accordance with the overtime requirements of the FLSA.

## **3118 Equal Opportunity**

3118.1 The District employs persons having the best available skills to efficiently provide high quality service to the public.

3118.2 The District provides equal opportunity for all persons in all aspects of employment, including recruitment, selection, promotion, transfer, training, compensation, educational assistance, benefits, discipline, working conditions, reduction in force, reinstatement, and all other matters of employment.

- a) Such equality of opportunity shall be based solely on job related knowledge, skills, and job performance, and shall be without discrimination because of race, color, religion, national origin, sex, age, sexual orientation, handicap, veteran status, or any other factor unrelated to job performance.

## 3120 Grievance Procedure

3120.1 This policy shall apply to all regular and probationary employees in all classifications.

3120.2 The purpose of this policy is to provide a procedure by which an employee may formally claim that he or she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, or instruction.

3120.3 Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law, resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment, and claims or complaints of alleged discrimination or harassment.

3120.4 Grievance Procedure Steps.

3120.4.1 **Level I, Preliminary Informal Resolution.** Any employee who believes he or she has a grievance shall present the evidence thereof orally to his or her immediate supervisor within five (5) working days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions and attempt to resolve the matter within ten (10) working days after the discussions. It is the intent of this informal meeting that at least one (1) personal conference be held between the employee and the immediate supervisor. If the grievance is against the employee's supervisor, the employee may skip Level I and advance to Level II, provided he or she complies with all applicable time limits and other requirements for Level I.

3120.4.2 **Level II, General Manager.** If the grievance has not been resolved at Level I, the grievant may present his or her grievance in writing on a form provided by the District (attached hereto as Attachment F) to the General Manager within ten (10) working days after the occurrence of the act or omission giving rise to the grievance.

3120.4.2.1 The statement shall include the following:

- a) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied or misinterpreted;
- b) The circumstances involved;
- c) The decision rendered by the immediate supervisor at Level I, if any;
- d) The dates when: (i) the grievance was first discussed with the immediate supervisor; (ii) the Level I response was issued, and (iii) the employee submitted the grievance to Level II; and
- e) The specific remedy sought.

3120.4.2.2 The General Manager shall communicate his or her decision within ten (10) calendar days after receiving the grievance. Decisions will be in writing

setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the General Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of the General Manager's written decision. Within the above time limits, either party may request a personal conference with the other.

**3120.4.3 Level III, Board of Directors.** In the event the grievant is not satisfied with the decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as Attachment F) to the District Board of Directors within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the General Manager; and a clear, concise statement of the reasons for the appeal to Level III.

**3120.4.3.1** The Board of Directors shall, within 30 days, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Board's decision shall be in the Board's sole discretion, be final and shall be announced in open session immediately after the closed session in which it was made.

#### **3120.5 Basic Rules.**

**3120.5.1** If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved.

**3120.5.2** By agreement in writing, the parties may extend any and all time limitations specified above.

**3120.5.3** The General Manager may temporarily suspend grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

**3120.5.4** A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

**3120.6 Expungement of Written Reprimands:** A written reprimand may be expunged upon sustained corrective behavior, as determined by the General Manager, after a period of three (3) years from the date of the reprimand. It is the responsibility of the employee to request that his or her personnel file be purged of the written reprimand.

**3120.6.1** The General Manager will consider the following factors in making his or her decision to expunge a written reprimand:

- a) whether the employee received further discipline of any kind;

- b) employee's performance evaluation reviews are at least satisfactory in all categories; and
- c) that only one (1) expungement can occur during their employment with the District.

## 3122 Hours of Work and Overtime

3122.1 This policy shall apply to all non-exempt employees.

3122.2 The regular hours of work each day shall be consecutive except for interruptions for meal periods and breaks, or as otherwise approved by the General Manager in writing.

3122.3 A work week is defined to consist of seven (7) consecutive calendar days, Sunday through Saturday, and, except as otherwise provided herein, a basic work week is defined to consist of five (5) consecutive work days of eight (8) hours each, Monday through Friday. The regular work hours shall be 7:30 a.m. to 4:30 p.m. with one (1) hour off for lunch.

3122.4 Overtime is defined as:

- Time worked in excess of forty (40) hours in a work week;
- Time worked in excess of eight (8) hours on a scheduled work day if a five (5) day, eight (8) hour per day work week is in effect; or,
- Time worked on a designated holiday.

3122.5 All overtime work shall be authorized in advance by the General Manager. Employees working overtime without prior approval may be subject to discipline.

3122.6 A schedule is maintained by the Field Supervisor and approved by the General Manager whereby Utility Workers and the Field Supervisor are assigned on a rotational basis to be on "Standby" on weekends, holidays, and other times not considered regular hours of work for the District employees. The person on standby duty will retain a District vehicle for official use during this time.

3122.6.1 Standby Duty employees are paid 6.25% of their regular hourly rate per hour rate for each day they are on Standby. If these employees are called into work during this time, they will be paid for any Standby hours worked at the standard overtime rate. The Standby employee shall be paid a minimum of one hour for each after hours call out that occurs during a one hour period.

3122.6.3 When an employee is on Standby, he or she shall be provided a District cell

phone. The cell phone will be used to notify the Standby employees in the event of work immediately needed. The on-call employee is required to keep the cell phone in his or her possession during the entire Standby period of time. Notification of immediate work needed may also be given orally, in person, or telephonically, by the General Manager or the employee's supervisor.

When an employee is assigned to Standby duty, he or she shall be free to utilize his or her time as desired, but must be able to respond within twenty (20) minutes to any District facility. This will enable the Standby employee time to return to work in the event of an emergency call. Standby employees need to remain unimpaired (e.g., refraining from drinking alcoholic beverages, etc.) and able to perform all duties when on Standby.

| <b>Standby Hours Example</b> |   |                   |                      |                       |                      |
|------------------------------|---|-------------------|----------------------|-----------------------|----------------------|
| <b>Day</b>                   | <b>Time Period</b>                                  | <b>Reg. Hours</b> | <b>Holiday Hours</b> | <b>Overtime Hours</b> | <b>Standby Hours</b> |
| Friday                       | 4:30pm to 11:59pm                                   |                   |                      |                       | 7.5                  |
| Saturday                     | 12:00am to 11:59pm                                  |                   |                      | 1                     | 23                   |
| Sunday                       | 12:00am to 11:59pm                                  |                   |                      | 1                     | 23                   |
| Monday - Holiday             | 12:00am to 7:30pm & 4:30pm to 11:59pm               |                   | 8                    | 1                     | 23                   |
| Tuesday                      | 12:00am to 7:30am & 4:30pm to 11:59pm               | 8                 |                      |                       | 15                   |
| Wednesday                    | 12:00am to 7:30am & 4:30pm to 11:59pm               | 8                 |                      |                       | 15                   |
| Thursday                     | 12:00am to 7:30am & 4:30pm to 11:59pm               | 8                 |                      |                       | 15                   |
| Friday                       | 12:00am to 7:30am                                   | 8                 |                      |                       | 7.5                  |
|                              | <b>Total Standby Hours with a Holiday on Monday</b> | <b>32</b>         | <b>8</b>             | <b>3</b>              | <b>129</b>           |

### **3124 Letters of Recommendation**

3124.1 The Board of Directors recognizes that the District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interest of the District to ensure that letters of recommendation issued by individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be accurate and conform to all requirements of law. Therefore, all letters of recommendation shall be reviewed and approved by the General Manager before dissemination.

3124.1.1 The General Manager or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all District employees other than himself or herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the General Manager.

3124.1.2 At his or her discretion, the General Manager, or his or her designee, may refuse to give a recommendation. Any recommendation he or she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

### **3126 Nepotism**

3126.1 It is the policy of VRWD to seek for its staff the best possible candidates through appropriate search procedures. There shall be no bars to appointment of individuals who have close relatives in any staff category in the same or different departments so long as the following standard is met:

3126.1.1 No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

3126.1.1.1 For the purpose of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, brother, father-in-law, mother-in-law, sister-in-law and brother-in-law.

3126.2 When an individual is considered for appointment in a department in which an immediate family member is already assigned, review of this fact shall be required at all appointing levels. The objective of this review shall be to assure equity to all members of the department.

3126.3 When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.

### **3128 Payroll Deductions for Salaried Employees**

3128.1 Employees paid on a "salary basis" regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, a salaried employee will receive his or her full salary for any work week in which he or she performs any work, regardless of the number of days or hours worked. A salaried employee may not be paid for any work week in which he or she performs no work, subject to the District's benefits programs and policies.

3128.2 Deductions from pay are permissible when a salaried employee:

- Is absent from work for one (1) or more full days for personal reasons other than sickness or disability;
- Is absent for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a plan, policy, or practice of providing compensation for salary lost due to illness;
- Is absent for military duty and performs no work during the time off;
- Works less than a full week during the initial or final week of employment;
- Violates safety rules of major significance; or
- Violates written workplace conduct rules applicable to all employees and is suspended without pay for one (1) or more full days.

3128.3 It is VRWD policy to comply with these salary basis requirements. Therefore, VRWD prohibits all employees and managers from making any improper deductions from the salaries of exempt employees. VRWD wants employees to be aware of this policy and know that VRWD does not allow deductions that violate Federal or State law.

3128.4 If you believe that an improper deduction from your salary has been made, you should immediately report this information to your direct supervisor.

3128.5 Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

3128.6 Every employee is required to submit a Form W-4 at the beginning of each year to direct the payroll staff to make appropriate Federal and State income tax deductions.

## 3130 Performance Evaluation

3130.1 This policy shall apply to all employees.

3130.2 In order to provide employees with information concerning their employment progress and to identify areas to improve job performance, the employee's supervisor and General Manager will conduct formal written employee evaluations at least once per year. The employee's hire date anniversary is the preferred time for an annual evaluation.

Generally, employee evaluations may be performed at three (3) months and/or six (6) months after date of hire and shall be performed near the end of the twelve (12) month probationary period. In the event that an employee's supervisor or the General Manager determines that a regular part-time or regular full-time employee's job performance has not improved after receiving a written evaluation, the supervisor or the General Manager may elect to establish a performance improvement plan ("PIP"), also known as a performance action plan to provide an employee the opportunity to succeed while still being held accountable for past performance.

3130.3 Ratings: Performance evaluations shall be in writing on forms prescribed by the General Manager or his or her designee. The evaluation shall provide recognition for effective performance

and also identify areas that need improvement. All evaluations will have an overall evaluation of Unsatisfactory, Improvement Needed, Satisfactory, Above Satisfactory, or Outstanding.

- Unsatisfactory Work is well below the standard expected of a competent worker in that job position, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the evaluator.
- Improvement needed performance is frequently less than the standard expected of a competent worker in that job position, and improvable with additional training, experience, and effort.
- Satisfactory Work performance consistently meets the standard expected of a competent worker in that job position.
- Above Satisfactory Work performance is generally above the standard expected of a competent worker in that job position, a majority of the time.
- Outstanding Work performance is consistently and distinctly well above the standard expected of a competent worker in that job position; performance is superior. Outstanding ratings must be substantiated in a written statement by the evaluator.

3130.4 Evaluation Procedure: The performance evaluation must be signed by the evaluator, as well as the employee, and discussed with the employee. Unscheduled performance evaluations may be made at the discretion of the General Manager or his or her designee. Performance evaluations can be appealed to the General Manager as outlined in the Grievance Procedure of these Guidelines. Employee evaluation grievances will only be considered by the General Manager; they will not be heard by the Board. The General Manager may only modify employee evaluations if there is a compelling reason to do so.

## 3134 Recruitment and Hiring

Recruitment:

3134.1 Announcement: All recruitments for classification vacancies within the District shall be publicized by such methods as the General Manager deems appropriate, consistent with District standards. Special recruiting shall be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming recruitment. Announcements shall specify the title and compensation of the classification; the nature of the work to be performed delineating the essential and marginal functions of the job; the minimum qualifications for the classification; the manner of making application; the examination components; and other pertinent information.

3134.2 Applications: Every applicant shall file a formal, signed District employment application. Other methods of acceptable application due to an applicant's disability will be considered. Application forms shall require information covering training, experience, and other pertinent information as required by the General Manager. The General Manager may also require applicants to submit additional job related information.



3134.3 Examinations: Examinations for the establishment of eligibility lists shall be competitive and by such character shall test and determine the qualifications, fitness, and ability of applicants to perform the essential functions of the classifications for which they seek appointment.

The examination may include an investigation of character, personality, education, experience, criminal history, credit bureau, drug & alcohol and any tests of intelligence, capacity, technical knowledge, manual skill, or job-related physical fitness that the General Manager deems appropriate.

The General Manager shall designate the procedure, time, place, and type of examination, the conditions under which it may be conducted, and the individual or competent agency who will conduct the examination. The District will make every reasonable effort to accommodate disabled applicants in the administration of employment tests in accordance with applicable law. Examinations may be promotional, open, or continuous as directed by the General Manager. In making a decision regarding the type of examination, the General Manager will consider the availability of qualified interested personnel in the District workforce, the possible Affirmative Action implications, and the need for expediency in filling the position.

3134.3.1 Open/Promotional Examinations: Any person who meets the requirements set forth in the open/promotional examination announcement may compete in open/promotional examinations. The General Manager may adopt and implement objective standards to initially screen applications in order to reduce the number of applicants to a manageable size.

3134.4 Disqualification: At any point in the recruitment and selection process, the General Manager may refuse to declare an applicant an eligible candidate, or may withhold or withdraw from certification, prior to appointment by the General Manager, anyone who:

- Has failed to provide proof for any of the requirements established in the announcement for the classification for which he or she applied;
- Has been convicted of a felony of such a nature as to have an adverse effect on the candidate's ability to perform the duties of the position;
- Has a history of dismissal from any position in public or private service for any cause which would be a cause for dismissal from District employment;
- Has practiced or attempted to practice any deception or fraud in his or her application, examination, or in securing eligibility; or
- Is otherwise not qualified for employment with the District.

3134.5 Decisions regarding employment are based upon an individual's qualifications for the applicable position as described below.

3134.5.1 Vacancies: Employees of the District are encouraged to apply for any vacant positions for which they are qualified. The District awards vacant positions to the applicants who are best suited to meet the needs of the District, regardless of whether the applicant is a current District employee or not.

If a vacancy is awarded to a current regular employee, that employee shall serve a six (6) month probationary period in that position with continued benefits for health care, sick leave, PTO and comp time-off. After the move to the vacant position, the employee may return to their previous position with written notice to and approval by the General Manager, so long as the position has not been filled.

3134.5.2 Selection of employees. The General Manager shall have full power and authority to employ and terminate the services of all employees, prescribe their duties, and fix their compensation within the Salary Range Schedule as set forth by the Board of Directors. All persons considered for employment with the District shall be qualified to perform the duties of the position for which they are employed. When the District has made a decision to hire, the District shall make a written job offer to the applicant. The District shall explain to the applicant that appointment is subject to: fingerprint check; medical examination, including pre-employment drug screening; verification of information contained in application; proof of citizenship; possession of a valid California driver's license in good standing; other matters as they relate to the requirements of the position; and, successful completion of probationary period.

- a) Citizenship Verification: All employees must provide necessary documentation to prove identity and their right to work in the United States in accordance with Federal and State Immigration and Naturalization laws. Failure to provide such documentation will result in disqualification from selection or immediate termination.

3134.5.3 Upon confirmation of employment, the District shall complete a Personnel Action (PA) form (Attachment A). The PA, which shall accompany the candidate's employment application, shall indicate the hiring date, beginning salary, range, and any other relevant information.

- b) 3134.5.4 On the first day of work, the new employee shall meet with the Office Manager to obtain information pertaining to benefits, retirement etc., depending upon eligibility. The Office Manager shall use the New Employee Checklist (Attachment B) to ensure that the new employee has been provided the appropriate information. The new employee shall sign the Acknowledgement Form (Attachment C) within one week of employment. The form shall be returned to the Office Manager and kept in the employees' personnel file.

3134.5.5 Probationary Period. The purpose of the probationary period is to give the District and the new employee the opportunity to determine whether employment relationship suits both parties. New employees will be enrolled in the District's health care coverage on the first of the month after the hire date. During the probationary period, the District evaluates the employee's job performance, and it is expected that the employee will use this time period to determine whether the District employment is satisfactory to him or her. Generally, employee evaluations may be performed at three (3) months and/or six (6) months after the date of hire and shall be performed at the end of the twelve (12) month

probationary period. The employee's supervisor will conduct a written performance evaluation to ascertain the advisability of continued employment on a regular basis. However, written evaluations may be done at any time during the probationary period if determined to be necessary by the Supervisor or the General Manager.

Regardless of whether the supervisor completes a written performance evaluation, probationary employees are at-will and the District retains the right to terminate employment with or without cause, during the probationary period, in accordance with California law. Similarly, the probationary employee can end his or her employment at any time with at least two (2) weeks' written notice.

New employees hired for regular positions serve a probationary period of twelve (12) months, commencing with their first day of employment. The General Manager, in conjunction with the employee's supervisor, may extend the probationary period one or more times if it is determined that such an extension is appropriate. The status of regular employment following the probationary period shall only occur after a successful evaluation has taken place, and only if confirmed in writing by the District.

If the job description requires a California Water Distribution or Treatment Operator Certificate, it must be obtained within 18 months of a promotion or the hire date and prior to employee being granted permanent full-time status.

### **3136 Separation from District Employment**

**3136.1 Resignation:** To leave District service in good standing, an employee must file a written notice of resignation with the General Manager at least two (2) weeks before the effective date of separation of employment from the District. The General Manager may, however, grant good standing with less notice if he or she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval.

**3136.2 Layoffs:** Whenever, in the judgment of the District Board of Directors, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or offered the option of moving to another position within the District, if a position is available and if the employee is qualified.

**3136.2.1 Notification:** Employees to be laid off will be given, whenever possible, at least fourteen calendar days prior notice, if possible.

**3136.2.2 Order of Layoff:** Employees are generally laid off in the inverse order of the value the skills they bring to the District and the District's current need for such skills.

3136.2.3 Transfer in Lieu of Layoff: An employee affected by layoff may be transferred to a vacant position within the same or comparable classification, or a vacant position in any former classification which the employee once held as a regular employee, provided that the employee meets the minimum qualifications of said position and the compensation is at the same or lower rate of pay.

3136.2.4 Re-employment Rights for Laid Off Employees: Regular employees who have been laid off shall be automatically placed on a re-employment list for two (2) years from the date of layoff for the classification from which they were laid off.

3136.3 Dismissal of Regular Employees. A regular employee may be dismissed at any time by the General Manager with or without cause and after following the proper disciplinary termination procedures as outlined in the "Disciplinary Action" section 3104 of these policies.

3136.3.1 A probationary employee may be terminated at any time during a probationary period without right of appeal or hearing. In case of such termination, the General Manager shall notify the probationary employee in writing that he or she is being separated from District service.

3136.3.2 Dismissal of the General Manager shall be as outlined in the employment agreement between the General Manager and the District.

3136.4 Exit Interview: For the purpose of ascertaining potential eligibility for unemployment insurance benefits, all employees separating from the District for any reason other than layoff or disciplinary action shall be given an interview prior to termination. The interview shall be conducted by the General Manager and shall produce specific information as to the causes and reasons for the separation. The information shall be recorded on a standard form provided by the District, which the employee shall be required to sign. A copy of the complete report shall be transmitted to the employee's immediate supervisor and General Manager for comment and be returned for retention in the employee's personnel file.

3136.5 Property Return Agreement. Upon employment with the District, each employee shall complete a Property Return Agreement if they receive any District property. Property includes, but is not limited to, laptops, cell phones, equipment, keys, reports, proprietary information, and any other job related materials. All District property must be returned prior to departure.

3136.6 Employment Reference Checks: All inquiries regarding a current or former District employee must be referred to the General Manager. Should an employee receive a written request for a reference, he or she must refer the request to the General Manager for handling. Employees may not issue a reference letter to any current or former employee without the permission of the General Manager.

Under no circumstances should an employee release any information about a current or former employee over the telephone. All telephone inquiries regarding any current or former employees of the District must be referred to the General Manager.

In response to an outside request for information regarding a current or former District employee, the General Manager will only verify an employee's name, date of employment, and job title. No other data regarding any current or former District employee will be released unless the employee authorizes the District to release such information in writing, or the District is required by law to furnish any information.

If, however, an employee is contacted to give a personal reference regarding a current or former District employee, he or she is permitted to do so and shall emphasize to the inquirer that the reference is personal only and not on behalf of the District. Failure to follow these directions may be cause for disciplinary action up to and including termination.

### **3138 Temporary Reclassifications**

3138.1 The VRWD General Manager may temporarily assign an employee to perform work normally performed by another employee or position classification at a different level or salary.

3138.2 An employee temporarily assigned by the General Manager to perform work of a lower paid classification shall not have his or her salary reduced, and an employee temporarily assigned to perform work of a higher paid classification shall receive compensation equal to either the lowest salary step for that position or that would provide for an increase in pay or five percent (5%), whichever is less, for all time spent in the acting position in excess of four (4) consecutive work weeks. An approved reclassification shall continue only until such time as the employee is returned to his or her original job duties.

3138.3 Temporary assignments to a higher or lower paid class need to be in writing and approved by the General Manager in advance.

### **3140 Harassment**

3140.1 Harassment and discrimination in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion, age, physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis is prohibited by federal and state law. The District does not tolerate discrimination or harassment in the workplace or in a work-related situation. Discrimination and harassment are a violation of these Guidelines. Section 3140 shall also include and be applied to members of the District Board of Directors including the use of complaint procedures described herein.

3140.2 Harassment in employment may take many forms. Some examples include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, touching, or otherwise physically interfering with work of another individual;
- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.

3140.3 Sexual harassment under state and federal laws is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile or offensive work environment; or adversely affected the employee's performance, appraisal, assigned duties, or any other condition of employment or career development; or
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personal action.

3140.4 Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or physical actions, subtle pressure for sexual activity to physical assault. Sexual harassment conduct need not be motivated by sexual desire. Examples of the kinds of conduct included in the definition of sexual harassment are:

3140.4.1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

3140.4.2 Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the

work area that may embarrass or offend the person, sexually degrading words to describe the person, or propositions of a sexual nature.

3140.5 Abusive conduct or workplace bullying of the District's employees, by any person in or from the work environment, is strictly prohibited. Abusive conduct or workplace bullying is the conduct of any employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest. Abusive conduct or workplace bullying includes, but is not limited to:

- Repeated infliction of verbal abuse;
- Derogatory remarks, insults, epithets;
- Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or
- Gratuitous sabotage or undermining of a person's work performance.

3140.6 Policy Publicizing. All employees shall be informed of the District's harassment policy and complaint process upon employment, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all.

3140.6.1 All new employees shall be given a copy of Section 3140 Harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the supervisor for whom they will be working.

3140.6.2 All employees shall have harassment and discrimination training every two years.

3140.7 Complaint Process. Any employee who believes he or she is the victim of harassment, abusive conduct, or discrimination on any prohibited basis, or who has observed such conduct, or believes he or she is subject to retaliation ("Harassment") may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

3140.7.1 An informal complaint is made verbally by the employee to the immediate supervisor. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee.

3140.7.2 A formal complaint is made in writing, using the "Expression of Concern Form," see "Attachment F". Said form should be submitted by the employee to their immediate supervisor. Although submitting the formal complaint with the immediate supervisor is preferred, the employee is free to submit a formal complaint with any supervisory employee, or with the President of the Board of

Directors, or with the District Legal Counsel, if the employee's immediate supervisor is the General Manager and the General Manager is unavailable or personally involved in said complaint.

3140.8 Complaint Response Process. Any supervisory employee who receives a formal or informal harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to their supervisor, or to the General Manager if the supervisor is unavailable or personally involved in said complaint.

3140.8.1 Within twenty-four (24) hours of the filing of a formal or informal complaint, an investigation shall be conducted by the supervisor, in cooperation with the Office Manager, within which the alleged harassment occurred. Said investigation shall be conducted by the General Manager if the supervisor is unavailable or personally involved in said complaint.

3140.8.2 A written record of any investigation of an alleged harassment shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Board of Directors.

3140.8.3 All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.

3140.8.4 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

3140.9 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged harassment claim, appropriate action shall be taken by the General Manager against the harasser where harassment is found, including mandatory sexual harassment training to prevent future incidents. Whatever punishment given to the harasser shall be made known to the victim of the harassment.

3140.9.1 Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, promotion, etc.

3140.9.2 Action taken to remedy a sexual harassment situation shall be done in a manner so as to protect potential future victims. An employee involved in a confirmed incident shall be removed from supervision of a person verified to have committed a harassment activity.

3140.10 Retaliation. Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by District



policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the Department of Fair Employment and Housing or Equal Employment Opportunity Commission, or for otherwise participating in any proceedings conducted by the District under this policy or by either of these agencies.

### 3142 Whistleblowing Policy

3142.1 It is the policy of VRWD that its employees should be free to report violations of law, abuse of authority, fraud, economic waste, or gross misconduct, incompetence or inefficiency without fear of retaliation or retribution. This policy is included here in because the Board believes it best serves itself and its customers when it can be candid and honest without reservation in conducting the business of the VRWD.

The VRWD prohibits retaliation by employees, Board members or volunteers against any staff member, Board member, volunteer or customer for making good faith complaints, reports or inquiries regarding illegal or improper activities under this policy to the VRWD or any law enforcement agency, or for participating in a review or investigation of any such complaints under this policy. This protection extends to those whose allegations are made in good faith, but prove to be mistaken. The VRWD reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints or reports regarding alleged illegal or improper activities, or who otherwise abuse this policy.

Therefore, the purpose of this policy is to: (1) encourage staff, Board members, volunteers and customers to report to the VRWD any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the VRWD's policies, promptly to those members of the VRWD specified in this policy; and (2) prohibit the VRWD's Board of Directors, General Manager and supervising employees from retaliating against any employee who reports illegal or improper activities to the VRWD or law enforcement agencies as provided herein; and (3) specify a procedure by which information regarding illegal or improper activities of or retaliation by members of the Board of Directors or employees can be reported to the VRWD and investigated; and (4) provide a hearing process to any employee or Board member who has filed a written complaint with the VRWD alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the VRWD or law enforcement protected by this policy.

3142.2 Definitions:

- a) "Illegal Order" means a directive to violate or assist in violating a federal, state or local law, rule or regulation, or an order to an employee to work or cause others to work in conditions outside of their scope of duty that could unreasonably threaten the health and safety of

employees or the public.

- b) "Illegal or Improper Activity" means an activity by a member of the Board of Directors, an employee, or a volunteer of the VRWD that is undertaken in the performance of that person's duties that is either: (1) a violation of any state or federal law or regulation including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, abuse of property or willful omission to perform a duty; or (2) violates VRWD policies, is economically wasteful, or involves gross misconduct or incompetency. Illegal or Improper Activity includes alleged financial, accounting or audit improprieties and alleged ethical violations by employees or Board members.
- c) "Protected Disclosure" means a good faith communication from an employee or Board member of the VRWD to the VRWD or law enforcement agencies that discloses information that may be evidence of Illegal or Improper Activity.
- d) "Retaliation" means an employee or director using or attempting to use his or her official authority or influence over an employee to intimidate, threaten, or coerce any employee in order to interfere with the rights of employees to freely report Illegal or Improper Activity to the VRWD or a law enforcement agency. Retaliation includes, but is not limited to, promising to confer, or conferring any benefit; affecting or threatening to affect any reprisal; or taking or directing others to take, recommend, or approve any personnel action against an employee making a Protected Disclosure including, but not limited to, demotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action including termination.

3142.3 Encouragement of reporting of illegal or improper activity: VRWD encourages employees and members of the Board to file complaints or reports about Illegal Orders or Illegal or Improper Activity or alleged Retaliation with the General Manager. All such complaints shall include specific facts supporting any allegation of Illegal or Improper Activity, or Retaliation, as defined by this policy. Complaints of Illegal or Improper Activity or Retaliation may be made anonymously, but such anonymity may impede the ability of the DISTRICT to conduct a thorough investigation. If the General Manager is alleged to be involved in the complaint or report, then such complaint shall be filed with the President of the Board of Directors. If the President of the Board is also alleged to be involved in the complaint, then the complaint or report shall be filed with the VRWD's General Counsel.

Other allegations with respect to which the VRWD has an existing complaint, grievance or appeal procedures as specified in the DISTRICT's policies should be addressed pursuant to those procedures, such as issues of alleged discrimination or harassment which are processed by the General Manager.

This policy is not intended to provide a procedure for the filing of employee or Board member complaints regarding any employment issues other than whistleblowing activities and protection of employees from Retaliation for making Protected Disclosures.

3142.4 Investigations of Allegations of Illegal or Improper Activity: The General Manager may request that a person submitting a complaint alleging Illegal or Improper Activity provide his or her name and contact information and provide the names and contact information for any persons who could help substantiate the claim. However, this information is not required in order to submit a complaint.

Upon receiving a complaint from any employee or member of the Board that an employee or Board member has engaged in an Illegal or Improper Activity, the General Manager will conduct an investigation of the allegations in the complaint. The identity of the person filing the complaint, or of any person providing information in confidence regarding the facts in the complaint shall not be disclosed without the express permission of the person providing the information. However, the General Manager may disclose the facts in the complaint to a law enforcement agency in the event that an allegation of criminal conduct is contained in the complaint filed with the VRWD.

The General Manager may request the assistance of VRWD General Counsel and/or any outside consultant for assistance in evaluating an allegation of Illegal or Improper Activity or conducting an investigation of Illegal or Improper Activity as authorized by this policy. The General Manager shall investigate the allegations in the complaint and prepare a report of the results of the investigation within sixty (60) days of the date of the complaint.

If, upon completion of the investigation, the General Manager finds that an employee or Board member may have engaged or participated in an Illegal or Improper Activity, the General Manager shall make such findings in the investigative report and include recommended actions to prevent the continuation or recurrence of the Illegal or Improper Activity. Such recommendations may include taking disciplinary action against those employees found to have violated this policy, which action may be taken by the General Manager. The investigative report may also recommend imposing sanctions, including loss of office, on those Board members found to have violated this policy. In that event the report shall be filed with the Board of Directors which shall comply with the policies of the VRWD in initiating discipline against a member of the Board of Directors. The VRWD shall keep confidential all investigation work product including the investigative report.

3142.5 Complaints of Retaliation and Investigation. An employee or volunteer who believes he or she has been subjected to Retaliation as defined and prohibited by this policy shall file a written complaint with the General Manager which specifies the alleged retaliatory conduct and identifies the individuals allegedly engaged in such conduct.

Upon receipt of the complaint the General Manager shall commence an investigation of the allegations contained in the complaint of Retaliation, which shall include interviews of the complainant and any potential witnesses. The General Manager may utilize the services of VRWD General Counsel and/or other consultants in conducting such investigation and preparing an

investigation report. A written investigation report regarding the alleged Retaliation shall be completed within thirty (30) days of receipt of a complaint of Retaliation.

Based on the investigation, the General Manager shall make a determination as to whether Retaliation occurred in violation of this policy and, if so, what steps should be taken to remedy the situation. The General Manager's decision shall be communicated to the complaining employee. In making his or her determination, if it is alleged that improper disciplinary action was taken against the complaining employee in Retaliation for having made a Protected Disclosure, the General Manager shall consider whether the taking or failing to take any personnel action with respect to an employee who has complained of Retaliation is justified on the basis of evidence separate and apart from the fact that the person has made a Protected Disclosure, such as inadequate job performance. If the evidence in the investigation reveals that a Protected Disclosure was a contributing factor in the alleged Retaliation against a former or current employee, the burden of proof shall be on the supervisor or other employee imposing the discipline to demonstrate by clear and convincing evidence that the alleged personnel action would have occurred for legitimate, independent reasons even if the complaining employee had not engaged in Protected Disclosures of Illegal or Improper Activity.

The investigation report of the alleged Retaliation prepared by the General Manager shall include a written decision as to whether this policy has been violated. If the investigation report concludes that this policy has not been violated and the complaining employee disagrees with the determination of the General Manager, the complaining employee may appeal in writing the decision to the Board of Directors. That appeal must be filed within ten (10) business days of receipt of the investigation report and decision of the General Manager.

If an appeal is filed, the Board of Directors shall conduct a hearing of the complaining employee's appeal and hear and receive all evidence submitted by the complaining employee. In hearing the appeal, the Board may take evidence, and hear testimony from the complaining employee and other witnesses. The Board shall consider whether an activity protected by this policy was a contributing factor in the alleged Retaliation against the complaining employee and if the alleged retaliatory action could have occurred for legitimate, independent business reasons even if the complaining employee had not made Protected Disclosures. The Board shall render a final decision in writing to the complaining employee within thirty (30) days after completing the hearing which concludes whether Retaliation prohibited by this policy has occurred or not. If the Board finds that the provisions of this policy have been violated, it shall order that any personnel action taken against the complaining employee be reversed and that a memorandum be placed in the employee's personnel file indicating the results of the decision of the Board of Directors on appeal.

A complaining employee shall be required to exhaust his or her administrative remedies by filing an appeal with the Board of Directors regarding any alleged violation of this policy before being

entitled to commence a civil action in the Superior Court.

## 3200 Dress Code & Personal Standards

3200.1 At VRWD, professional image is important and is maintained, in part, by the image that employees present to visitors, vendors, and others in our community. In choosing appropriate work attire, employees should consider factors including tastefulness, anticipated requirement for public contact, the nature of the job, and working conditions.

### 3200.1.1 Uniforms

Field employees are required to wear the uniform during their work hours, work time, or traveling to and from work, or while representing the District. Employees shall not wear their District uniform while off-duty.

3200.2 VRWD expects all employees to use good judgment and taste in matters of personal grooming and dress. Good judgment includes consideration for both VRWD, its customers and the community. Employees should always be neat and clean in appearance, dressed in reasonably professional and conservative attire, and conduct themselves in a businesslike manner.

3200.2.1 No visible tattoos are allowed anywhere on the head, face, or neck, unless for religious reasons or purposes that the employee professes or provides information of religious affiliation or associate. Any visible tattoos cannot be obscene, sexually explicit, or otherwise violate the District's policy against harassment or discrimination. Extremist or gang-related tattoos are also not permitted. All non-conforming tattoos must be covered with clothing or a bandage while at work, or must be removed.

3200.2.2 No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part (including the tongue or any part of the mouth) except that an employee may wear two sets (i.e., four holes total) of reasonable-sized (i.e., small and professional-looking) earrings in the ear lobe. Piercings as described herein shall be allowed if the employee provides information of religious affiliation or association related to his or her piercings. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer while the employee is working.

3200.3 In all cases, supervisors will assist employees to determine what is considered appropriate attire for the particular situation. The following is offered as a general guideline:

Business Casual Attire (Monday through Friday): No exposed midriffs, low cut tops showing cleavage, tops with spaghetti straps, tube-tops, halter tops, sweats, shorts, flip flops, or other informal or inappropriate attire.

Business Attire (Board & Special Meetings): Generally will include typical business attire such as dress shirt and dress slacks.

Field Work Attire (All times): Field or facility work requires special uniforms or equipment (Section 3220). Employees shall consult with a supervisor on requirements in advance. No personal hats or jackets, including with logos or names on them other than the District, shall be allowed.

#### 3200.4 Non-Compliance

Employees who are inappropriately dressed may be sent home and directed to return to work in the proper attire. Non-exempt employees will not be compensated for the time away from work. Employees who violate VRWD dress code policy or grooming standards will be subject to corrective action and disciplinary action, up to and including termination.

### 3205 Housekeeping

3205.1 All employees are expected to keep their work areas clean and organized and also assist in maintaining an overall clean work environment. Employees using common areas such as lunch rooms and restrooms or equipment are expected to keep them clean and sanitary. Employees are requested to clean up after meals and dispose of trash properly.

### 3210 Outside Employment

3210.1 Before beginning second employment, an employee shall request written authorization from the General Manager. No District employee shall be permitted to accept employment in addition to or outside of District service if:

- The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or,
- The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,
- The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.

3210.2 An employee who does have additional or outside employment shall not be permitted to use District records, materials, equipment, facilities, or other District resources in connection with said employment.

### 3215 Receipt of Gifts

3215.1 An employee or his/her immediate family may not accept from, or provide to, individuals or companies doing or seeking to do business with the District, gifts, entertainment, and/or other services or benefits unless the transaction meets all of the following guidelines:

- Is customary and gives no appearance of impropriety and does not have more than a nominal value (\$500 per year from any one source, Gov. Code Section 89503 year 2019) ;
- Does not impose any sense of obligation on either the giver or the receiver;
- Does not result in any kind of special or favored treatment;
- Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense.
- Is given and received with no effort to conceal the full facts by either the giver or receiver.

## **3220 Uniforms and Protective Clothing**

3220.1 The cost of uniforms and/or protective clothing, shoes, etc., that employees are required to wear shall be borne by the District. The District shall provide uniform pants, shorts, shirts, jackets, sweat shirts, boots and hats.

### 3220.1.2 Employee's Responsibility

In regard to District uniforms, the responsibilities of the employee are listed below:

- A. Appearance – Each employee is responsible to keep his or her uniform in a clean and presentable manner.
- B. Cleaning – Normal cleaning should be performed in accordance with the manufactures recommendations.
- C. Emblems and Patches – Emblems and patches will be furnished for each uniform purchased.
- D. Repairs – It is the employee's responsibility to make repairs to uniforms such as replacement of buttons, mending of tears, etc.

3220.2 The District has the option of authorizing reimbursements to qualifying employees upon proof of purchase; or arranging with local retailers to supply all qualifying employees with a specific product that meets the needs and/or safety requirements and bill the District for the total cost of all products purchased.

3220.3 When an employee for whom said uniforms, clothing, shoes, etc., were purchased or reimbursed is terminated for any reason prior to completing three (3) continuous months of service after said purchase, a portion of the cost of said items shall be retained from his or her final payment. That portion retained shall be a percentage of the total cost of said items equal to one hundred percent (100%) less the percentage of time worked during those three (3) continuous months of regular work.

## **3300 Internet, Email, Cell phone and Electronic Communications**

3300.1 The District believes that employee access to and use of the internet, email, cell phone and other electronic communications resources, benefits the District and makes it a more successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success. Employees should have no expectation of privacy in work-related emails, tablet, cell phone or internet usage while using District equipment. The District has established this policy to ensure that the District employees use the District-provided electronic resources in an appropriate manner.

### 3300.2 Rules Regarding Prohibited Use

Employees shall not use the District electronic resources in an inappropriate manner. Prohibited use includes, but is not limited to:

- a) Accessing internet sites that are generally regarded in the community as offensive (e.g., sites containing pornography or that exploit children), or accessing sites for which there is no official business purpose (e.g., social media websites or online shopping websites).
- b) Engaging in any profane, defamatory, harassing, illegal, discriminatory, or offensive conduct or any conduct that is otherwise inconsistent in any way with the District policies.
- c) Distributing copyrighted materials.
- d) As computer viruses can become attached to executable files and program files, receiving or downloading executable files and programs via email or the internet without express permission of the Office Manager is prohibited. This includes, but is not limited to, software programs and software upgrades.
- e) Use of another person's name or account, without express permission of the Office Manager, is strictly prohibited.
- f) Using the District's computer resources for personal social media, online shopping, and other similar online commercial activity.
- g) Employees must respect all copyright and licensed agreements regarding software or publication they access or download from the internet. The District does not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the employee's license or copyright infringement.

### 3300.3 Additional Guidelines

Employees are expected to understand and comply with the following additional guidelines regarding use of District electronic resources.

- a) Internet access is to be used for the District business purposes only. Employees who have completed all job tasks should seek additional work assignments. Use of the internet should not interfere with the timely and efficient performance of job duties. Personal access to the internet and email is not a benefit of employment with the District. Limited personal use of the District's systems to access internet, email, and other electronic communications may be permitted only during the employees' authorized break time.



- b) Employees do not have any right or expectation to privacy in any of the District computer resources, including email or text messages produced, sent, or received on the District, phones, computers or transmitted via the District's servers and network. The District may monitor the contents of all computer files, text and email messages to promote the administration of the District operations and policies.
- c) Employees' access to and use of the internet, email, and other electronic communications on the District systems is monitored, and such files and electronic communications may be reviewed by the District at any time. Employees have no expectation of privacy.
- d) Deleting an email message does not necessarily mean the message cannot be retrieved from the District's computer system. Backup copies of all documents, including email and text messages, that are produced, sent, and received on the District's computer system, can be made.
- e) Emails, texts and any attachments are subject to the same ethical standards, and standards of good conduct, as are memos, letters, and other paper-based documents.
- f) Currently all District email sent is not encrypted. Unencrypted email is not a secure way of exchanging information or files. Accordingly, employees are cautioned against transmitting information in an email message that should not be written in a letter, memorandum, or document available to the public.
- g) Email, once transmitted, can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. Use caution in addressing messages to ensure that messages are not inadvertently sent to the wrong person.
- h) It is advisable for all employees of the District to remind customers, clients, and contractors of security issues when sending confidential email or documents to the District via email. If applicable, our customer, clients, or contractors should be reminded to implement a security policy and make sure their employees understand the ramifications of sending confidential information via email.

## **3400 Authorized Leave**

3400.1 With the approval of the General Manager an employee may request an unpaid leave of absence without pay for a period of up to six months.

3400.2 Such leave of absence may be taken only after all accumulated PTO time has been exhausted. If the leave of absence is for medical reasons, then all accumulated sick leave time must also be exhausted before an unpaid leave of absence can be granted.

3400.3 Employees will not accrue benefits available to regular employees of the District (e.g., health insurance, PTO, holiday, or sick leave) during an unpaid leave of absence.

3400.4 Dependent upon the reason for the leave and due to the District's limited work force, maintenance of a job classification for the term of an authorized leave of absence cannot be guaranteed beyond three months. Employees returning from a leave of absence will be reinstated to the first available job classification for which he or she is qualified.

## 3405 Bereavement Leave

3405.1 This policy shall apply to probationary and regular employees in all classifications.

3405.2 In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three days. Up to five days may be granted by the General Manager if the employee is responsible for coordinating the funeral or needs special travel arrangements. This is in addition to regular sick leave and PTO time. Verification may be required by the General Manager.

3405.3 "Immediate family" is defined as being spouse, parents, children, brother, sister, grandparents, father-in-law, mother-in-law, sister-in-law, brother-in-law or any other person who is a legal dependent of the employee.

## 3410 Catastrophic Time Bank

3410.1 At the discretion of the General Manager, employees will be permitted to transfer eligible leave credits to a time bank to be used by an employee when a non-work related catastrophic illness or injury occurs.

3410.1.1 Definitions used in the application of this rule:

- a) Catastrophic illness or injury is defined as a non-work related illness or injury which is expected to incapacitate an employee and which creates a financial hardship because the employee has exhausted all of his/her sick leave and other paid time off.
- b) A time bank is one or more hours of leave credit donated by one or more employees to another employee who has been incapacitated by a catastrophic illness or injury.
- c) Eligible leave credits include PTO and/or compensatory time off (CTO). They do not include sick leave.

3410.1.2 A time bank for catastrophic illness or injury may be established:

- a) Upon the written request of an employee;
- b) Upon determination by the General Manager that the employee in the District is unable to work due to the employee's catastrophic illness or injury; and
- c) That the employee has exhausted all paid leave credit.

3410.1.3 If a time bank is established, any employee may, upon written notice to the Office Manager, donate eligible leave credits in one-hour increments, up to a maximum of 40 hours in a one year period, to the time bank. When transferring leave credits into a time bank, the District will assure that only credits that may be needed are transferred. The employee donating the hours shall remain responsible for any applicable taxes or other expenses for the used hours. When hours are transferred to the receiving employee they

shall be transferred in proportion to the ratio of the normal compensation of the donating employee to the receiving employee.

3410.1.4 In order to receive time from the time bank, an employee must provide appropriate verification of illness or injury as determined by the District. The employee for whom the time bank is established will have any time which is donated to the time bank transferred to his or her account in one hour increments for use as sick leave only. The total amount of leave credits donated may not exceed an amount sufficient to insure the continuance of regular compensation. An employee who receives time through this program shall use any leave credits he/she continues to accrue on a monthly basis prior to receiving time from the time bank.

3410.2 Use of time from the time bank may not be used to augment benefits received due to a work-related injury or illness.

## 3415 Compensation

3415.1 This policy shall apply to all District employees.

3415.2 New Employees. All newly appointed employees shall be paid salary that is within the range for the position to which the employee is appointed.

3415.3 Merit Advancement within Range.

Performance Evaluation Required. The General Manager may authorize a merit advancement within the salary range approved by the Board of Directors only after evaluating the employee's performance and determining that it is above satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee.

3415.4 Cost of Living Adjustment (COLA)

An annual Cost of Living Adjustment may be considered by the Board during the annual budget preparation. The District uses the Los Angeles area Consumer Price Index (LA-CIP) as published by the Bureau of Labor Statistics for March of each year. The guideline for applying the COLA to salaries shall be by using 50% of the inflation rate published for the LA-CPI applied to the three lowest paid full time employees of the District. Then using the average dollar amount of their COLA and applying that dollar amount to the remaining employees. The Board shall have final review and approval authority on the amount of the annual COLA.

3415.5 Salary Survey

The District shall conduct salary surveys of similar agencies to the Ventura River Water District at least once every three years to determine if the total compensation for VRWD employees is within the market rate for the equivalent positions.

**3415.6 Water Operator Certification Merit Increase**

The Water Supply Operating Permit for the Ventura River Water District requires that the District have on staff at least one Grade 3 Distribution water operator. It is in the District's best interest for the water operations staff to obtain Grade 3 Distribution certificates. Grade 2 Distribution and Treatment certifications are required for all Utility Works and the General Manager. When a Utility Worker receives a certificate for Grade 3 Distribution from the State Division of Drinking Water they shall receive a 5% merit increase effective with the next pay period.

**3415.7 Longevity Pay**

In addition to an employee's normal pay those employees who meet the requirements are eligible for a onetime cash award after successfully completing 10, 15, 20 and 30 years of employment with VRWD.

**3415.7.1 Eligibility** - Employees are eligible for longevity pay based upon the following:

- A. A minimum of ten (10) years of continuous employment.
- B. Satisfactory annual performance appraisals.

**3415.7.2 Calculation** - Longevity pay is determined based upon years of service. The amount an employee is eligible for is listed below:

| <b>Term of Employment</b> | <b>Award</b> |
|---------------------------|--------------|
| 10 years                  | \$500        |
| 15 years                  | \$1,000      |
| 20 years                  | \$1,500      |
| 30 years                  | \$2,000      |

All Performance/Longevity awards are subject State and Federal payroll deduction.

**3415.7.3 Approval** - Longevity pay is subject to Board approval.

**3420 Educational Assistance**

**3420.1** Employees of the District are encouraged to pursue educational opportunities which are related to their present work, which will prepare them for foreseeable future opportunities within the District, or which will prepare them for future career advancement.

3420.2 The District will reimburse regular employees for approved courses of study on the following criteria:

- a) A refund of the entire cost of tuition and required class materials will be made if the employee received a grade of "B" or better for the class.
- b) A refund of one-half (½) of the cost of tuition and required class materials will be made if the employee received a grade of "C" for the class.
- c) No refund will be made to employees who receive a grade below "C" for the class.
- d) The total amount of reimbursement which will be paid to an employee is limited to \$3,000 in any calendar year.

3420.3 To be eligible for reimbursement of course costs, the employee must receive advance approval for the class(es) from the General Manager. Requests for reimbursement should be submitted in writing. The employee will be notified of final approval, or the reasons for disapproval. Those requests for reimbursement which are received after the class begins will be eligible for only one-half (½) of the usual reimbursement.

3420.4 Upon completion of the class(es) the employee is responsible for sending copies of the grade slip(s) and expense receipt(s) to the General Manager.

3420.5 Two types of classes are generally eligible for reimbursement per this policy:

- a) Classes that are related to the employee's present work assignment or that may prepare him/her for future foreseeable opportunities within the District. Such classes may be taken individually and need not be directed toward a degree or certificate.
- b) Classes that are taken as part of the requirement for a degree or certificate. In this case the employee must first have completed the equivalent of two (2) full years of college level study and have reached the equivalent of the "junior" year of a four-year degree program.

3420.6 Typically only residence courses are approved for reimbursement. Correspondence courses are not reimbursable under this policy unless they are for Water Operator Certification studies. The course or courses must be taken on off-duty time. When employees are required by the District to attend training schools, courses, seminars, etc., the travel time and attendance shall be considered work time. The District will directly pay for costs related to the program and provide mileage reimbursement.

## 3425 Holidays

3425.1 This policy shall apply to all employees.

3425.2 The following days shall be recognized and observed as paid holidays:

|                                     |  |
|-------------------------------------|--|
| New Years Day;                      | Labor Day;                                     |
| Martin Luther King, Jr.'s Birthday; | Veteran's Day;                                 |
| President's Day;                    | Thanksgiving Day and Friday after Thanksgiving |
| Memorial Day;                       | Christmas Day;                                 |
| Independence Day;                   |  |

On the work days before Thanksgiving, Christmas, New Years and the Friday before Easter the office shall close at 11:30 A.M. and employees shall be entitled to 4 hours of holiday time on those days.

3425.3 All regular work shall be suspended and employees shall receive one-day's pay for each of the holidays listed above. A full-time employee is eligible for any paid holiday if he/she works the day before and the day after said holiday. Eligibility is also granted if the employee was on PTO or had notified the General Manager and received permission to be absent from work on that specific day or days.

3425.4 Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.

3425.5 When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

3425.6 While not required by law, if any non-exempt employee works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1½) his/her regular rate of pay, or as otherwise specified under Section 3122, "Hours of Work and Overtime."

## 3435 Jury Duty

3435.1 This policy shall apply to probationary and regular employees in all classifications.

3435.2 An employee summoned for jury duty will immediately notify his/her immediate supervisor.

3435.3 While serving on a jury, an employee will be given a paid leave of absence for the duration of said jury duty. Said leave of absence is conditional upon the employee returning to work upon

dismissal each day to complete his/her remaining normal workaday. It is also conditional upon the employee's conveyance to the District of any compensation received as a juror, not including any travel allowance received.

### **3440 Leave for Crime Victims and Family Members**

3440.1 An employee who is a victim of a crime, a member of a crime victim's immediate family (spouse, child, stepchild, sibling, stepsibling, parent, or stepparent), a registered domestic partner of a crime victim, or the child of a registered domestic partner of a crime victim shall be allowed to be absent from work in order to attend judicial proceedings related to that crime, subject to the District's General Manager determining that work requirements may be maintained during the absence.

3440.2 "Victim" means a person against whom one of the following crimes has been committed:

- a) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code;
- b) A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code; or
- c) A felony provision of law proscribing theft or embezzlement.

3440.3 Prior to an employee being absent from work, the employee must provide the District with a copy of the official notice provided to the victim of each scheduled proceeding.

3440.4 An employee absent from work to attend a scheduled proceeding may elect to use accrued PTO leave, sick leave, compensatory time off, or unpaid leave time.

3440.5 The District shall keep confidential any records regarding an employee's absence from work pursuant to this Policy.

### **3445 Military Leave**

3445.1 Military leave is a form of a personal leave of absence subject to federal and state applicable laws and regulations. Leaves of absence and re-employment resulting from service in the National Guard or U.S. Military Armed Forces will be in accordance with applicable State and Federal laws. A copy of the applicable, official military orders for training or active duty must accompany an employee's request for a leave of absence.

3445.2 An employee who is assigned to an U.S. Military Armed Forces Reserve organization and is subject to active or inactive duty training will be granted leaves of absence without pay, generally for up to two (2) weeks per calendar year unless additional time is approved by the General Manager or Board of Directors.

3445.3 The following conditions also apply: The employee may remain in paid status while using appropriate accrued leave balances (PTO) to supplement his/her military pay to maintain the equivalent of full salary.

### 3450 Pregnancy Disability Leave

3450.1 Any female employee planning to take Pregnancy Disability Leave (PDL) should advise their supervisor as soon as possible. The employee should also inform her supervisor when such leave is expected to begin and how long it will likely last. The employee should make arrangements with her supervisor regarding the scheduling of any planned medical treatment or appointments in order to minimize disruption to the operations of VRWD.

3450.2 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.

3450.3 The following conditions also apply:

3450.3.1 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:

- a) The date on which the employee became disabled due to pregnancy;
- b) The probable duration of the period or periods of disability; and
- c) 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.
- d) 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.

3450.3.2 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 pro rata 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.

3450.3.3 The employee will remain in paid status while using appropriate accrued leave (sick or PTO) during a PDL to satisfy any disability waiting periods and/or to supplement disability benefits in order to maintain the equivalent of full salary.

3450.3.4 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.



3450.3.5 During the period of PDL, VRWD will continue payment of all premiums for employee benefit plans in place at the time the leave begins. VRWD 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. CalPERS contributions cease when the employee is on unpaid leave. The employee must reimburse VRWD for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by VRWD within 30 days of the date of the invoice or written notification. If VRWD does not receive the reimbursement from the employee within 30 days, VRWD can cancel any policies and/or plans for which they have not been reimbursed.

3450.4 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.

### **3455 Rest & Meal Periods**

3455.1 While not required by law, all regular, full-time non-exempt employees shall take a mandatory lunch break (30-minutes minimum, typically 1-hour) after a maximum work period of 5 hours. Non-exempt employees are permitted to take a 10-minute rest period during each 4 hour work period.

3455.2 Employees are required to notify their immediate supervisor, where feasible, at the beginning of any break or meal periods. Please keep in mind that when employees are not on a break, they are expected to devote their full efforts to their duties.

### **3460 Sick Leave**

3460.1 This policy shall apply to probationary and regular employees in all classifications.

3460.2 Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to the employee's supervisor or General Manager.

3460.3 Beginning January 1, 2020 Sick Leave is no longer earned by employees but PTO time (Section 3490.2 ) has been increased by the rate of one working day per month. Existing Sick Leave on the books for each employee will remain and be subject to Section 3460 until utilized or terminated per this section.

3460.4 Each employee may use accrued sick leave, up to half the time accrued per calendar year, as kin care leave, to care for sick immediate-family members. It is provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the

seriousness of the illness. Employees shall notify their supervisor in order to avoid disruptions in work schedule as a result of use of kin care time. Family members covered include parents, children and spouses and are defined as follows:

3460.4.1 A “child” means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee has accepted the duties and responsibilities of raising, such as where a grandparent raises his/her grandchild.

3460.4.2 A “parent” means a biological, foster or adoptive parent, a stepparent or legal guardian. Mothers-in-law, fathers-in-law and grandparents are also considered “parents for purposes of this division.

3460.4.3 The term “spouse” applies only to an individual to whom the employee is legally married.

3460.5 In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.

3460.6 An employee who is absent from work due to illness for more than three (3) days may be required to file a written statement from an attending physician. After five (5) days the employee shall be required to file a written statement from an attending physician.

3460.7 Unused sick-leave time may be "bought back" by the District at a rate of one-half (½) day for each whole day accrued. Said buy back shall be limited only to time over and above 30 days of accrued sick leave. No more than 12 days of accrued sick leave shall be bought back in any given calendar year unless employment is terminated for non-cause reasons, in which case all accrued sick leave over and above 30 days shall be bought back at said one-half (½) rate. Termination for cause shall result in loss of all accrued sick leave.

## **3462 Family Care and Medical Leave Policy (FMLA)**

### **3462.1 STATEMENT OF POLICY**

To the extent not already provided for under current leave policies and provisions, the Ventura River Water District will provide family and medical care leave (FMLA) for eligible employees as described in this article. State and federal law requires FMLA for employers larger than 50 employees but the Board of Directors desires to offer this FMLA program to its employees. The following provisions set forth certain rights and obligations with respect to such leave. There may be provisions in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 (“FMLA”), and in the regulations of the California Family Rights Act (“CFRA”) that are not described in this article, however the Ventura River Water District is only committing to the

provisions in this article. Unless otherwise provided by this article, “Leave” under this article shall mean leave pursuant to the FMLA and CFRA.

## 3462.2 DEFINITIONS

- A. “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.
- B. “Child” means a child under 18 years of age, or 18 years of age and older who is incapable of self-care because of a mental or physical disability. An employee’s child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child.

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

- C. “Parent” means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- D. “Spouse” means a husband or wife as defined or recognized under California State law for purposes of marriage.
- E. “Domestic Partner,” as defined by Family Code §§ 297 and 299.2, shall have the same meaning as “Spouse” for purposes of CFRA Leave.
- F. “Serious health condition” means an illness, injury impairment, or physical or mental condition that involves:
  - 1. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or
  - 2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
    - a) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
      - i) Treatment two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision by a health care provider, or by a provider of

- health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or
- ii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.
- b) Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)
- c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - i) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.
- d) A period of incapacity which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.
- e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

G. "Health Care Provider" means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;
3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation

as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;

4. Nurse practitioners and nurse-midwives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

### 3462.3 REASONS FOR LEAVE

Leave is only permitted for the following reasons:

1. The birth of the employees child or to care for a newborn of an employee;
2. The placement of a child with an employee in connection with the adoption or foster care of a child;
3. Leave to care for the employees child, parent, spouse, grandparent, grandchild, sibling or parent-in-law or domestic partner who has a serious health condition; or
4. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.

### 3462.4 EMPLOYEES ELIGIBLE FOR LEAVE

An employee is eligible for leave if the employee:

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

### 3462.4 AMOUNT OF LEAVE

Eligible employees are entitled to a total of 12 workweeks of leave during any 12-month period.

- A. Minimum Duration of Leave

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

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

**B. Spouses Both Employed By Ventura River Water District**

In any case in which a husband and wife both employed by Ventura River Water District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.

**3462.5 EMPLOYEE BENEFITS WHILE ON LEAVE**

Leave under this policy is unpaid. While on leave, employees will continue to be covered by Ventura River Water District's group health insurance with the district paying the group health insurance premium to the same extent that coverage is provided while the employee is on the job. During the period of time that the employee has unpaid leave, the employee and employer contributions to CalPers will not be made.

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

**3462.6 SUBSTITUTION OF PAID ACCRUED LEAVES**

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, Ventura River Water District may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and, (where will permissible by law) will also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave (such as Sick Leave or Worker's Compensation Leave) which is FMLA/CFRA-qualifying.

A. Employee's Right To Use Paid Accrued Leaves Concurrently With Family Leave

Where an employee has earned or accrued paid PTO, sick leave, or compensatory time, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:

1. The leave is for the employee's own serious health condition; or
2. The leave is needed to care for a parent, spouse or child with a serious health condition, and would be permitted as sick leave under the District's sick leave policy.

B. Ventura River Water District's Right To Require An Employee To Use Paid Leave When Using FMLA/CFRA Leave

Unless prohibited by law, employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with three exceptions:

1. Employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and
2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.
3. Upon the exhaustion of sick leave for the care of employee's own serious health condition, employees will be required to use PTO concurrently with FMLA/CFRA leave, unless they have a properly executed exception request on file with the District at least 3 weeks prior to commencement of an FMLA/CFRA leave.

C. Ventura River Water District's Right To Require An Employee To Exhaust FMLA/CFRA Leave Concurrently With Other Leaves

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

D. Ventura River Water District's and Employee's Rights If An Employee Requests Accrued Leave Without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued PTO leave or other accrued paid time off without reference to a FMLA/CFRA-qualifying purpose, the District's may not ask the employee if

the leave is for a FMLA/CFRA-qualifying purpose. However, if the District's denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the District may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the District's may require the employee to exhaust accrued leave as described above.

### 3462.7 MEDICAL CERTIFICATION

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

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

#### A. Time To Provide A Certification

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

#### B. Consequences For Failure To Provide An Adequate Or Timely Certification

If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the District's may delay the taking of FMLA/CFRA leave until the required certification is provided.

#### C. Recertification

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



D. Intermittent Leave Or Leave On A Reduced Leave Schedule

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

3462.8 EMPLOYEE NOTICE OF LEAVE

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

4362.9 REINSTATEMENT UPON RETURN FROM LEAVE

A. Right To Reinstatement

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

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

B. Employee's Obligation to Periodically Report On His/hers Condition

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

C. Fitness-for-Duty Certification

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

D. Reinstatement of "Key Employees"

Ventura River Water District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 33.3 percent of all employed by the District) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

REQUIRED FORMS

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

1. "Request For Family or Medical Leave Form" prepared by the District to be eligible for leave.  
NOTE: EMPLOYEES WILL RECEIVE A DISTRICT RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE;
2. Medical certification—either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse or domestic partner. (Provided by physician); and
3. Fitness-for-duty to return from leave form. (Provided by physician)

## REQUEST FOR FMLA FORM

To request leave on the basis of the Family and Medical Leave of Act (FMLA), please complete the following request form and submit to Human Resources at least 30 days prior to leave (unless leave is unforeseen, in which case submit the form as soon as practical).

Employee Name (print clearly): \_\_\_\_\_

Requested Leave Start Date: \_\_\_\_\_ Estimated End Date: \_\_\_\_\_

The reason for this FMLA leave request is (select the most appropriate box):

- Birth of a son or daughter and to care for the newborn child.
- Placement with the employee of a son or daughter for adoption or foster care.
- To care for the employee's spouse, son, daughter or parent with a serious health condition.
- A serious health condition that makes the employee unable to perform the functions of the employee's job.
- A qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a military member on covered active duty (or has been notified of an impending call or order to covered active duty status).
- To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the covered service member.

Time off work is expected to be (select the most appropriate box):

- For a continuous block of time (several continuous days, weeks or months off work).
- For a reduced work schedule (change in work schedule needed—fewer hours per day or fewer hours per week).
- On an intermittent basis (periodic time off that is not usually expected to be the same days or time off from week to week; examples may be time off for flare-ups of a medical condition and/or for ongoing medical treatment/appointments).

Additional information about employee FMLA rights and responsibilities will be provided to you in writing within five business days after receipt of this notice (unless already provided).

Determination of eligibility for leave under the FMLA, and/or additional documentation or clarification of documentation, may be required prior to making a final FMLA determination to approve or deny an FMLA leave request. Please contact Human Resources with any questions.

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Return to Office Manager

For District use ONLY: Date received: \_\_\_\_\_ FMLA Eligibility Notice sent: \_\_\_\_\_

## 3465 Time Keeping/Time Records

3465.1 It is the responsibility of every non-exempt employee to accurately record time worked. Federal and State laws require VRWD to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

3465.2 Overtime compensation will be paid to non-exempt employees. Overtime work must always be approved by a supervisor before it is performed. In accordance with Federal law, VRWD rounds this time to the nearest one-quarter hour/fifteen minutes.

3465.3 It is the employee's responsibility to sign and submit on time his/her time records certifying the accuracy of all time recorded for compensation.

## 3470 Time Off for Children - School Activities

3470.1 California Law allows a parent or guardian to take up to a total of 40 hours of time off each calendar year (but no more than 8 hours in one month) without pay to participate in their children's activities at school (grades K through 12) or licensed child care provider. The absence is subject to all of the following conditions:

3470.1.1 Employees planning to take time off for school visitations must provide as much advance notice as possible and all requests must be approved by the employee's supervisor;

3470.1.2 If both parents are employed by VRWD, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;

3470.1.3 Employees must use accrued PTO or compensatory time off in order to receive compensation for this time off;

3470.1.4 Employees who do not have accrued PTO time or compensatory time off available will take the time off without pay.

### 3470.2 Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In compliance with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

3470.2.1 Employees must use accrued PTO or compensatory time off in order to receive compensation for this time off;

3470.2.2 Employees who do not have accrued PTO time or compensatory time off available will take the time off without pay.

### **3475 Time Off to Vote**

3475.1 VRWD believes that it is the responsibility and duty of employees to exercise the privilege of voting in federal, state or local governmental elections. In accordance with this philosophy, the VRWD encourages voting by mail.

3475.2 All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, managers are authorized to grant a reasonable period of time, up to two hours, at the beginning or ending of the work day whichever allows the most free time for voting and the least time off from the regular working day. The employee shall notify their supervisor two days before the election of the need to take time off to vote and provide the reason why they could not vote by mail in advance or reach their polling place between 7:00 am and 8:00 pm without taking time off. Time off for voting shall be and reported and coded appropriately on timekeeping records.

### **3480 Unauthorized Voluntary Absence**

3480.1 Voluntary absence from work without permission for three (3) consecutive working days shall be considered an automatic resignation.

3480.1.1 After two consecutive days of voluntary absence from work without permission, the employee shall be notified in writing (letter, email or text message) that the absence will be considered as resignation if it continues consecutively through the third working day. Said notice shall provide factual evidence that the employee's absence is voluntary and unauthorized and an invitation to the employee to present his/her version of the "facts" at a meeting with the General Manager.

3480.1.1.1 Constructive resignation shall not be determined to have occurred until after the employee has an opportunity to present his/her version of the "facts" at the meeting with the General Manager.

3480.1.1.2 The fact-finding hearing shall be held within ten (10) days after the end of the three (3) consecutive days of unauthorized voluntary absence.

3480.2 The General Manager may, prior to the fact-finding hearing, reinstate the employee who has been voluntarily absent if the employee provides a satisfactory explanation. If the employee is reinstated after providing a satisfactory explanation, back pay for the period of absence may be disallowed, including the employee's use of PTO or compensatory time off time to cover the period of absence.

3480.3 If the General Manager determines, as a result of the evidence presented at the fact-finding hearing, that the employee was voluntarily absent without leave and did not have a satisfactory explanation, the employee shall not be entitled to a post-severance evidentiary hearing and the employee's resignation shall be considered to be effective at the end of the third consecutive day of his/ her unauthorized voluntary absence.

### 3485 Use of Make-up Time

3485.1 VRWD allows the use of make-up time when non-exempt employees need time off to tend to personal obligations. Use of make-up time is discretionary and subject to preapproval by the General Manager. If employees do not accurately document their working hours and make-up time the privilege of utilizing "make-up time" may be revoked. Make-up time worked will not be paid at an overtime rate.

3485.2 Subject to compliance with this policy, employees may take time off and then make-up the time later in the same workweek, or may work extra hours earlier in the workweek to make-up for time that will be taken off later in the workweek.

3485.3 Make-up time requests must be submitted in writing to your supervisor, with your signature, on the VRWD-provided form. Requests will be considered for approval based on the legitimate business needs of VRWD at the time the request is submitted. A separate written request is required for each occasion the employee requests make-up time.

3485.4 If you request time off that you will make-up later in the week, you must submit your request at least 24 hours in advance of the desired time off. If you request to work make-up time first in order to take time off later in the week, you must submit your request at least 24 hours before working the make-up time. Your make-up time request must be approved in writing before you take the requested time off or work make-up time, whichever is first.

3485.5 All make-up time must be worked in the same workweek as the time taken off. VRWD's seven-day workweek is Sunday through Saturday. Employees may not work more than 40 hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

3485.6 If you take time off and are unable to work the scheduled make-up time for any reason, the hours missed will normally be unpaid. However, your supervisor may arrange with you another day to make-up the time if possible, based on scheduling needs. If you work make-up time in advance of time you plan to take off, you must take that time off, even if you no longer need the time off for any reason.

3485.7 An employee's use of make-up time is completely voluntary and subject to the ability of the District to accommodate the employee. VRWD does not encourage, discourage, or solicit the use of make-up time off.

## 3490 Paid Time Off (PTO)

3490.1 This policy shall apply to regular and probationary employees in all classifications.

3490.2 PTO shall be accrued according to the following schedule on an annual basis:

- a) During the first five (5) years of continuous work, (23) days;
- b) Six through ten years of service, (28) days;
- c) After ten years of service, (33) days.

3490.3 PTO time may be accumulated or postponed. The total accumulated PTO time shall not exceed 800 hours.

3490.4 At termination of employment for any reason, the District shall compensate the employee for his/her accumulated PTO time at his/her straight time rate of pay at the time of termination.

3490.5 The District will not require an employee to take PTO time in lieu of sick leave during periods of illness. However, the employee may elect to take PTO time in case of extended illness where sick leave has been fully used. The District will not consider granting a leave of absence for medical reasons until all accumulated sick leave and PTO time have been used.

3490.6 If a holiday falls on a workday during an employee's PTO period, that day shall be considered as a paid holiday and not PTO time.

3490.7 Vacations may be scheduled at any time during the year upon written approval of the supervisor or General Manager.

3490.8 Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted except in situations of hardship or accumulation in excess of 200 hours. Said pay off shall be submitted for written approval by the General Manager. Non-emergency pay in lieu of vacation for accumulations greater than 200 hours may be requested during the month of December.

## 3495 Workers' Compensation Leave

3495.1 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 VRWD 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 VRWD business needs.

3495.2 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.

3495.3 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. VRWD 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 VRWD can operate safely and efficiently or the employment relationship has otherwise been terminated.

3495.4 Workers' compensation leave will run concurrently with any family and medical leave. During the period of leave, VRWD will continue payment of all premiums for employee benefit plans in place at the time the leave begins. VRWD 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. Contributions to CalPERS are not made when the employee is on un-paid leave. The employee must reimburse VRWD for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by VRWD within 30 days of the date of the invoice or written notification. If VRWD does not receive the reimbursement from the employee within 30 days, VRWD can cancel any policies and/or plans for which they have not been reimbursed.

## **3505 Health and Welfare Benefits**

3505.1 Medical Expense Insurance. Health, vision and dental insurance to cover non-occupational injuries and sickness for probationary and full-time employees in all job classifications, and their dependents, shall be provided by the District. The scope of coverage and the portion of premiums to be paid by the District is subject to periodic review and revision by the Board of Directors. Health, dental and vision coverage becomes effective on the first of the month, following the first day of employment.

3505.2 Workers' Compensation Insurance. All District employees will be insured against injuries received while on the job as required by State law.

3505.3 Retirement Plan. Upon achieving full-time employee status, employees shall be enrolled in the District's employee retirement plan. The terms of the retirement plans provided to District employees is subject to periodic review and revision by the Board of Directors.



In addition to participation in the federal Social Security system, VRWD provides the California Public Employees' Retirement System (PERS) retirement plan. Employees hired before January 1, 2013 are enrolled in the 2% at 60 plan, retirement salary is based upon the average of the employee's three highest years' salary and VRWD pays the employers contributions for the PERS plan and the employee shall contribute the employee's share of up to 7% of eligible salary. Employees hired after January 1, 2013 are enrolled in the 2% at 62 plan, retirement salary is based upon the average of the employee's three highest years' salary and the employee shall contribute the employee's share of up to 7% of eligible salary.

## **3510 Illness and Injury Prevention Program**

### **3510.1 Program Goal and Outline.**

The goal of the District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The District's safety and health program will include:

3510.1.1 Providing mechanical and physical safeguards.

3510.1.2 Conducting a program of safety and health inspections through its Workers Compensation Provider to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.

3510.1.3 Training all employees in good safety and health practices.

3510.1.4 Providing necessary personal protective equipment, and instructions for use and care.

3510.1.5 Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.

3510.1.6 Investigating promptly and thoroughly, every accident to determine its cause and correct the problem so it will not happen again.

### **3510.2 Program Responsibility.**

Although the District recognizes that the responsibility for safety and health is shared, the Field Supervisor shall be responsible and have full authority for implementing this Injury and Illness Prevention Program.

3510.2.1 The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.

3510.2.2 Supervisory personnel are responsible for developing proper attitudes toward safety and health for themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.

3510.2.3 No employee will be required to work at a job he/she knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program -including compliance with all rules and regulations - and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.

### 3510.3 Injury and Illness Records.

The District's record keeping system for the Injury and Illness Prevention Program should conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of the program.

3510.3.1 A report shall be obtained on every injury or illness requiring medical treatment. (See also Section 3510.8.)

3510.3.2 Each injury or illness shall be recorded on the "Cal/OSHA Log and Summary of Occupational Injuries and Illnesses," Cal/OSHA Form 200, according to its instructions.

3510.3.3 A supplementary record of the occupational injuries and illnesses shall be prepared on OSHA Form 5020, "Employer's Report of Injury or Illness," with the same information as in 3510.32, above.

3510.3.4 Annually, the summary Cal/OSHA Form 200 shall be prepared and posted no later than February 1 in a place easily observable by employees. Said form shall remain posted until March 1.

3510.3.5 All records specified in this section shall be maintained in the District's files for a minimum of five years after their preparation.

### 3510.4 Documentation of Activities.

Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:

3510.4.1 Records of scheduled and periodic inspections as required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] to identify unsafe conditions and work

practices. The documentation must include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and the action taken to correct the unsafe conditions and work practices. The records are to be maintained for at least three (3) years.

3510.4.2 Documentation of safety and health shall include employee name or other identifier, training dates, type(s) of training and the name of the training provider. These records must also be kept for at least three years.

#### 3510.5 Program Communication System.

Readily understandable communication shall be maintained with all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees shall include meetings, training programs, posted written information, and a system of anonymous notification by employees about hazards.

3510.5.1 Written communications to employees shall be in a language they can understand.

3510.5.2 The District's Code of Safe Practices (Section 3510.8), shall be posted at a conspicuous location in the District's water operator's office, and shall be provided to each supervisory employee who shall keep it readily available.

3510.5.3 The Field Supervisor shall hold "tailgate" safety meetings, or equivalent, with operations staff at least monthly to emphasize safety. Documentation of these meetings shall be maintained for three years.

3510.5.4 General employee meetings shall be conducted by the Field Supervisor (at least one per quarter) at which safety is freely and openly discussed by those present. Such meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Documentation of these meeting shall be maintained for three years. Discussions at these meetings should concentrate on:

3510.5.4.1 Occupational accident and injury history within the District, with possible comparisons to other similar agencies.

3510.5.4.2 Feedback from employees.

3510.5.4.3 Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.

3510.5.4.4 Brief audio-visual materials that relate to the District's operations.

3510.5.5 Training programs shall be conducted when new equipment, machinery or tools are purchased. Employees shall be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs shall be maintained for three years.

3510.5.5.1 New employees shall be trained by their supervisor in the safe operation of the equipment, machinery and tools with which they will be working prior to being allowed to work independently. Documentation of new employee training shall be maintained for three years.

3510.5.6 News articles and publications devoted to safety shall be distributed to employees. This policy shall also be distributed to all employees upon its adoption, to all new employees at the time of their hiring, and annually thereafter.

#### 3510.6 Hazard Assessment and Control.

Periodic safety inspections shall be conducted to identify existing hazards in the workplace, or conditions, equipment and procedures that could be potentially hazardous. The inspections shall be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.

3510.6.1 Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

3510.6.2 Safety inspections should be conducted at least annually. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses.

3510.6.3 A written assessment shall be prepared after said inspections which will document identified hazards and prescribe procedures for the elimination of same, and measures that can be taken to prevent their recurrence.

3510.6.4 The General Manager or Field Supervisor will review written inspection reports and/or assessments and will assist in prioritizing actions and verify completion of previous corrective actions. He/she shall also review the overall inspection program to determine trends.

#### 3510.7 Accident Investigation.

All accidents shall be thoroughly and properly investigated by the Field Supervisor, with the primary focus of understanding why the accident or near-miss occurred and what actions can be taken to

preclude recurrence. A written report of said investigation shall be prepared which adequately identifies the cause(s) of the accident or near-miss occurrence.

3510.7.1 The investigation must obtain all the facts surrounding the occurrence: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near-miss; were they properly trained; were proper operating procedures established for the task involved; were procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected.

3510.7.2 The accident investigator must determine which aspects of the operation or process require additional attention (what type of constructive action can eliminate the cause(s) of the accident or near-miss).

3510.7.3 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.

3510.7.4 Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

3510.7.5 Corrective action should be identified in terms of not only how it will prevent a recurrence of the accident or near-miss, but also how it will improve the overall operation. The solution should be a means of achieving not only accident control, but also total operation control.

#### 3510.8 Code of Safe Practices.

This Code of Safe Practices includes, but is not limited to, the following:

3510.8.1 All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the Field Supervisor or General Manager.

3510.8.2 Supervising employees shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work, and shall take such action as necessary to obtain observance.

3510.8.3 Anyone known to be under the influence of drugs or intoxicating substances which impair the employee's ability to safely perform the assigned duties shall not be allowed on the job while in that condition, and will be subject to the discipline specified in Sections 3108 and 3520.

3510.8.4 Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.

3510.8.5 Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.

3510.8.6 No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.

3510.8.7 Employees shall not enter manholes, underground vaults, chambers or other similar places that receive little ventilation, unless it has been determined that it is safe to enter.

3510.8.8 Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to the Field Supervisor or General Manager.

3510.8.9 Crowding or pushing when boarding or leaving any vehicle or other conveyance shall be prohibited.

3510.8.10 Workers shall not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties, unless they have received instructions from the Field Supervisor.

3510.8.11 All injuries shall be reported promptly to the Field Supervisor or Office Manager so that arrangements can be made for medical or first aid treatment.

3510.8.12 When lifting heavy objects, the large muscles of the leg shall be used instead of the smaller muscles of the back.

3510.8.13 Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from the falling objects.

3510.8.14 Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.

3510.8.15 Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.

3510.8.16 Gasoline shall not be used for cleaning purposes.

3510.8.17 No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has first been determined that no possibility of explosion exists, and authority for the work is obtained from the Field Supervisor.

3510.8.18 Any damage to scaffolds, falsework, shoring or other supporting structures shall be immediately reported to the Field Supervisor.

#### Use of Tools and Equipment

3510.8.19 All tools and equipment shall be maintained in good condition.

3510.8.20 Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE."

3510.8.21 Pipe or Stillson wrenches shall not be used as substitute for other wrenches.

3510.8.22 Only appropriate tools shall be used for the job.

3510.8.23 Wrenches shall not be altered by the addition of handle-extensions or "cheaters."

3510.8.24 Files shall be equipped with handles and not used to punch or pry.

3510.8.25 Screwdrivers shall not be used as chisels or to punch or pry.

3510.8.26 Wheelbarrows shall not be used with handles in an upright position.

3510.8.27 Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.

3510.8.28 In locations where the use of a portable power tool is difficult, the tool shall be supported by means of a rope or similar support of adequate strength.

#### Machinery and Vehicles

3510.8.29 Only authorized persons shall operate machinery or equipment.

3510.8.30 Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.

3510.8.31 Machinery shall not be serviced, repaired or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.

3510.8.32 Where appropriate, lock-out procedures shall be used.

3510.8.33 Employees shall not work under vehicles supported by jacks or chain hoists, without protective blocking that will prevent injury if jacks or hoists should fail.

3510.8.34 Air hoses shall not be disconnected at compressors until hose line has been bled.

3510.8.35 All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.

3510.8.36 Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.

3510.8.37 Tractors, backhoes and other similar equipment shall not operate where there is a possibility of overturning in dangerous areas like edge of deep fills, cut banks and steep slopes.

## 3512 Travel Policy

It is the policy of the District to reimburse actual and necessary expenses incurred by Directors and employees of the District while on authorized travel for District business. Such travel includes all travel for the purpose of attending meetings as a representative of the District and includes travel to conferences or organized educational activities conducted in compliance with Government Code section 54952.2.

3512.1 Authorization – For conferences lasting more than one day or requiring out of town travel, Directors shall receive prior approval from the Board if practicable. If prior approval is not practicable, the General Manager may approve Director attendance and travel to conferences if budgeted. Reimbursement of expenses for travel on District business, which exceed \$100, requires the submission of an Expense Report form with accompanying receipts and approval by the General Manager.

3512.2 Types of Authorized Travel Expenses – Defined

Registration - Registration fees charged for any authorized convention, conference, seminar or meeting are reimbursable. Direct registration payment by the District should be made prior to attendance.

Cancellation - Should an attendee find that he/she couldn't attend an event, it is the attendee's responsibility to provide notice early enough so that registration and reservations may be canceled, refunds obtained or arrange for another District representative to attend.

3512.2.2 Transportation

- a. Commercial Carrier - Reimbursement shall be limited to standard "coach class" fare. Any deviation shall require General Manager approval. Fares shall be paid by the District directly to the ticketing agent whenever practical.



- b. Taxi, Lyft, Uber, Car Rental and Limousine Service - Car rental and limousine services other than airport limousine services shall not be reimbursed unless authorized by the General Manager prior to travel. Shuttle, bus, airport limousine, taxi, Uber, Lyft or other public transportation shall be used between airport, hotel and conference site whenever available.
- c. Personal Vehicles - Personal automobiles, when approved as a mode of travel to and from destinations, will be reimbursed at the IRS established mileage rate. Personal vehicles must be insured as required by state law.

Unless authorized, reimbursement for private car mileage shall not exceed the cost of "coach class" fare, plus airport transportation, airport parking, and transportation costs at the destination. Exceptions may be authorized when air service is not available or reasonably convenient.

When a commercial air carrier is used, a traveler will be reimbursed for mileage to and from the airport, the actual cost of airport parking or the cost of an airport shuttle.

- d. District Vehicles - Travel in District vehicles, when applicable, is encouraged. All receipts for gas, oil, emergency repairs, and other supplies necessary must be furnished in order to obtain reimbursement.

3512.2.3 Lodging - Hotel accommodations may be arranged directly by the traveler and later reimbursed or may be made through the General Manager. Required reservation deposits should be requested well in advance of travel when possible. When feasible, hotel accommodations should be within easy walking access to the authorized functions.

If the lodging is in connection with a conference or organized educational activity, lodging should be obtained utilizing the group rate for the activity. If a group rate is not available, the traveler shall use comparable lodging at the then-available rate.

3512.2.5 Meals and Incidental Expenses - Each person traveling on official District business, which includes an overnight stay, is entitled to reimbursement for meals and incidental expenses. Included are meals and incidental expenses, such as tips, gratuities, and snacks not included in convention or conference fees.

- a. If the trip is 24 hours or less and includes an overnight stay, the traveler may be advanced for meals up to a maximum per diem value provide by the U.S. General Services Administration [www.gsa.gov](http://www.gsa.gov) per day.
- b. Meals are reimbursable up to the maximum per diem for each successive 24-hour period.

- c. All receipts, unless paid by a District Credit Card must accompany the travel expense report regardless of amount. Tips for any meals are reimbursable not to exceed 20% of the cost of the meal.
- d. When travel is undertaken on the day preceding or following official business, in order to depart from or arrive at home during reasonable hours, the traveler shall be entitled to the cost of lodging and per diem allowance for the additional day, in accordance with this section.
- e. Incidental Expenses not specifically addressed in this policy that are incurred by a Board member or employee of the District may be allowable where deemed by the General Manager to be reasonable and necessary for the conduct of District business.
- f. Non reimbursable expenses include but are not limited to the following:
  - Automobile repairs, replacement or towage to a personal vehicle;
  - Flight or automobile insurance;
  - Excessive personal telephone calls;
  - Expenses for persons other than the Board member or employee except as approved in accordance with the preceding paragraph;
  - Cost of traffic violations and other penalties for infractions of any law;
  - Laundry or dry cleaning, movies, alcoholic beverages, cost of caring for animals or family while away on business.

### 3512.3 Expense Reimbursement

1. Advances – Payments may be advanced to the traveler based upon estimated costs in those instances where reimbursement upon completion of travel would result in hardship to the employee. Advances may not exceed 85% of estimated expenses to be paid out-of-pocket of the traveler.
2. Credit Cards - District credit cards issued to selected employees may be used to pay for travel costs in those instances where the traveler has been authorized such use within the Credit Card procurement authorization process.
3. Reconciliation - Travel reconciliation forms shall be submitted to the General Manager for approval within 15 working days following travel. If a reconciliation form is not submitted within time limits, future travel advances, use of a District credit card or prepayment of fees, and lodging for that traveler may be curtailed. If travel is cancelled, the reconciliation form must be turned in within 15 working days from date travel is cancelled.
4. Single Day Travel - The traveler shall itemize the expenses incurred for reimbursement, and include supporting documentation such as receipts or paid invoices with the Travel Authorization and Reconciliation form. Reimbursement for meals and incidental expenses other than transportation, parking, and registration shall be reimbursed in accordance with paragraph B.4 above and shall not exceed the Maximum Daily Allowance.
5. Other Expenses - Reimbursement may be claimed for facsimiles, hotel or conference parking, or other work-related expenses by submitting original receipts.

6. Cost Advantage - When travel before or after an event or when staying over a Saturday night results in a cost savings, the General Manager may authorize additional travel days.
7. Additional Travel Days - Except as approved by the General Manager in accordance with # 6 above, if a District Board member or employee elects to travel in advance or stay longer on personal business or vacation status, the District shall not be obligated for any expenses due to the additional personal travel days.
8. Timely Reimbursement – Travel expense reimbursements shall be requested within 90-days of the completion of the travel. Expenses requested after that date shall not be reimbursed unless approved by the Board of Directors.

### **3515 Smoke-free Workplace**

3515.1 Smoking is prohibited within the buildings, facilities and vehicles of Ventura River Water District. Those who smoke are requested to do so outdoors away from entrances or windows of buildings and covered parking lots.

3515.2 Extra care should be taken when working around combustible materials, or out in the field near equipment or supplies.

3515.2.1 Personnel who smoke in the field should use extreme caution and dispose of cigarettes in a responsible and safe manner, not littering or throwing residual parts on the ground or street or areas of drains, etc.

### **3520 Substance Abuse**

3520.1 Policy Statement: The purpose of this policy is to assure worker fitness for duty and to protect District employees and the public from risks posed by the use of alcohol, marijuana and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs.

VRWD recognizes that the use of alcohol, marijuana 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 , marijuana and controlled substances.

3520.1.1 Applicability: This policy applies to all employees when they are on District property or when performing any District related business. It also applies to off-site lunch periods and breaks when an employee is scheduled to return to work.

3520.1.2 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 DOT 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.
- c) Legal Medications. Using or being under the influence of any legally pre-scribed medication(s), or non-prescription medication(s) while performing District business or while on District property is prohibited to the extent that such use or influence affects job safety or effective and efficient job performance. This prohibition includes the use of medically prescribed marijuana. An employee who feels his/her performance of work-related duties may be impaired by use of any legal substance which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected should report it to his/her supervisor, and medical advice should be sought before performing work-related duties. In the above instance, an employee using legal prescribed medication or non-prescription medication may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not affected by such use.

#### 3520.1.3 Prohibited Conduct:

- a) Manufacture, Trafficking, Possession and Use. Engaging in unlawful manufacture, distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation may result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected. Engaging in unlawful possession or use of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP), and may result in discipline up to and including termination of employment.
- b) Impaired/Not Fit for Duty. Any 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 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 DOT guidelines.
- c) Alcohol Use. No employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.08 or greater. No employee shall use alcohol during working

hours. Violations of this provision is prohibited and will subject the employee to disciplinary action, including removal from duty and referral to an SAP.

- d) 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:
- e) 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. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result within three years of the first failed test. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and 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 (1) year or longer than five (5) years.
- f) 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 the General Manager or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. 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 thirty-six (36) months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests will result in termination from employment. Participants in the rehabilitation program may use accumulated sick leave, PTO or compensatory time off, if any.

3520.1.4 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.

3520.1.5 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 requirements 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 of employment.

3520.1.6 Testing for Prohibited Substances: All employees shall be subject to testing prior to employment and for reasonable suspicion. All employees shall be subject to testing following an accident if there is reasonable suspicion.

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), including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines.

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 DOT 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.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her job duties, informed of educational and rehabilitation programs available, and evaluated by an SAP.

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

Circumstances under Which Employees May be Tested:

- a) Pre-Employment Testing. Probationary employees who receive a positive alcohol and/or substance abuse test will fail to complete the District's probationary period.
  
- b) Reasonable Suspicion Testing. All employees will be subject to urine and/or breathe 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:
  1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
  2. Physical signs and symptoms consistent with prohibited substance use.
  3. Occurrence of a serious or potentially serious accident that may have been caused by human error.
  4. Fights (i.e., physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures.Reasonable-suspicion determinations will be made by a supervisor or General Manager who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

- c) **Post-Accident Testing.** Employees will be required to undergo controlled substance and/or breathe alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. 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; or the 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 (8) hours for alcohol and thirty-two (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 be subject to termination of employment.

- d) **Return-to-Duty Testing.** All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by a 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 SAP will determine the duration and frequency. However, it shall not be less than six tests during the first 12 months, nor longer than 60 months in total, following return to duty.
- e) **Employee Requested Testing.** Any employee who questions the result of a required controlled substance test 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 DOT guidelines. The 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. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.
- f) **Records Retention.** The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only. Records will be kept for a minimum of five (5) years regarding the following: driver alcohol tests; positive controlled substance tests; documentation on refusals to take alcohol or controlled substance tests; and, employee evaluations and referrals. Records will be kept for a minimum of two (2) years regarding the alcohol and controlled substance collection process. Records will be kept for a

minimum of one (1) year regarding the following: collection process; collection logbooks; documents of random selection process; calibration documents for breath testing device; and, documentation of breath alcohol technician training.

3520.1.7 Employee Assessment: Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above 0.08 will be assessed by a Substance Abuse Professional (SAP). The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance or alcohol abuse or misuse.

If an 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 (1) to five (5) years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee and is on a one-time basis only. An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, PTO, compensatory time off, if any, to participate in the prescribed rehabilitation program.

3520.1.8 Test Related Time-Off Work Provisions: Any employee who is relieved from duty due to a positive drug or controlled substance test must use accumulated compensated leave (i.e., PTO, sick leave, or compensatory time off, if any) during the regularly scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or controlled substance test, such time shall be without pay. In the event there is a false positive test the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.

3520.1.9 Contact Person: Any questions regarding this policy should be directed to the General Manager or Office Manager

3520.10 Definitions:

- a) Accident - An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.
- b) Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- c) Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (e.g., 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air).
- d) Alcohol Use - 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 DOT 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 effect due to the presence of other elements (e.g., antihistamines).

- e) Breath Alcohol Technician (BAT) - 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. BAT's are the only qualified personnel to administer the EBT tests.
- f) Chain of Custody - The procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.
- g) Collection Site - A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breath.
- h) Commercial Motor Vehicle - A motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight ratio of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or, (2) has a gross vehicle weight rating of 26,001 or more pounds; or, (3) is designed to transport 16 or more passengers, including the driver; or, (4) 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.
- i) Confirmation Test - For alcohol testing, a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)
- j) 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.
- k) Covered Employee - A person, including a volunteer or applicant, who performs a work for the District.
- l) Department of Transportation Guidelines - The controlled substance and alcohol testing rules - 49 CFR Part 382 (FWHA - Commercial Motor Vehicle) - setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all transportation industries.
- m) District - Ventura River Water District.
- n) District Time - Any period of time in which an employee is actually performing a District function.
- o) Driver - Any person who operates a motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.

- p) Drug (Controlled Substance) Metabolite - 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.
- q) Evidential Breath Testing Device (EBT) - The device to be used for breath alcohol testing.
- r) Medical Review Officer (MRO) - A licensed physician responsible for analyzing laboratory results generated by the District's substance abuse policy testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.
- s) Post-Accident Alcohol and/or Controlled Substance testing - 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."
- t) Pre-Employment Controlled Substance testing - Testing conducted after an offer to hire has been extended to a job applicant, but before actually performing District functions as an employee.
- u) Prohibited Drugs (Controlled Substances) - Marijuana, cocaine, opiates, amphetamines, or phencyclidine.
- v) Prohibited Substances - Synonymous with drug abuse and/or alcohol misuse or abuse.
- w) Random Alcohol and/or Controlled Substance Testing - Testing conducted on a random unannounced basis.
- x) Reasonable Suspicion Alcohol and/or Controlled Substance Testing - Testing conducted when a supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.
- y) Refuse to Submit (to an Alcohol and/or Controlled Substance Test) - Failure by an employee to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test).
- z) 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.
- aa) Return-to-Duty and Follow-Up Alcohol and/or Controlled Substance testing - Testing conducted when an employee who has violated the prohibited alcohol or controlled substance conduct standards returns to performing duties. Follow-up tests are unannounced, and at least six 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.
- bb) Return-to-Duty Agreement - A document agreed to and signed by the General Manager or his/her designee, the employee, and the SAP, that outlines the terms and conditions under which the employee may return to duty after having had a verified positive

controlled substance test result, or an alcohol concentration of 0.08 or greater on an alcohol test.

- cc) Screening (Initial) Test - An analytical procedure in alcohol testing to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration
- dd) Substance Abuse Professional (SAP) - 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 of and clinical experience in the diagnosis and treatment of alcohol and controlled substances related disorders.
- ee) Supervisor - Supervisor or General Manager

## 3520.2 Procedures:

### 3250.2.1 Reasonable Suspicion Testing:

- a) An 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 abuse 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). The supervisor must witness first-hand the employee's signs and symptoms.
- b) The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.
- c) When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a District employee (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a driver's license photo or state-issued photo identification card. Whenever practical, the General Manager (or his/her designee) should be notified in advance of the employee being taken to the collection site.
- d) At the collection site, the 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 by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
- e) The District will take precautions to prevent the employee being tested from going back to work and driving their own car home if any of the tests are positive. Instead, the employee will be taken home from the collection by a District employee (or others designated).

- f) The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.08, will not be permitted to return to duty for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.08 or greater for alcohol will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.
- g) The employee whose controlled substance test results are verified negative will be reinstated immediately. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

#### 3520.2.2 Random Testing:

- a) The compliance company notifies the General Manager, who in turn notifies the supervisor to send the employee to the collection site for alcohol and/or controlled substance testing.
- b) The supervisor notifies the employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the employee sent to the collection site must have proof of identification, such as a drivers license photo or state-issued photo identification card.
- c) At the collection site, the 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 employee with maximum privacy without compromising the integrity of the sample.
- d) The employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.08, will not be permitted to return to duty for 24 hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.08 or greater will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.
- e) The employee whose controlled substance test results are verified negative will be released to return to work. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess employee's condition and make a recommendation for treatment which, if

accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

3520.2.3 Post- Accident:

- a) The employee notifies a supervisor that an accident has occurred.
- b) 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 employee to immediately be taken to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- c) At the collection site, the 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 employee with maximum privacy without compromising the integrity of the sample.
- d) The General Manager (or his/her designee) will be notified that an accident has occurred and that the employee was instructed to go to the collection site.
- e) The employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.08, will not be permitted to return to duty for 24 hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.08 or greater will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.
- f) The employee whose controlled substance test results are verified negative will be released to return to work. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

3520.2.4 Return-To-Duty and Follow Up

- a) The employee notifies a supervisor that an accident has occurred. 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 employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.

- b) At the collection site, the 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 employee with maximum privacy without compromising the integrity of the sample.
- c) The General Manager (or his/her designee) will be notified that an accident has occurred and that the employee was instructed to go to the collection site.
- d) The employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.08, will not be permitted to return to duty 24 hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.08 or greater will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.
- e) The employee whose controlled substance test results are verified negative will be released to return to work. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

3520.2.5 Chain of Custody for Controlled Substance Specimens:

- a) At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
- b) Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
- c) Immediately after the specimens are collected, the urine bottles will, in the presence of the 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 employee's presence and the 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.
- d) 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.

3520.2.6 Specimen Collection of Strange and/or Unrecognizable Substances:

- a) An employee is observed with a strange and/or unrecognizable substance.

- b) 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 the witness.
- c) An incident report is written by the supervisor and signed by both the supervisor and the witness.
- d) 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.

3520.2.7 Alcohol Concentration:

- a) The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
- b) After an explanation of how the breathalyzer works, an initial breath sample is taken.
- c) 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 fifteen (15) minutes after, nor more than twenty (20) minutes after the screening test.
- d) The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number, and the name and serial number of the EBT device to ensure the reliability of the results.

3520.2.8 Deviations from Procedures: Unless otherwise provided in DOT guidelines, deviations from the foregoing procedures shall not invalidate the results of any prohibited substance tests verified positive by the Medical Review Officer.

## 3525 Workplace Violence Prevention Policy

3525.1 Purpose: The purpose of this policy is to maintain a zero tolerance standard of violence in the workplace. This policy provides District employees with guidance that will maintain an environment at and within District premises and facilities as well as events that are free of violence and the threat of violence. This policy applies to all full-time and part-time employees and includes volunteers, temporary and provisional employees as well as contracted employees.

3525.2 Policy: The District prohibits violent behavior of any kind or threats of violence, either implied or direct, in District premises and facilities as well as at District sponsored events. Such conduct by a District employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including termination. Violent threats or actions by a non-employee may result in criminal prosecution. The District will investigate all complaints filed and will also investigate any violation of this policy of which District management are made aware. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

### 3525.3 Definitions:

- a) Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.
- b) Threat: The implication or expression of intent to inflict physical harm, loud or angry arguing, violent reactions or other actions that a reasonable person would interpret as a threat to physical safety or property.
- c) District premises or District facilities means all property of the District including, but not limited to the offices, facilities and surrounding areas on District-owned or -leased property, parking lots, and storage areas. The term also includes District-owned or -leased vehicles and equipment wherever located, such as at well, pump stations, tank sites or construction sites.
- d) Intimidation: Making others afraid or fearful through threatening behavior or communications.
- e) Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.
- f) Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

### 3525.4 Prohibited Behavior:

- a) Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:
  - 1) Direct threats or physical intimidation.
  - 2) Implications or suggestions of violence.
  - 3) Stalking, including following to and from work.
  - 4) Possession of weapons of any kind on District premises, including parking lots, other exterior premises or while engaged in activities for District in other locations, or at District sponsored event
  - 5) Assault of any form.
  - 6) Physical restraint or confinement.
  - 7) Dangerous or threatening horseplay.
  - 8) Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
  - 9) Blatant or intentional disregard for the safety or well-being of others.
  - 10) Commission of a violent felony or misdemeanor on District premises.
  - 11) Any other act that a reasonable person would perceive as constituting a threat of violence.
- b) Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, "domestic violence" is defined as abuse committed against an adult or fully



emancipated minor. Abuse is the intentional or reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:

- 1) Spouse or former spouse;
- 2) Domestic partner or former domestic partner;
- 3) Cohabitant or former cohabitant and or other household members;
- 4) A person with whom the victim is having, or has had, a dating or engagement relationship;
- 5) A person with whom the victim has a child.

The District recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

c) Reporting Acts or Threats of Violence:

An employee who:

- 1) is the victim of violence, or
- 2) believes they have been threatened with violence, or
- 3) witnesses an act or threat of violence towards anyone else shall take the

following steps:

- i. If an emergency exists and the situation is one of immediate danger, the employee shall contact the Police Department by dialing 9-1-1, or push the emergency button located underneath the front counter and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
- ii. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete a written description of the event.

d) Procedures for Future Violence:

- 1) Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with the District, shall inform their supervisor by immediately completing an Expression of Concern Form (Attachment F) so appropriate action may be taken. The supervisor shall inform the General Manager and the local law enforcement officials.
- 2) Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the General Manager and to the Police Department.

e) Incident Investigation:

- 1) Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The General Manager will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the General Manager will

refer the matter to local police for their review of potential violation of civil and/or criminal law.

- 2) Procedures for investigating incidents of workplace violence include:
    - Visiting the scene of an incident as soon as possible.
    - Interviewing injured and threatened employees and witnesses.
    - Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
    - Determining the cause of the incident.
    - Taking mitigating action to prevent the incident from recurring.
    - Recording the findings and mitigating actions taken.
  - 3) In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. To the extent possible, the District will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The District will not tolerate retaliation against any employee who reports workplace violence.
- f) Mitigating Measures: Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:
- 1) Notification of law enforcement authorities when a potential criminal act has occurred.
  - 2) Provision of emergency medical care in the event of any violent act upon an employee.
  - 3) Post-event trauma counseling for those employees desiring such assistance.
  - 4) Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.
  - 5) Requesting District Counsel file a restraining order as appropriate.
- g) Training Instruction:
- 1) Training and instruction shall be provided as follows:
    - To all current employees when the policy is first implemented. Employees will be required to sign a written acknowledgment that the policy has been received and read.
    - To all newly hired employees, supervisors and managers, or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided. Employees will be required to sign a written acknowledgment that the policy has been received and read.
    - To affected employees whenever management is made aware of a new or previously unrecognized hazard.
  - 2) Workplace security training and instruction includes, but is not limited to, the following:
    - Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
    - Methods to diffuse hostile or threatening situations.

- Escape routes.
- Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions will be provided to all employees regarding workplace security hazards unique to their job assignment.

### 3530 Glossary of Terms

**At-will employment** – All employees of the Ventura River Water District are “at-will.” All District employees are free to quit for any reason, or no reason at all, and the District is equally free to terminate or demote individuals without notice and for any reason, with or without cause or good reason (subject, of course, to the District’s obligation under California and Federal law to not engage in illegal discrimination or terminate for an employee’s participation in certain protected activities). All employees will remain at-will unless their position is changed in writing by the General Manager. For example, only the General Manager can promise that a District employee will not be fired except for with “good cause,” or that the employee will be employed for a specified term, and as such the modification must be in writing to be enforceable.

Employees may appeal the General Manager’s termination decision to the Board of Directors as indicated in Section 3120. However, the Board’s decision shall be in the Board’s sole discretion and be final, and shall not imply an agreement with the employee to terminate only with “good cause,” or imply any other agreement which modifies the at-will nature of the employee’s employment.

**Average** – Also known as arithmetic mean, calculated by adding the sum of all items divided by the number of items.

**BAT** - Breath Alcohol Technician

**Classification** – The job duties and level at which an employee works within an organization.

**Compensation** – The total amount that employee is compensated for work, including salary, medical benefits, retirement benefits, time off, and other valuable incentives.

**Compensatory Time Off** – Time off accrued by working required overtime and the employee electing to be provided Compensatory Time Off in lieu of being paid the overtime rate. Compensatory Time Off is in addition to PTO, sick leave or holiday time. Compensatory Time Off is accrued at a ratio Overtime worked. (for example, one hour of overtime worked at a rate of 1.5 would be accrued as 1.5 hours of compensatory time off). Accrued Compensatory Time is recorded in the electronic payroll system.

**COLA** – Cost of Living Adjustment

**DFEH** – Department of Fair Employment and Housing, <https://www.dfeh.ca.gov/>

**District** – Ventura River Water District

**DOT** – Department of Transportation

**EBT** - Evidential Breath Testing device

**EEOC** – Equal Employment Opportunity Commission <https://www.eeoc.gov/>

**Exempt** – Exempt employees are salaried and are not paid overtime in accordance with the Federal Fair Labor Standards Act (FLSA) and are not required to complete a time card.

**FLSA** – Federal Fair Labor and Standard Act

**FMLA** – Family and Medical Leave Act

**General Counsel** – Attorney hired by the Board of Directors to represent the District in legal matters.

**Health coverage** – The specific health plan benefits offered to an employee, typically in accordance with a monetary contribution by the employee.

**LA-CPI** – The Los Angeles area Consumer Price Index [https://www.bls.gov/regions/west/news-release/consumerpriceindex\\_losanjeles.htm](https://www.bls.gov/regions/west/news-release/consumerpriceindex_losanjeles.htm)

**Longevity pay** – Incentive pay offered to employees based on length of service.

**Make-Up Time** - Additional hours voluntarily worked by an employee in order to make up for work hours missed. An employee may voluntarily work extra hours during a pay period to utilize at their preference during that same pay period. The employee can request to use make-up hours for a subsequent pay period by authorization from the General Manager. Make-Up time is accrued at hours equal to those worked (for example, one additional hour voluntarily worked = 1 hour of available makeup time.) Make-Up hours are to be tracked accurately on timesheets by the employee.

**Median** – The midpoint of a range of numbers.

**MRO** - Medical Review Officer

**Merit** – Reward based performance of duties.

**MRO** – Medical Review Officer

**Non-Exempt** – Non-Exempt employees are paid overtime in accordance with the Federal Fair Labor Standards Act and must complete an hourly time card every pay period.

**Overtime** – Time worked in excess of 40 hours per week.

**PCP** - phencyclidine

**PDL** – Pregnancy Disability Leave

**Permanent full-time employees** – Employees who have completed their probationary periods and have met the District certification requirements and are serving in full-time positions.

**Permanent part-time employees** – Employees who serve in part-time hourly positions.

**Probationary full-time employees** – Employees that have been hired to serve full-time but have not passed their probationary period.

**Provisional full-time employee** – Employees who have passed their 12 month probationary period but have not attained the required District certification.

**Probationary period** – the period after initial employee hire prior to attaining permanent status. The probationary period is 12 months unless otherwise specified in writing.

**PTO** – Paid Time Off, includes what was previously called “Vacation” and “Sick Leave”

**Retirement benefit** – The level of retirement benefit guaranteed to new employees, typically based on a defined benefit plan such as Cal PERS.

**Retirement contribution** – The amount of the employee’s salary that is paid into the defined retirement plan.

**Salary range** – The low to high annual salary per classification.

**Safety Sensitive Position** - A safety sensitive position is a job or position where the person holding this position must have a Class A or B driver’s license for operating commercial vehicles and has the responsibility for his/her own safety or other people’s safety. If the job functions and duties are such that a failure to properly perform the functions or job duties would put the employee or others in risk of physical injury.

**SAP** - Substance Abuse Professional. A SAP is a District selected licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of drug and alcohol related disorders.

**Second employment** – Employment at a business other than the VRWD

**Separation** – The time at which an employee and employer relationship is dissolved.

**Standby duty** – Non-work time during which an employee should be prepared to work.

**Temporary hourly employees** – Employees in temporary part-time hourly positions.

**PTO accrual** – Time off that is allotted to the employee commensurate with the amount of time worked. Time off varies according to the employee agreement.

**VRWD** – Ventura River Water District

# Attachment A – Personnel Action Form

## Ventura River Water District

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Last Name First Name Middle

**Type of Action**  
**(Check boxes that apply)**

- Appointment     
  COLA     
  Rehire     
  Leave of Absence  
 Salary Change (Merit)     
  Promotion     
  Separation     
  Other
- 

**Specific Information Regarding Action**  
**(Fill in the applicable information below)**

|                                     | From | To |
|-------------------------------------|------|----|
| <b>Change in Job Classification</b> |      |    |
| <b>Change in Salary (Merit)</b>     |      |    |
| <b>Cost of Living</b>               |      |    |
| <b>Monthly Rate</b>                 |      |    |
| <b>Hourly Rate</b>                  |      |    |

Effective date for changes listed above: \_\_\_\_\_

Notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Approved: \_\_\_\_\_  
General Manager

## Attachment B – New Employee Checklist

Employee Name \_\_\_\_\_

### ***Pre-Employment Approval to Hire***

- \_\_\_\_\_ Job Offer Letter
- \_\_\_\_\_ Physical Completed
- \_\_\_\_\_ DMV Record Review
- \_\_\_\_\_ Personnel Action Form
- \_\_\_\_\_ Background Check

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

- \_\_\_\_\_ Employee Eligibility Form (I-9 Immigration Form) Appropriate Documentation
- \_\_\_\_\_ Copy of Driver's License
- \_\_\_\_\_ Proof of Insurance/Automobile Liability Statement
- \_\_\_\_\_ Form W-4
- \_\_\_\_\_ Employee Information Form
- \_\_\_\_\_ Employee to Fingerprinting/ID Card (Within Ten Days of Employment)
- \_\_\_\_\_ Worker's Compensation and Pamphlet
- \_\_\_\_\_ Physician Designation Form
- \_\_\_\_\_ EDD (For Your Benefit Booklet)
- \_\_\_\_\_ Personnel Policies & Acknowledgement Form (Return in One Week)
- \_\_\_\_\_ Retirement Information
- \_\_\_\_\_ 1959 Survivor Benefit Program

I acknowledge that the items checked on this list have been discussed with me and/or provided to me. I agree to return all necessary completed forms to the District office by \_\_\_\_\_.  
(date)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Attachment C – Personnel Policy & Procedure Acknowledgment Form

My signature below is confirmation that I have received a copy of the Ventura River Water District's Personnel Policies and Procedures. I consent to submit to drug and alcohol testing as described in Section 3108. I understand that these policies and procedures are not exhaustive and are intended to supplement other State and Federal rules that govern conduct and performance in the workplace. I also acknowledge and understand that this personnel policy contains a set of enforceable rules, but is not a contract of employment. I further understand and agree that it is my responsibility to read and familiarize myself with these policies and procedures and to contact my supervisor in the event that I have questions or need clarification regarding this information. I understand that not following District policies and procedures may result in disciplinary action up to and including termination. I also acknowledge that the District reserves the right to revise and update these policies and procedures at any time. I understand that these personnel policies are not intended to be a contract of employment or a legal document.

I also agree that my employment with the District is voluntary and at-will and is subject to termination by me or the District at will, with or without cause, and with or without notice, at any time. Nothing in these policies shall be interpreted to be in conflict with or to eliminate or modify in any way the employment-at-will status of District employees or to create an agreement to terminate me only for "good cause."

I agree and understand that the at-will nature of my employment may not be modified by any officer or employee of the District except by an agreement in writing signed by the General Manager, and shall not be modified by any publication or document.

\_\_\_\_\_  
Employee's Signature

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee – Print Name



## Attachment D – Second Employment Authorization Form

This form must be completed by all employees who plan to or are working second jobs. The General Manager shall approve second employment so long as the second job does not interfere and is not inconsistent with District responsibilities, does not constitute a conflict of interest, and does not conflict with assigned District work hours. This form will be retained in your permanent personnel file and must be updated annually.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

### Second Employment

General Employment  Self-Employment  Contract Employment

Employer/Business Name: \_\_\_\_\_

Position Title: \_\_\_\_\_

Description of responsibilities/duties: \_\_\_\_\_

My second job requires that I work on: \_\_\_\_\_ (days)

between the hours of \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. during the month(s) of \_\_\_\_\_

### Management Employees Only

I certify that I do not perform second job duties within District limits.

\_\_\_\_\_  
(Signature)

SECOND EMPLOYMENT APPROVED:

\_\_\_\_\_  
General Manager Signature

\_\_\_\_\_  
Date

Comments, if any: \_\_\_\_\_

## Attachment E – Employee Suggestion Program

**Background:** The Ventura River Water District has talented and committed employees. Our employees are the foundation of our ability to deliver our services and we believe our employees have ideas for streamlining how we work which will result in reducing expenditures and/or increasing revenue. We want to encourage our employees to come forward with their ideas so that we can continuously improve our productivity and effectiveness. This employee suggestion program is one vehicle for soliciting ideas for improvement.

**Program Purpose:** Identify organizational and operational improvements that would save money, increase revenue and/or improve safety.

### Guidelines

The District's Board and management staff encourages all employees to participate in this program.

All suggestions will be evaluated and a response given to the employee(s) who submitted an idea(s). An initial acknowledgement of the suggestion received will be given to the employee(s) within two weeks of submitting the suggestion.

Ideas may be submitted by an individual or team of employees. All suggestions must be signed so that the employee(s) offering the suggestions may be contacted as part of the evaluation process.

Suggestions shall be:

- *Practical* – ones that can be implemented within current resources
- *Specific* – about what the improvement would be if the change were made and in describing the specific change that is recommended
- *Timely* – pertaining to current or planned operations and policies

Suggestions shall not:

- Be for changes within the employee's authority or responsibility to implement – we expect individuals to act within their authority to continuously improve operations, in consultation with their supervisors
- Concern matters already under consideration
- Concern personal grievances or complaints
- Concern policies or procedures that are not being followed or that are not being applied properly – any such issues should be taken up with the employee's supervisor or with human resources staff for appropriate follow up

The District will recognize employees for the suggestions that are implemented; some methods are:

- a. Press releases, if there is a significant community benefit or large cost savings
- b. District Board recognition of the employee at a board meeting
- c. Annual employee luncheon or other recognition event
- d. Monetary Award determined by the Board of Directors as suggested by the General Manager.

The District's management will seek feedback about the program on a continuous basis, and at least annually, evaluate employee participation, the effectiveness of the program in eliciting ideas for improvement, and identify modifications needed to improve the suggestion program.

**Employee Suggestion Form**

Date: \_\_\_\_\_

Name of person submitting suggestion: \_\_\_\_\_

Title: \_\_\_\_\_

Email: \_\_\_\_\_

Work phone: \_\_\_\_\_

If a team is making the suggestion, state their names and titles:

Suggestion is intended to (check the areas that apply below):

- Save money
- Increase revenue
- Streamline a process to increase staff efficiency
- Improve serve results for our customers
- Other: \_\_\_\_\_

Describe the change(s) you are suggesting:

What will be the benefits of these changes?

What would be needed to implement these changes? (Note: you may not know all of the implementation steps, but it will be helpful to understand what you think may be needed.)

What might be the problems with or barriers to your suggestion?

Have you discussed this idea in the past? If so, with whom?

Who might be helpful in implementing your suggestion?

Signed: \_\_\_\_\_

Dated: \_\_\_\_\_

**Attachment F – Expression of Concern Form (Section 3120 & 3525)**

Employee’s Name: \_\_\_\_\_ Date: \_\_\_\_\_

Statement of concern, grievance, safety issue, threat of violence, etc. Please include a reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted if you know of one.

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1. What occurred and what was said?
2. Is it still occurring? If so, how often?
3. How did the event or events affect you and how did you react?
4. Are there witnesses to the event or events? If so, who?
5. Are there any other persons who have information regarding this?
6. Who did you tell about the event?
7. Who do you suggest the District interview about this?
8. How do you want the situation resolved?
9. Is there anything else you think is important that the District should know about this event?

Employee’s Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Add additional pages if necessary to fully explain your concerns. When complete return this form to the General Manager, District Legal Counsel or Board President as appropriate.

## Attachment H - Job Descriptions

### General Manager

#### Definition

The General Manager is an at-will employee who serves at the pleasure of the Board of Directors. This position is responsible for planning, organizing and directing the activities and operations of the Ventura River Water District. The General Manager is responsible for all aspects of the day-to-day water district operations, including supervising all district staff.

#### Examples of Duties and Responsibilities

- Formulates long range goals related to water source development and water demand management, equipment and system maintenance and enhancement of the water system along with the budgeting for it through the 20 year Capital Improvement Program.
- Oversees water rates and revenues keeping them in balance.
- On occasion, performs "on- call" duties, water production, and distribution system maintenance and office responsibilities.
- Prepares Board agendas, water testing schedules, water production and sales reports and related activities for the District.
- Oversees the District's budget.
- Supervises and directs the work of all District staff.
- Keeps abreast of the water utility field relative to state and federal issues.
- Attends and advocates District positions at meetings of various public bodies as the representative of the District when appropriate.

#### Desirable Knowledge and Abilities

##### Knowledge of:

- Principles and practices of government budget preparation and administration, especially utility operations and California Environmental Quality Act (CEQA) requirements.
- Principles of management supervision, training and performance evaluation.

##### Ability to:

- Plan, direct and control the administration and operations of the organization.
- Prepare and analyze technical reports.
- Successfully develop, administer and monitor the District's budget.
- Supervise and evaluate staff.
- Develop and implement policies as approved by the Board of Directors.
- Analyze problems, identify alternative solutions, determine consequences of proposed actions and implement recommendations in support of the District's goals.

- Interpret and apply District policies, procedures, rules and regulations.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of business.
- Ability to utilize Microsoft Office computer programs, including Word and Excel.
- Assist the Board of Directors in developing and implementing District policies and procedures.

### **Working Conditions and Physical Requirements**

Work is performed primarily in an office environment utilizing modern office equipment and technology and may require sitting for prolonged period of time using a computer. This position requires standing, walking and may twist, reach, bend, crouch and kneel. An incumbent must be able to meet the requirements of the classification and have mobility, vision, hearing and dexterity levels appropriate to the duties to be performed. This position also requires some field work at times, which may require frequent walking in operational areas to identify problems or hazards.

Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds.

### **Minimum Qualifications**

- Must have or be willing to obtain California Water Treatment Operator Grade II and Water Distribution Operator Grade II certifications.
- Demonstration of increasingly responsible experience in a government agency, (preferably with a water district) directing, preparing and coordinating a variety of programs including budget and fiscal control.
- It is desired to reside within 20 minutes driving time of the District's boundaries.

### **License Requirements**

- Possess a Class C California driver's license and a driving record acceptable to the District's insurance carrier.

### **Exempt /Non - Exempt**

- This is an exempt position pursuant to the Fair Labor Standards Act.

## **Assistant General Manager**

### **Definition**

The Assistant General Manager is an at-will employee who serves at the pleasure of the General Manager. Under the direction of the General Manager this position is responsible for assisting with the planning, organizing and directing the activities and operations of the Ventura River Water District. The assistant General Manager is potentially involved in all aspects of the day-to-day water district operations and administrative functions. This includes functions such as attending all District Board Meetings and taking minutes. In addition, this position is responsible for maintaining the District's financial records, accounts receivable, Payroll, Human Resources, and accounts payable. This position is also responsible for supervising the office staff.

### **Examples of Duties and Responsibilities**

- Participates in formulating long range goals related to water source development and water demand management, equipment and system maintenance and enhancement of the water system along with the budgeting for it through the 20 year Capital Improvement Program.
- Prepares public works contracts for improvements needed by the District and manages advertising, awarding, administering and inspecting the work.
- Participates in water rate reviews and managing Protest Hearings.
- On occasion, performs "on- call" duties, water production, and distribution system maintenance and office responsibilities.
- Participates in preparing Board agendas, reports, water testing schedules, water production and sales reports and related activities for the District.
- Prepares and manages the District's budget.
- Keeps abreast of the water utility field relative to state and federal issues.
- Attends and advocates District positions at meetings of various public bodies as the representative of the District when appropriate.
- Maintain District files and official records.
- Attend District Board meetings and prepares minutes.
- Perform and oversee financial and accounting related duties, including the preparation of monthly financial statements, tax reports, receiving payments and reconciling them with purchasing orders, tracking vendor and invoice information, assisting with bid requests, price quotes, purchase and expenditure requests, and purchase orders.
- Responsible for the District banking.
- May supervise and train assigned subordinates to ensure office work flow is maintained and office goals are met; assign work according to changes in workload priorities; evaluate office and administrative functions to recommend changes in office procedures; evaluate the work performance of staff.
- Responsible for the preparation of payroll.



- Perform related duties and other responsibilities as required.

### **Desirable Knowledge and Abilities**

#### **Knowledge of:**

- Principles and practices of government budget preparation and administration, especially utility operations and California Environmental Quality Act (CEQA) requirements.
- Principles of management supervision, training and performance evaluation.

#### **Ability to:**

- Plan, direct and control the administration and operations of the organization.
- Prepare and analyze technical reports.
- Successfully develop, administer and monitor the District's budget.
- Supervise and evaluate staff.
- Develop and implement policies as approved by the Board of Directors.
- Analyze problems, identify alternative solutions, determine consequences of proposed actions and implement recommendations in support of the District's goals.
- Interpret and apply District policies, procedures, rules and regulations.
- Communicate clearly and concisely, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of business.
- Ability to utilize Microsoft Office computer programs, including Word and Excel.
- Assist the Board of Directors in developing and implementing District policies and procedures.

### **Working Conditions and Physical Requirements**

Work is performed primarily in an office environment utilizing modern office equipment and technology and may require sitting for prolonged period of time using a computer. This position requires standing, walking and may twist, reach, bend, crouch and kneel. An incumbent must be able to meet the requirements of the classification and have mobility, vision, hearing and dexterity levels appropriate to the duties to be performed. This position also requires some field work at times, which may require frequent walking in operational areas to identify problems or hazards. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds.

### **Minimum Qualifications**

- Must have or be willing to obtain California Water Treatment Operator Grade II and Water Distribution Operator Grade II certifications.

- Demonstration of increasingly responsible experience in a government agency, (preferably with a water district) directing, preparing and coordinating a variety of programs including budget and fiscal control.
- Desired to reside within 20 minutes driving time of the District's boundaries.

**License Requirements**

- Possess a Class C California driver's license and a driving record acceptable to the District's insurance carrier.

**Exempt /Non - Exempt**

- This is an exempt position pursuant to the Fair Labor Standards Act.

## Office Manager

### Definition

The Office Manager is an at-will employee who serves at the pleasure of the General Manager. Under the direction of the General Manager, the Office Manager shall perform a variety of highly responsible administrative duties for the District. This includes functions such as attending all District Board Meetings and taking minutes. In addition, this position is responsible for maintaining the District's financial records, accounts receivable, Payroll, Human Resources, and accounts payable. This position is also responsible for supervising the office staff.

### Examples of Duties and Responsibilities

- Perform a wide variety of complex, responsible and confidential clerical and administrative tasks.
- Respond to customers in person and on the phone.
- Process outgoing and incoming mail.
- Maintain District files and official records.
- Attend District Board meetings and prepares minutes.
- Perform financial and accounting related duties, including the preparation of monthly financial statements, tax reports, receiving payments and reconciling them with purchasing orders, tracking vendor and invoice information, assisting with bid requests, price quotes, purchase and expenditure requests, and purchase orders.
- Responsible for the District banking.
- May supervise and train assigned subordinates to ensure office work flow is maintained and office goals are met; assign work according to changes in workload priorities; evaluate office and administrative functions to recommend changes in office procedures; may evaluate the work performance of staff.
- Responsible for the preparation of payroll.
- Perform related duties and other responsibilities as required.

### Desirable Knowledge and Abilities

#### Knowledge of:

- District practices and procedures and policies.
- Modern office practices, methods, and equipment, including computer equipment.
- Word processing methods, techniques, and programs; basic accounting methods, procedures, and terminology; database and spreadsheet applications and programs.
- Principles of business letter writing.
- Basic principles of record keeping.
- Vocabulary, spelling, grammar, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public and District staff.

**Ability to:**

- Respond to and effectively prioritize multiple phone calls and other requests for service.
- Make accurate arithmetic computations.
- Perform responsible clerical support work with accuracy, speed, and minimal supervision.
- Process payroll.
- Train, supervise and evaluate staff.
- Organize, maintain, and update office database and records systems.
- File materials alphabetically, chronologically, and numerically.
- Enter and retrieve data from a computer with sufficient speed and accuracy to perform assigned work.
- Operate modern office equipment, including computer equipment and word - processing, database, spreadsheet, and graphics software applications programs.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

**Working Conditions and Physical Requirements**

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. This is primarily a sedentary office classification although standing in work areas and walking between work areas may be required.

Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard, typewriter keyboard, or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information.

Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds.

**Minimum Qualifications**

- Completion of an AA degree in Accounting or higher.
- Previous clerical training and experience is highly desirable.

**License Requirements**

- Possess a Class C California driver's license and a driving record acceptable to the District's insurance carrier.

**Exempt /Non - Exempt**

- This is a non - exempt position pursuant to the Fair Labor Standards Act.

## **Administrative Accounting Clerk**

### **Definition**

The Administrative Accounting Clerk is an at-will employee who serves at the pleasure of the General Manager. Under the general supervision of the Office Manager or Assistant General Manager, the Administrative Accounting Clerk is responsible for administrative and accounting support to the District including utility billing and meter reading functions, customer service inquiries, accounts receivable collections, telephone and counter reception, accounts payable, payroll, report preparation and filing, general ledger reconciliations, maintenance of records in the electronic filing system, provide information to the public, and performs related work as required. The position will also coordinate closely with administration and field staff in the execution of his or her duties.

### **Duties and Responsibilities**

- Prepares monthly utility bills using electronic billing system to prepare billing data export file, processing of E-Bills and final bills.
- Processes late fees, past due notices, shut-off warning notices, and shut-offs using the Mail Merge function for efficiency.
- Processes new or cancelled accounts, meter change outs, or other similar utility billing activities as required.
- Closely interacts with field staff to ensure that meters are read and reported back on a timely basis, and issues are investigated and resolved.
- Processes monthly work orders after meter readings to verify meter readings as needed.
- Monitors accounts receivable aging reports and follows up on final billed accounts to process final payments timely.
- Performs a wide variety of routine administrative duties including filing, preparing monthly and other reports and ordering and maintaining office and other related supplies.
- Receives and responds to staff and customer queries on billings, meter readings and other customer service issues. Researches, interprets, and analyzes account history to resolve billing questions on meter readings. Handles customer questions and/or complaints in an efficient and friendly manner. Resolves problems requiring immediate attention, and verifies that underlying systematic or process issues have been addressed.
- Serves as the in-house expert for meter reading systems, devices, and software including pulling and processing Radio Read data for high use bills, uploading smart meter installs to monitoring website and monitoring leaks on smart meter website and notifying customers of leaks; ensures that the District is maximizing the features of the devices/systems.
- Compiles reports and necessary documents, spreadsheets, historical data, billing account statements and other information to respond to staff and customer inquiries, as required.
- Maintains customer account records and obtains required documentation for water service.
- Completes high volume data entry of customer payments efficiently and accurately.

- Adapts to the District's ongoing transition towards more electronic processes including electronic processing of check payments, electronic work orders, etc.
- Receives, opens, date stamps, sorts, and distributes incoming and interdepartmental mail; prepares and distributes outgoing mail.
- Prepares and processes payroll in the absence of the Office Manager or Assistant General Manager.
- Codes and enters Accounts Payable invoices into the Accounting system per the current year budget.
- Attend Board Meetings and Prepare meeting minutes in the absence of the Office Manager or Assistant General Manager.
- Assists with the monthly general ledger reconciliations of accounts payable, deposit accounts payable, Calpers payable and prepaid expenses.
- Manages customer deposits and their payment, application to Accounts Receivable and refunds along with the reconciliation of associated customer accounts and general ledger accounts.
- Assist customers with troubleshooting to get logged into customer portal or eye on water.
- Assess and improve processes of the position for increased efficiency.
- Maintain new customer sign up forms and update and improve as needed.
- Maintain welcome packet and update and distribute as needed.
- Performs related duties and other responsibilities as required.

### **Desired Education/Experience, Knowledge and Abilities**

#### **Preferred Education and Experience:**

- AA Degree in Business or Accounting or equivalent experience.
- 3+ years of experience in a billing/accounts receivable/customer service environment and demonstrating increasing responsibility.
- Proficient in an enterprise accounting/utility billing system
- Strong Microsoft Office skills.
- Experience in a public utility/agency in a customer service role is a plus. Meter reading exposure is also desirable.
- Excellent verbal skills.
- Excellent writing skills.

#### **Knowledge of:**

- District practices and procedures and policies.
- Modern office practices, methods, and equipment, including computer equipment.
- Intermediate to Advanced skill level with Microsoft Office, especially Microsoft Word and Microsoft Excel.
- Principles of business letter writing.
- Vocabulary, spelling, grammar, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors and District staff in person and over the phone.

- Principles, terminology and practices of financial and accounting document processing and record keeping, including accounts payable, accounts receivable, payroll, and general ledger.
- Records management principles and practices.
- Standard business practices such as letter writing, report writing and preparing informational materials in visual formats.
- English language usage, spelling, grammar, and punctuation.

**Ability to:**

- Respond to and effectively prioritize multiple phone calls and other requests for service.
- Make accurate mathematical and financial computations.
- Evaluate customer problems/concerns and exercise independent judgment to resolve them.
- Use initiative and independent judgment within established procedural guidelines
- Perform general office support duties such as opening and routing mail; preparing correspondence; duplicating and distributing various written materials.
- Problem-solve computer issues, records research, and customer needs.
- Perform responsible clerical support work with accuracy, speed, and minimal supervision.
- Organize, maintain, and update office database and records systems.
- File materials alphabetically, chronologically, and numerically.
- Enter and retrieve data from a computer with sufficient speed and accuracy to perform assigned work.
- Operate modern office equipment, including computer equipment and word - processing, database, spreadsheet, and graphics software applications programs.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Enter and retrieve data from a computer with sufficient speed and accuracy to perform assigned work.
- Perform general office support duties such as opening and routing mail; preparing correspondence; duplicating and distributing various written materials.
- Problem-solve computer issues, records research, and customer needs.
- Adapt to changing technologies and learn functionality of new equipment and systems.
- Plan, coordinate, and organize work to meet deadlines with accuracy, thoroughness, and attention to detail.
- Work independently and prioritize multiple tasks often under time constraints and with limited supervision.
- Read, understand and carry out written and oral directions in a clear, concise, and consistent manner.
- Operate a variety of automated office machines typical of a work environment such as a multi-function printer/copier/scanner machine and check scanner.
- Operate a computer for the effective operation of the District including word processing, database, spreadsheet, e-mail, internet and an integrated accounting software package.
- Communicate clearly and concisely both orally and in writing with District staff, coworkers, consultants and the public in one-to-one and group settings.

**Working Conditions and Physical Requirements**

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. This is primarily a sedentary office classification although standing in work areas and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard, typewriter keyboard, or calculator and to operate standard office equipment.

Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds.

**License Requirements**

- Possess a Class C California driver's license and a driving record acceptable to the District's insurance carrier.

**Exempt /Non - Exempt**

- This is a non - exempt position pursuant to the Fair Labor Standards Act.

*This job specification should not be construed to imply that these requirements are the exclusive standards of the position.*



## Office Assistant

### Definition

The Office Assistant is an at-will employee who serves at the pleasure of the General Manager. Under the general supervision of the Office Manager, the Office Assistant is responsible for providing administrative support to the District which may include word processing, data entry and organization, telephone and counter reception, receipt of payments, processing of invoices, record keeping, payroll, report preparation, and filing; provides information and assistance to the general public; and performs related work as required.

### Examples of Duties and Responsibilities

- Performs a wide variety of routine administrative duties including filing, preparing records, accounts payable and ordering and maintaining office and other related supplies.
- Prepares copies, collates, and distributes a variety of documents.
- Screens calls, visitors, and incoming deliveries.
- Prepares payroll in the absence of the Office Manager.
- Receives, opens, time stamps, sorts, and distributes incoming and interdepartmental mail; prepares and distributes outgoing mail.
- Performs related duties and other responsibilities as required.

### Desirable Knowledge and Abilities

#### Knowledge of:

- District practices and procedures and policies.
- Modern office practices, methods, and equipment, including computer equipment.
- Word processing methods, techniques, and programs; basic accounting methods, procedures, and terminology; database and spreadsheet applications and programs.
- Principles of business letter writing.
- Basic principles of record keeping.
- Vocabulary, spelling, grammar, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public and District staff.

#### Ability to:

- Respond to and effectively prioritize multiple phone calls and other requests for service.
- Make accurate arithmetic computations.
- Perform responsible clerical support work with accuracy, speed, and minimal supervision.
- Organize, maintain, and update office database and records systems.
- File materials alphabetically, chronologically, and numerically.

- Enter and retrieve data from a computer with sufficient speed and accuracy to perform assigned work.
- Operate modern office equipment, including computer equipment and word - processing, database, spreadsheet, and graphics software applications programs.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Attend Board Meetings and Prepare meeting minutes in the absence of the Office Manager.

**Working Conditions and Physical Requirements**

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone. This is primarily a sedentary office classification although standing in work areas and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard, typewriter keyboard, or calculator and to operate standard office equipment.

Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects up to 25 pounds.

**Minimum Qualifications**

- Completion of twelfth grade or equivalent.
- General book keeping and /or secretarial experience is highly desirable.

**License Requirements**

- Possess a Class C California driver's license and a driving record acceptable to the District's insurance carrier.

**Exempt /Non - Exempt**

- This is a non - exempt position pursuant to the Fair Labor Standards Act.

## **Field Supervisor**

### **Definition**

The Field Supervisor is an at-will employee who serves at the pleasure of the General Manager. Under direction of the General Manager, supervise the activities of all utility workers. Schedule and perform maintenance, testing, repair, and construction of the water production and distribution facilities. Control vehicle and equipment maintenance, ground maintenance and related activities, including meter reading, record keeping, and customer services. Maintain the California Department of Health Service conditions regarding water sampling and annual inspections as required. Provide safe operations and practices for all of the applications in supervisory activities.

### **Examples of Duties and Responsibilities**

- Evaluates employee performance, counsel's employees, and effectively recommends initial disciplinary action; assists in selection and promotion.
- Trains staff in work and safety procedures and in the operation and use of equipment and supplies; implements procedures and standards.
- Monitors operations and activities of the water utilities maintenance and operations work unit; identifies opportunities for improving service delivery methods and procedures; provides recommendations concerning process changes; reviews with appropriate management staff; implements improvements.
- Determines and recommends equipment, materials, and staffing needs for assigned operations, projects, and programs; participates in the annual budget preparation; prepares detailed cost estimates; maintains a variety of records and prepares routine reports of work performance.
- Records facilities data.
- Supervises the use of and operation of tools, equipment, and vehicles; ensures that tools, equipment and vehicles are safely operated, maintained, and secured when not in use; schedules the service, repair, and replacement of tools and equipment.
- Directs, coordinates, and oversees the maintenance and repair of water distribution main and lateral lines; monitors the preventive and corrective maintenance of all related equipment and facilities, including scheduled and emergency water service shut - downs.
- Inspects work in progress and completed work of assigned employees and contractors for accuracy, proper work methods, techniques, and compliance with applicable standards and specifications.
- Performs the most complex water utilities maintenance and operations duties and provides technical assistance to crews.
- Troubleshoots complex operational and maintenance problems; corrects or directs the correction and repair of operational and /or equipment problems.
- Directs, coordinates, and oversees water meter accuracy through meter purchasing, testing, and calibration.

- Stays current on the status of new and pending regulatory legislation; recommends changes to current policies and procedures in order to comply with changes in legislation.
- Oversees safety programs and training for the assigned functional areas and work groups; assists in action planning for safety programs; implements and monitors risk management plans regarding hazardous materials; responds to workers' compensation issues.
- Answers questions and provides information to the public; investigates inquiries; recommends corrective actions to resolve issues.
- Responds to emergency situations as necessary.
- Supervises the collection of water samples and collects water samples as necessary.
- Operates SCADA system.
- Performs other duties as assigned.

### **Desirable Knowledge and Abilities**

#### **Knowledge of:**

- Principles and practices of employee supervision, including work planning, assignment, review and evaluation, discipline, and the training of staff in work procedures.
- Principles and practices of water utilities maintenance and operations program development and administration.
- Principles, practices, equipment, tools, and materials of water utilities maintenance and process control.
- Applicable Federal, State, and local laws, ordinances, regulations, and guidelines.
- Principles and practices of contract administration and evaluation.
- Safety principles, practices, and procedures of water utilities systems and facilities, including related equipment and hazardous materials.
- Operation and maintenance of a variety of hand and power tools, vehicles, and power equipment.
- Modern office practices, methods, computer equipment and computer applications.
- Grammar, spelling, vocabulary, and punctuation.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors and District staff.

#### **Ability to:**

- Assist in developing and implementing goals, objectives, practices, policies, procedures, and work standards.
- Supervise, train, plan, organize, schedule, assign, review, and evaluate the work of staff.
- Organize, implement, and direct water utilities and related maintenance and operations activities.

- Identify problems, research and analyze relevant information, develop and present recommendations and justification for solution.
- Perform the most complex maintenance and operations duties and operate related equipment safely and effectively.
- Develop cost estimates for supplies and equipment.
- Interpret, apply, explain, and ensure compliance with applicable Federal, State, and local policies, procedures, laws, and regulations.
- Understand, interpret, and successfully communicate both orally and in writing, pertinent District policies and procedures.
- Research, analyze, and evaluate new service delivery methods, procedures, and techniques.
- Prepare clear and concise reports, correspondence, procedures, and other written materials.
- Establish and maintain a variety of manual and computerized files, record keeping, and project management systems.
- Make sound, independent decisions within established policy and procedural guidelines.
- Organize and prioritize a variety of projects and multiple tasks in an effective and timely manner; organize own work, set priorities, and meet critical time deadlines.
- Operate modern office equipment including computer equipment and software programs.
- Effectively communicate in person, over the telephone, and in writing.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

### **Working Conditions and Physical Requirements**

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, and to work in and around water utilities systems and related facilities; strength, stamina, and mobility to perform light to medium physical work, to work in confined spaces, around machines, to climb and descend ladders, to operate varied hand and power tools and equipment, and to operate a motor vehicle and visit various District and meeting sites; vision to read printed materials and a computer screen; color vision to read gauges and identify appurtenances; and hearing and speech to communicate in person and over the telephone or radio. The job involves frequent walking in operational areas to identify problems or hazards.

Finger dexterity is needed to access, enter and retrieve data using a computer keyboard or calculator and to operate above - mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work in and inspect work

sites. Employees must possess the ability to lift, carry, push and pull materials and objects weighing up to 100 pounds, or heavier weights with the use of proper equipment.

#### **Minimum Qualifications**

- Completion of twelfth grade or equivalent.
- Five or more years of experience in maintenance work on water storage and distribution systems.
- Residing within 10 minutes of normal driving time from the District's boundaries is highly desirable.

#### **License Requirements**

- State of California Health Department Water Treatment Operator Grade III and Water Distribution Operator Grade III certifications.
- Standards Red Cross First Aid certification.
- Class C California driver's license and a driving record acceptable to the District's insurance carrier.

#### **Exempt /Non - Exempt**

- This is a non - exempt position pursuant to the Fair Labor Standards Act.

#### **Working Conditions**

- May be required to be on -call and to work various shifts or emergencies on evenings, weekends, and holidays.

## Utility Worker III

### Definition

The Utility Worker III is an at-will employee who serves at the pleasure of the General Manager. Under direction of the Field Supervisor, perform maintenance, testing, repair, and construction of the water production and distribution facilities. Provide vehicle and equipment maintenance, ground maintenance and related activities, including meter reading, record keeping, and customer services.

### Examples of Duties and Responsibilities

- Performs water meter reading and maintenance, including installing new meters.
- Monitors contractors working with and around underground services to ensure the work is appropriately performed to code; addresses discrepancies as necessary.
- Operates and maintains vehicles and a variety of light, medium, and heavy equipment related to the construction, maintenance, and repair of water utilities systems and facilities.
- Operates a variety of hand and power tools and equipment related to work assignment as instructed.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Maintains work areas in a clean and orderly condition, including securing equipment at the close of the workday.
- Records facilities data.
- Performs related duties as assigned.

### Desirable Knowledge and Abilities

Knowledge of:

- Basic principles, practices, tools, and materials as they relate to the maintenance and repair of infrastructure, facilities, systems, and appurtenances similar to those in a municipal environment.
- Basic mathematics.
- Safe driving rules and practices.
- Basic computer software related to work.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors and District staff.
- Maintenance principles, practices, tools, and materials for maintaining and repairing potable water distribution main and lateral pipeline systems, including complex residential and commercial water meters, valve cans, meter boxes, and water distribution valves.
- Traffic control procedures and traffic sign regulations.
- Operation and minor maintenance of a variety of hand and power tools, vehicles, and light to heavy power equipment.

- Operational characteristics of specialized water utilities maintenance and repair equipment.
- Occupational hazards and safety equipment and practices related to the work, including the handling of hazardous chemicals.
- Applicable Federal, State, and local laws, codes, and regulations.

**Ability to:**

- Perform basic construction, modification, maintenance, and repair work.
- Troubleshoot maintenance problems and determine materials and supplies required for repair.
- Make accurate arithmetic calculations.
- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.
- Perform routine equipment maintenance.
- Maintain accurate logs and basic written records of work performed.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Perform construction, modification, maintenance, and repair work on potable water distribution main and lateral pipeline systems, including complex residential and commercial water meters, valve cans, meter boxes, and water distribution valves.
- Perform water utilities maintenance and repair with accuracy, speed, and minimal supervision.
- Operate specialized water utilities maintenance and repair equipment.
- Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.
- Set up and operate traffic area construction zones, including cones, barricades, and flagging.
- Locate underground utilities by use of blue prints and electronic locating equipment in accordance with Underground Service Alert (USA) regulations.
- Read, interpret, and apply technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.
- Follow department policies and procedures related to assigned duties.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.

**Working Conditions and Physical Requirements**

Must possess mobility to work in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces and around machines, to climb and descend ladders, to operate varied hand and power tools and construction equipment, and to operate a motor vehicle and visit various District sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in



person and over the telephone or radio. The job involves fieldwork requiring frequent walking in operational areas to identify problems or hazards.

Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above - mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push and pull materials and objects weighing up to 100 pounds, or heavier weights with the use of proper equipment.

#### **Minimum Qualifications**

- Completion of twelfth grade or equivalent.
- Three or more years of experience in maintenance work on water storage and distribution systems.
- Residing within 10 minutes of normal driving time from the District's boundaries is highly desirable.

#### **License Requirements**

- State of California Health Department Water Treatment Operator Grade III and Water Distribution Operator Grade III certifications.
- Standards Red Cross First Aid certification.
- Class C California driver's license and a driving record acceptable to the District's insurance carrier.

#### **Exempt /Non - Exempt**

- This is a non - exempt position pursuant to the Fair Labor Standards Act.

#### **Working Conditions**

- May be required to be on-call and to work various shifts or emergencies on evenings, weekends and holidays.

## Utility Worker II

### Definition

The Utility Worker II is an at-will employee who serves at the pleasure of the General Manager. Under direction of the Field Supervisor, perform maintenance, testing, repair, and construction of the water production and distribution facilities. Provide vehicle and equipment maintenance, ground maintenance and related activities, including meter reading, record keeping, and customer services.

### Examples of Duties and Responsibilities

- Performs water meter reading and maintenance, including installing new meters.
- Monitors contractors working with and around underground services to ensure the work is appropriately performed to code; addresses discrepancies as necessary.
- Operates and maintains vehicles and a variety of light, medium, and heavy equipment related to the construction, maintenance, and repair of water utilities systems and facilities.
- Operates a variety of hand and power tools and equipment related to work assignment as instructed.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Maintains work areas in a clean and orderly condition, including securing equipment at the close of the workday.
- Records facilities data.
- Performs related duties as assigned.

### Desirable Knowledge and Abilities

Knowledge of:

- Basic principles, practices, tools, and materials as they relate to the maintenance and repair of infrastructure, facilities, systems, and appurtenances similar to those in a municipal environment.
- Basic mathematics.
- Safe driving rules and practices.
- Basic computer software related to work.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors and District staff.
- Maintenance principles, practices, tools, and materials for maintaining and repairing potable water distribution main and lateral pipeline systems, including complex residential and commercial water meters, valve cans, meter boxes, and water distribution valves.
- Traffic control procedures and traffic sign regulations.
- Operation and minor maintenance of a variety of hand and power tools, vehicles, and light to heavy power equipment.

- Operational characteristics of specialized water utilities maintenance and repair equipment.
- Occupational hazards and safety equipment and practices related to the work, including the handling of hazardous chemicals.
- Applicable Federal, State, and local laws, codes, and regulations.

**Ability to:**

- Perform basic construction, modification, maintenance, and repair work.
- Troubleshoot maintenance problems and determine materials and supplies required for repair.
- Make accurate arithmetic calculations.
- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.
- Perform routine equipment maintenance.
- Maintain accurate logs and basic written records of work performed.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.
- Perform construction, modification, maintenance, and repair work on potable water distribution main and lateral pipeline systems, including complex residential and commercial water meters, valve cans, meter boxes, and water distribution valves.
- Perform water utilities maintenance and repair with accuracy, speed, and minimal supervision.
- Operate specialized water utilities maintenance and repair equipment.
- Interpret and apply the policies, procedures, laws, codes, and regulations pertaining to assigned programs and functions.
- Set up and operate traffic area construction zones, including cones, barricades, and flagging.
- Locate underground utilities by use of blue prints and electronic locating equipment in accordance with Underground Service Alert (USA) regulations.
- Read, interpret, and apply technical information from manuals, drawings, specifications, layouts, blueprints, and schematics.
- Follow department policies and procedures related to assigned duties.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.

**Working Conditions and Physical Requirements**

Must possess mobility to work in the field; strength, stamina, and mobility to perform medium to heavy physical work, to work in confined spaces and around machines, to climb and descend ladders, to operate varied hand and power tools and construction equipment, and to operate a motor vehicle and visit various District sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in

person and over the telephone or radio. The job involves fieldwork requiring frequent walking in operational areas to identify problems or hazards.

Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate above - mentioned tools and equipment. Positions in this classification bend, stoop, kneel, reach, and climb to perform work and inspect work sites. Employees must possess the ability to lift, carry, push and pull materials and objects weighing up to 100 pounds, or heavier weights with the use of proper equipment.

#### **Minimum Qualifications**

- Completion of twelfth grade or equivalent.
- Two or more years of experience in maintenance work on water storage and distribution systems.
- Residing within 10 minutes of normal driving time from the District's boundaries is highly desirable.

#### **License Requirements**

- State of California Health Department Water Treatment Operator Grade II and Water Distribution Operator Grade II certifications.
- Standards Red Cross First Aid certification.
- Class C California driver's license and a driving record acceptable to the District's insurance carrier.

#### **Exempt /Non - Exempt**

- This is a non - exempt position pursuant to the Fair Labor Standards Act.

#### **Working Conditions**

- May be required to be on-call and to work various shifts or emergencies on evenings, weekends and holidays.

## Utility Worker I

### Definition

The Utility Worker I is an at-will employee who serves at the pleasure of the General Manager. Working under direction of the Field Supervisor, participate in operation and maintenance on water storage, distribution and service facilities, vehicle maintenance and ground maintenance and related activities.

### Examples of Duties and Responsibilities

- Performs water meter reading and maintenance, including installing new meters.
- Monitors contractors working with and around underground services to ensure the work is appropriately performed to code; addresses discrepancies as necessary.
- Operates and maintains vehicles and a variety of light, medium, and heavy equipment related to the construction, maintenance, and repair of water utilities systems and facilities.
- Operates a variety of hand and power tools and equipment related to work assignment as instructed.
- Observes safe work methods and makes appropriate use of related safety equipment as required.
- Maintains work areas in a clean and orderly condition, including securing equipment at the close of the workday.
- Records facilities data.
- Performs related duties as assigned.

### Desirable Knowledge and Abilities

#### Knowledge of:

- Basic principles, practices, tools, and materials as they relate to the maintenance and repair of infrastructure, facilities, systems, and appurtenances similar to those in a municipal environment.
- Basic mathematics.
- Safe driving rules and practices.
- Basic computer software related to work.
- Techniques for providing a high level of customer service by effectively dealing with the public, vendors, contractors and District staff.

#### Ability to:

- Perform basic construction, modification, maintenance, and repair work.
- Troubleshoot maintenance problems and determine materials and supplies required for repair.
- Make accurate arithmetic calculations.
- Safely and effectively use and operate hand tools, mechanical equipment, power tools, and light to heavy equipment required for the work.

- Perform routine equipment maintenance.
- Maintain accurate logs and basic written records of work performed.
- Understand and follow oral and written instructions.
- Organize own work, set priorities, and meet critical time deadlines.
- Establish, maintain, and foster positive and harmonious working relationships with those contacted in the course of work.

**Minimum Qualifications**

- Completion of twelfth grade or equivalent.
- One year or more of experience in maintenance work on water storage and distribution systems.
- Residing within 10 minutes of normal driving time from the District's boundaries is highly desirable.

**License Requirements**

- State of California Health Department Water Treatment Operator Grade I and Water Distribution Operator Grade I certifications.
- Standards Red Cross First Aid certification.
- Class C California driver's license and a driving record acceptable to the District's insurance carrier.

**Exempt /Non - Exempt**

- This is a non - exempt position pursuant to the Fair Labor Standards Act.

**Working Conditions**

- May be required to be on-call and to work various shifts or emergencies on evenings, weekends, and holidays.