



**NOTICE OF SPECIAL MEETING
OF THE BEAUMONT CHERRY VALLEY DISTRICT
BOARD OF DIRECTORS**

To the Directors of the Beaumont Cherry Valley Water District:

Notice is hereby given that a Special Meeting of the Board of Directors of said District to be held Wednesday, **March 18, 2009 at 7:00 p.m.** at the Beaumont Cherry Valley Water District's Administrative Offices located at 560 Magnolia Avenue, Beaumont, California 92223.

The agenda for said meeting is attached.

Dated: March 17, 2009

Dr. Blair Ball

Dr. Blair Ball, President of the
Board of Directors of the
Beaumont Cherry Valley Water District



**BEAUMONT CHERRY VALLEY WATER DISTRICT
AGENDA
SPECIAL MEETING OF THE BOARD OF DIRECTORS
Wednesday, March 18, 2009 at 7:00 PM
560 Magnolia Avenue, Beaumont, CA 92223**

CALL TO ORDER, PRESIDENT BALL

PLEDGE OF ALLEGIANCE, DIRECTOR WOLL

INVOCATION, VICE PRESIDENT PARKS

ROLL CALL, BLANCA MARIN

PUBLIC INPUT

PUBLIC COMMENT: Anyone wishing to address the Board of Directors on any matter not on the agenda of this meeting may do so now. Anyone wishing to speak on an item on the agenda may do so at the time the Board considers that item. All persons wishing to speak must fill out a "Request to Speak" form and give it to the Secretary at the beginning of the meeting. The forms are available on the table at the back of the room. There is a three (3) minute limit on public comments. Sharing or passing time to another speaker is not permitted. Please do not repeat what was said by a previous speaker except to note agreement with that speaker. Thank you for your cooperation.

ACTION ITEMS

1. ADOPTION OF THE AGENDA

DOPP	M	S	A	N
ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

**2. APPROVAL OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL
(SECTION I)**

a. Final Personnel Policies and Procedures Manual**

DOPP	M	S	A	N
ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

b. Resolution 2009-05 – A Resolution of the Board of Directors of the Beaumont Cherry Valley Water District Ratifying, Approving and Adopting (1)-Section I- Personnel Policies and Procedures Manual, (2) – Section II-Policies and Procedures Applicable to Board of Directors and Staff, (3) - Section III- Operations Policies and Procedures Manual and (4) - Section IV- Miscellaneous Policies and Procedures Manual. **

DOPP	M	S	A	N
ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

3. APPROVAL OF LETTER RESPONSE TO THE GRAND JURY

DOPP	M	S	A	N
ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

4. APPROVAL OF ANNUAL POLICY REVIEW**

DOPP	M	S	A	N
ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

5. APPROVAL OF RESOLUTION 2009-06 - A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT REGARDING EMPLOYER PICK-UP**

DOPP	M	S	A	N
ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

6. APPOINTMENT OF AN AD HOC COMMITTEE TO NEGOTIATE THE DISTRICT'S MEMORANDUM OF UNDERSTANDING

DOPP	M	S	A	N
ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

7. REPORTS FOR DISCUSSION AND POSSIBLE ACTION

(a) Assistant General Manager

- Waterline Relocation at Noble Creek Bridge and Oak Valley Parkway**
- General Funds Report**
- O' Reilly's Contract
- Riverside County Water Task Force
- Delinquent Accounts Update
- Trespass Incident Reported to the Board by Ms. Bingham**
- Correspondence from SGPWA regarding rate increase (Information only)**

(b) Directors

- Dr. Blair Ball
- Stella Parks
- Marquel Dopp
- Ken Ross
- Ryan Woll

8. ACTION LIST

9. ADJOURNMENT

DOPP	M	S	A	N
ROSS	M	S	A	N
PARKS	M	S	A	N
WOLL	M	S	A	N
BALL	M	S	A	N

** Information included in the agenda packet

Assistance for the Disabled: If you are disabled in any way and need accommodation to participate in the meeting, please call Blanca Marin Executive Assistant, at (951) 845-9581 Ext. 23 for assistance so the necessary arrangements can be made.

The agenda material for this meeting is available to the public at the District's Administrative Office which is located at 560 Magnolia Avenue, Beaumont, CA 92223. If any additional material related to an open session agenda item is distributed to all or a majority of the board of directors after this agenda is posted, such material will be made available for immediate inspection at the same location.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

PERSONNEL POLICIES & PROCEDURES MANUAL

Adopted March 18, 2009

RESERVATION OF RIGHTS

As circumstances change, the District may revise, supplement, or rescind any policies or portion of this Manual. Employees will be notified in writing of such changes as they occur. Only written changes adopted by the Board of Directors are recognized or binding.

1. DEFINITIONS

- A. **District.** Beaumont-Cherry Valley Water District shall hereinafter be referred to as "District."
- B. **Designees.** Sections empowering the General Manager as decision-maker will not apply to any other individual, unless the General Manager should designate another management employee or supervisor as vested with such powers.

2. CONTRACTUAL PROVISIONS

- A. **Application.** The employment provisions of this policies and procedures manual shall apply, unless otherwise provided by contractual provision.

3. EQUAL OPPORTUNITY

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.

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, marital status, handicap, veteran status, or any other factor.

4. AFFIRMATIVE ACTION

It is the policy of the District that there shall be no discrimination based upon race, national origin, religion, sex, physical handicap, veteran's status, or age in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action.

5. ACCESS TO PERSONNEL RECORDS

Employee files are confidential and are to be treated as such. Access to employee files is limited to the following:

- 1. **The Employee.** Employees may inspect their own personnel file in the presence of the General Manager, Assistant General Manager.

2. **Persons Other Than the Employee.** Other employees of the District may have access to personnel files only if they have a "need to know." This means access is limited to:
 - i. Administrative Department staff as they need access in the course of their normal duties;
 - ii. Management considering an employee for promotion, transfers into their departments, or disciplinary action.
 - iii. Members of the Personnel Committee of the Board as it pertains to the Policy Manual

6. **HARASSMENT**

- A. The District is committed to providing a work environment for its employees that is free of harassment. The District prohibits sexual harassment (see Section 7, "SEXUAL HARRASSMENT", p. 3-4) as well as harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law, ordinance or regulation. This policy applies to all persons involved in the operation of the District and prohibits harassment by any employee of the District - supervisors and co-workers.
- B. **Reporting.** Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.
- C. Harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other protected basis is prohibited, including, but not limited to the following behavior:
 - i. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
 - ii. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;
 - iii. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis; and,
 - iv. Retaliation for having reported or threatened to report harassment.
- D. **Written Complaint.** If any employee of the District believes that he/she has been harassed, the employee should provide a written complaint to the supervisor, Assistant General Manager, or the General Manager as soon as possible after the incident. The complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness (es).
 - i. Staff receiving harassment complaints will refer them immediately to the General Manager or the Personnel Committee of the Board of Directors (in the event the complaint involves the General Manager) who will undertake an immediate, thorough and objective investigation of the harassment allegation(s).
- E. **Remedial Action.** If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to and including termination. Whatever action is taken against the harasser will be made known to the employee lodging the complaint, and appropriate action will be taken to remedy any loss to the employee resulting from the harassment. Retaliation by

management or co-workers against anyone filing a complaint will not be permitted or tolerated.

7. **SEXUAL HARASSMENT**

- A. Acts of sexual harassment by employees, supervisors, or managers, are prohibited and are subject to sanctions and disciplinary measures, up to and including termination of employment.
- B. **Definition.** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - i. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
 - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
 - iii. 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.
 - iv. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments, graphic commentaries on the person's body; sexually degrading words to describe the person, or propositions of a sexual nature.
 - v. Visual conduct such as derogatory and/ or sexually-oriented posters, photography, cartoons, drawings or gestures.
 - vi. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis, sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person.
 - vii. Direct or indirect threats or suggestions of sexual relations or sexual contact are made.
 - viii. Retaliation for having reported or threatened to report harassment.
- C. All employees shall be informed of the District's sexual harassment policy and complaint process and again when any complaint is filed. Also, the policy and the complaint process set forth herein shall be readily available to all employees and members of the general public utilizing the District's facilities and services.
 - i. All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.
 - ii. An annual bulletin shall be prepared, distributed and signed by all employees informing them of the District's sexual harassment policy. See Appendix C.
 - iii. Within fourteen (14) working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees re-informing them of the District's sexual harassment policy.
- D. **Complaint Process.** Any employee who believes he/she is the victim of sexual harassment should notify the other employee that such behavior is offensive, and ask him or her to immediately stop the behavior. It is important to let fellow employees know

when behavior is offensive because the District hires people from a variety of cultural and ethnic backgrounds.

- i. Allegations of harassment in employment should be reported as soon as possible to any supervisory employee. If the complaint is directed against the General Manager, the complaint shall be filed with the Personnel Committee of the Board of Directors.
- ii. The complaint should include details of the incident, names of individuals involved and names of any witnesses.
- iii. A formal complaint is made in writing. Said form should be submitted by the employee to any supervisory employee, preferably to the immediate supervisor.
- iv. An employee may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

E. **Complaint Response Process.** Any supervisory employee who receives a formal sexual harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the Assistant General Manager or the General Manager.

- i. Within seventy-two (72) hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall commence and be conducted by the General Manager, within which the alleged harassment occurred.
- ii. The investigation shall include a written statement from the alleged harasser.
- iii. A written record of any investigation of an alleged sexual harassment shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Personnel Committee of the Board of Directors.
- iv. All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.
- v. The person initiating the complaint has the right to be accompanied by advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.
- vi. All parties concerned will be advised of the results of the investigation.

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

- i. 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, etc.
- ii. 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.
- iii. Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

8. **EMPLOYEE STATUS**

- A. **At Will.** Unless otherwise provided by contractual provisions, all employees of the District are employed on an at will basis; i.e., employment may be terminated at any time with or without cause.
- B. **Regular Employee.** A "Regular" employee is one who has been hired to fill a regular position in any job classification and has completed his/her probationary period.
- C. **Probationary Employee.** Each newly hired employee can be terminated without cause. Each newly hired shall serve an initial six (6) months probationary period. At the end of a newly hired employee's probationary period of six (6) months, the District, by committee of Supervisors and General Manager shall evaluate the employee's performance and make recommendation to the General Manager to determine the employee's future permanent status, or extend employee's probationary period.
 - i. A probationary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, as he/she becomes eligible. A probationary employee will not be eligible for a leave of absence.
- D. **Temporary Employee.** A temporary employee is defined as anyone hired for a period of six (6) months or less. Should a temporary employee continue his/ her employment beyond the six (6) month period, such time will be credited to his/ her regular probationary period.
 - i. 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.
 - ii. A temporary employee will receive not less than the minimum rate for the job, but will not be eligible for any fringe benefits including sick leave pay, holiday pay, vacation pay, insurance coverage, jury duty pay, bereavement pay or items of a similar nature, nor will he/she accrue seniority or leave of absence rights.
 - iii. If a temporary employee is reclassified to probationary or regular status, he/she will be credited with all continuous service in determining eligibility for such benefits that may accrue to him/her in his/her new status.
- E. **Part-Time Employee.** 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 employee cannot accommodate it. He/ she also works standby as discussed in Section 19, ("WORK HOURS, OVERTIME AND STANDBY PROGRAM", p. 9)

9. **COMPENSATION**

- A. **Compensation at Hiring.** This policy shall apply to all District employees.
 - i. **New Employees.** All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.
- B. **Advancement within Range.** The General Manager shall authorize advancement within the salary range only after evaluating the employee's performance and determining that it is 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.

- C. **Promotion.** When the District has an opening in a classification above the entry level, notice shall be posted in the break room, located at the District Headquarters and at the Operations Building prior to filling the position. Should the position be filled from within, positions shall be filled on the following basis:

- i. Ability to perform in the vacant position.
- ii. Where the District considers 1 and 2 above, equal, preference shall be given to personnel having the appropriate certification for the position to be filled.
- iii. When the District has established all factors equal, seniority shall be the final consideration.

Permanent employees elevated in classification shall serve a six (6) month probationary period in their newly acquired position. Permanent status will be dependent on the job performance evaluation which will occur at the end of the probationary period.

- D. **Performing Work Out of Classification.** Employees required to work an eight (8) hour shift in a temporary classification higher than their current classification will be paid a step increase equivalent to five percent (5%) of his/ her base pay rate.

Should an employee be required to work temporarily in a classification paying less than his/ her established rate, he/ she will be paid at their normal rate.

- E. **Step Increases.** Employees below Step 5 in his/ her classification shall be eligible for step increase based on individual performance evaluation. Individual performance evaluations shall be conducted at six (6) month intervals for all employees, based on anniversary date.

- i. Employees that have reached step 5 in their classification shall receive an annual employee review by their immediate supervisor. Pay increase in excess of Step 5, other than as pursuant to the cost of living increase, shall be at the discretion of the Board of Directors, based on merit.
- ii. Each employee at Step 5 shall be evaluated at one (1) year intervals, on or about their employment anniversary date, and said evaluation shall be reviewed by the Board of Directors when merit increases are recommended by the immediate supervisors, and approved by the General Manager. The Board may adopt salary increases in excess of Step 5, based on individual merit and job performance.
- iii. The salary schedules are made a part of this agreement on the appropriate dates, and attached hereto as Exhibit "A" on January 1, 2006, 2007, 2008.

10. PERFORMANCE EVALUATION

- A. **Written Evaluation.** Performance evaluations shall be in writing on forms prescribed by the General Manager. Said evaluation shall provide recognition for effective performance and also identify areas that need improvement. In addition to providing scaled scores in each performance and characteristic category, the evaluator will also provide a narrative explanation of the reason for each score.
- B. **Employee Response.** The performance evaluation shall be signed by the evaluator and shall be discussed with the employee. The employee will be provided an opportunity to prepare a written response to the evaluation that will be attached to the evaluation for inclusion in his/her personnel file.

- C. **Discretion.** Unscheduled performance evaluations may be made at the discretion of the General Manager.

11. **PERFORMANCE EVALUATION—GENERAL MANAGER**

- A. The General Manager of the District is retained and serves at the will of the Board of Directors. The Board of Directors shall review the performance of the General Manager after the initial six (6) months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.
- B. **Occurrence.** The performance evaluations should occur in closed session annually during the first Board of Directors meeting of the month in which the evaluation is due, or on another date mutually acceptable to the Board of Directors and the General Manager. The District Secretary shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate advance notice to the Board and the General Manager.
- C. **Evaluation Form.** The Board of Directors will agree upon an evaluation form to be provided to the Board and completed prior to the formal performance review session. Board of Directors shall be encouraged to prepare input on the form prior to the Board of Directors meeting.
- D. **Evaluation.** During the scheduled closed session(s), the Board should meet as a group with the General Manager to discuss the components of the performance evaluation and received feedback from the General Manager relative to the Board's assessment. If requested by the Board, the District's Legal Counsel may attend the evaluation closed session.
- E. **Goals and Objectives.** The Board of Directors and General Manager should jointly develop mutually agreed upon written goals and objectives for the subsequent evaluation period.
- F. **Compensation Award.** Any decision on a compensation award shall be made at a public meeting following the closed session evaluation meeting.

12. **HEALTH AND WELFARE BENEFITS**

- A. **Insurance.** The District will provide employees health insurance coverage through the Public Employees Retirement System (PERS) for all members of the Bargaining Unit and their dependents. Insurance will cover maternity for employee and spouse only.
- B. **State Disability Insurance.** Employees shall pay the cost of the premiums associated with State Disability Insurance.
- C. **Life Insurance.** Life Insurance shall be provided at the employee's current regular rate of pay, at the time of death, equal to one year's salary.

13. **PAY PERIODS**

- A. The pay period shall commence on Sunday at 12:01 A.M., and continue until 12:00 Midnight the second Saturday following. Payday shall occur on the Thursday following the end of pay period.

14. **GIFT ACCEPTANCE GUIDELINES**

- A. **Policy.** 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:

- i. Is customary and gives no appearance of impropriety and does not have more than a nominal value;
- ii. Does not impose any sense of obligation on either the giver or the receiver;
- iii. Does not result in any kind of special or favored treatment;
- iv. Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense; or
- v. Is given and received with no effort to conceal the full facts by either the giver or receiver.

15. **OUTSIDE EMPLOYMENT**

- A. No District employee shall be permitted to accept employment in addition to or outside of District service if:
 - i. The additional or outside employment leads to a conflict or potential conflict of interest for said employee;
 - ii. The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,
 - iii. The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.
- B. **District Resources.** An employee who does have additional or outside employment shall not be permitted to use District assets including records, materials, equipment, facilities, vehicles or other District resources in connection with said employment.

16. **LETTERS OF RECOMMENDATION**

- A. **Requests.** The General Manager shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than him/ 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. At his/her discretion, the General Manager may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

17. **EXECUTIVE OFFICER**

- A. **Executive Officer.** The General Manager shall be the Executive Officer of the District and serve at the pleasure of the Board.
- B. **Employment Agreement.** The terms and conditions of the General Manager's employment shall be specified in the agreement of employment established between the General Manager and the Board of Directors.
- C. **Conflict.** Whenever the agreement of employment established between the General Manager and the Board of Directors is in conflict with any District policy, said agreement of employment shall prevail.

18. **VOLUNTEER PERSONNEL WORKERS' COMPENSATION INSURANCE**

- A. **Policy.** An unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers' Compensation Insurance benefits provided for by law for any injury or illness sustained by them while engaged in the performance of services for the District under its direction and control.
- B. **Authorization.** The Legislature of the State of California has provided through legislation (Labor Code §3363.5) authorization for the inclusion of such coverage in the District's Workers' Compensation Insurance policy.

19. **WORK HOURS, OVERTIME AND STANDBY PROGRAM**

- A. **Application.** This policy shall apply to all non-exempt employees.
- B. **Work Day.** A normal work day is defined as eight (8) hours of work plus and unpaid one-half (1/2) hour lunch break followed by fifteen and one-half (15 ½) hours of rest for all employees except clerical classifications.

Clerical employees' normal work day shall consist of eight (8) hours of work and one (1) hour unpaid lunch period followed by fifteen (15) hours of rest.
- C. **Work Week.** A workweek is defined as one-hundred-sixty-eight (168) consecutive hours beginning at 12:01 A.M. Sunday and ending the following Saturday at 12:00 A.M. Midnight.
- D. **Alternative Work Week.** Other alternatives work weeks might be the implemented for the betterment of the District as determined by the General Manager and the Board.
- E. **Overtime.** Employees will be compensated at the rate of time and one-half (regular overtime rate) their standard hourly wage rate for all hours worked in excess of eight (8) in a normal work day. Employees working more than twelve (12) consecutive hours shall be compensated at twice their normal rate of pay for all hours worked in excess of twelve (12) consecutive hours. All overtime shall be paid in the pay period in which overtime is worked. This definition of overtime might change if an alternative work week (D) is implemented. To be compensable, all overtime must be authorized in advance by the employee's supervisor.
- F. **Emergencies.** Other than regular hours of work, any time worked by an employee in emergency repair or emergency maintenance of facilities of the District shall be compensated at the overtime rate of pay.
- G. **Call Out Time.** The intent of the Standby Program is to provide qualified personnel to respond to water system emergencies after regular business hours. For the purpose of this policy, the definition of emergencies may include, but shall not be limited to, water outages, water leaks, water quality concerns and telemetry system alarms.
 - i. **Scheduling and Compensation.** A regular standby period will be for a one week duration—Thursday 7:30 a.m. to Thursday 7:30 a.m. This includes nights, weekends, and holidays. The employee providing standby services will be compensated at a flat rate of one hundred dollars (\$100) per standby period plus overtime pay of time and one-half for the actual call out, with a two-hour minimum. The start time for the call-out and overtime pay to begin shall be at the time the employee arrives at the District Office or job site.
 - ii. **Rotation.** There will be a minimum of a four-person rotation for standby.
 - iii. **Training.** Employees new to the standby program will be supported by a Production Department employee for all telemetry system alarms. In-training

employee providing standby services will be compensated at a flat rate of fifty dollars (\$50) per standby. The progress of the employees in training shall be evaluated in intervals of three months and six months. At the end of the six-month training period, an employee in training should be considered able to respond to telemetry system alarms without the immediate support of the Productions Department employee. The evaluations will be performed by the Production employee assigned to support the employee in training and will be reviewed by the General Manager.

- iv. **Schedule.** The schedule for standby will be posted for a period of at least three months. The schedule will be prepared by Production Department Employees and approved by the Assistant General Manager. The schedule will be prepared in such a manner that Production Department Personnel will be on standby during their regularly scheduled work periods.
- v. **Trade.** Employees may trade their scheduled standby assignments only with the approval of the General Manager or Assistant General Manager. The trade of a standby assignment must be with another qualified standby employee. Standby employees are encouraged to consider the standby schedule when planning for vacation leave. Unless the trade is approved, standby assignments will be considered part of an employee's job responsibilities.
- vi. **Participation Criteria.** An employee interested in the standby program must meet the following minimum requirements:
 - a. Three years of employment with the District and must be assigned to a position equivalent to a Water Utility Person II.
 - b. Possess a Certificate of Competency as a Water Distribution Operation II or Water Treatment Operator I (California Department of Health Services)
 - c. Be able to travel from their residence to the District Main Office within approximately 15 minutes.
 - d. Good knowledge of the methods, equipment, materials and terminology used in the operation and maintenance of the water distribution system.
 - e. Ability to maintain accurate records and make reports.
 - f. Ability to understand and follow oral and written directions of a technical nature.
 - g. Ability to maintain harmonious working relations with others.
- vii. **Program Operation Guidelines.** The standby employee is responsible for responding to after business hours emergency calls and assessing the nature and severity of the incident. The standby employee is responsible for calling out the necessary number of personnel to make the needed emergency repairs to the water system. Depending on the classification of personnel contacted to make repairs, either the crew leader or senior employee will be responsible for the actual repair and satisfactory completion of said repair. If the standby employee has a question regarding the procedure to be used to make needed repairs, then the Field Foreman or Operations Superintendent and/or Assistant General Manager shall be contacted. If these individuals cannot be reached a Production Department employee shall be contacted.
- viii. **Log.** A log of all call out activity shall be maintained by standby employees. The standby employee's payroll time sheet must accurately reflect the log entries in order to be approved for payment.

- ix. **Overtime Rate.** Employees shall be paid a minimum of two (2) hours at the regular overtime rate, when called out to work during their normal off duty hours, other than his/ her regular shift.

20. **CONTINUITY OF SERVICE**

- A. For probationary and regular employees in all classifications, length of continuous service with the District will be used as the basis for determining benefits such as sick leave and vacation time. Length of continuous service will also be one of the considerations in promotions, demotions and layoffs.
- B. **Limitation.** Continuous service with the District will start with the date of employment and continue until one of the following occurs:
 - i. An employee is discharged;
 - ii. An employee voluntarily terminates his/her employment; or,
 - iii. An employee is laid off.
- C. **Accrual.** Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service will accrue for the period of such absence:
 - i. Absence by reason of industrial disability;
 - ii. Authorized absence without pay for less than 30 days in a calendar year; or,
 - iii. Absences governed by applicable state and/or federal laws such as military or National Guard service.
- D. **Re-Employment.** A re-employment list shall be maintained by the District. The re-employment list shall be used to determine the order in which part-time and temporary employees shall be employed when other than regular work is available and additional employees are needed. The list shall be arranged on the basis of seniority. An individual is considered to have seniority if his/her length-of-service, as defined above, is greater than that of another individual on the list. An individual on the re-employment list shall be rehired to fill a vacant position within a specific job classification if:
 - i. He /she was previously employed within said job classification or within a job classification requiring higher qualifications, and/or satisfies the qualifications as specified in the job description for said vacant position; and,
 - ii. He/she has seniority, as defined above.
- E. **List Removal.** When an individual on the re-employment list is called to work and is unavailable to work, the next person on the list having seniority and satisfying the conditions listed in Paragraph D of this section shall be called. If an individual is called to work three times without being available to work, his/her name may be removed from the re-employment list. An individual shall be removed from the re-employment list when he/she notifies the District that he/she has taken a regular position elsewhere and is unavailable to work for the District.
- F. **Seniority.** Regular employees who are laid off will be placed on the re-employment list and shall receive seniority based on previously earned length-of-service.
- G. **Service Records.** Previous regular employees who were laid off and called back for work not being regular in nature will have their employment service records maintained so that they accumulate length-of-service as they work on an "hour-for-hour" basis.

- H. **Non-Permanent Employees.** Part-time and temporary employees who are hired for a position having regular status will have previously earned length-of-service maintained in their employment service records.
- I. **Rehiring.** Previous temporary employees who are rehired within twelve (12) months of their last date of employment shall have their employment service records restored to include previously earned length-of-service.

21. **HOLIDAYS**

- A. Full Time Employees that do not work the holiday shall be credited with eight (8) hours pay. Such eight (8) hours shall be counted as a day worked for the purposes of the computation of overtime.
- B. **Holidays.** The following days shall be recognized and observed as paid holidays as provided in the current MOU:
 - i. New Years Day;
 - ii. Martin Luther King, Jr.'s Birthday;
 - iii. President's Day;
 - iv. Memorial Day;
 - v. Independence Day;
 - vi. Labor Day;
 - vii. Veteran's Day;
 - viii. Thanksgiving Day;
 - ix. Day After Thanksgiving;
 - x. Christmas Day;
 - xi. Employee Birthday; or
 - xii. Other holidays provided to employees subject to the discretion of the Board.
- C. **Compensation.** An employee required to work the holiday would bank his/her 8 hours and take them at a later date with approval of the Supervisor and General Manager.
- D. **Exception.** A holiday that occurs on a Saturday shall be granted the preceding Friday. A holiday that occurs on a Sunday shall be granted the following Monday.
- E. **Authorized Leave.** 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.
- F. Employees must work the regular business day before and after the holiday to qualify for this benefit, unless a preapproved vacation exists.

22. **VACATION**

- A. **Application.** This policy shall apply to regular and probationary employees in all classifications.
- B. **Accrual.** Vacation shall be earned from date of hire. Paid vacations shall be accrued according to the following schedule on an annual basis:
 - i. One (1) through four (4) years of service, ten (10) days;
 - ii. Five (5) through fourteen (14) years of service, fifteen (15) days; or
 - iii. Fifteen (15) years and more, twenty (20) days.
- C. **First Year.** An employee with less than five years seniority would receive 10 days vacation per year. The first year shall be prorated and accrued at a rate of 5/6 of a day

per month commencing with the first full month of employment, and awarded after January 1 of the following year.

- D. **Non- accumulation.** If there is sufficient time in the remainder of the calendar year to take or reschedule a vacation, and an employee elects not to take or schedule his/her vacation, the District shall have the option of requiring the employee to take a vacation or purchase unused vacation at an employee's regular hourly rate of compensation. The purchase shall occur at the first pay period in the month of December.
- E. **Sick Leave.** The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation 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 vacation time have been used.
- F. **Scheduling.** Vacations shall be scheduled prior to March 15 and approved by April 1, or scheduled and approved thirty (30) days in advance of desired time provided that District operations are not interrupted, vacation will be scheduled in a first come first serve basis.

23. PRE-EMPLOYMENT PHYSICAL EXAMINATION

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

The purposes of this policy are as follows.

- i. To establish and maintain a safe, healthy working environment for all employees.
 - ii. To establish and maintain a safe, healthy environment for the public.
 - iii. To reduce the incidence of accidental injury to persons or property.
 - iv. To reduce absenteeism and tardiness.
- B. **Medical Examinations.** The District shall require the prospective employee to take a medical examination in order to identify any health problem which could interfere with his/ her prospective job performance or be detrimental to the health or safety of the applicant, District employees, or the public.

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

- C. **Procedure.**
 - i. All applications for employment shall contain a statement to prospective applicants advising them that the selection procedure includes taking and passing a medical examination, which includes, but is not limited to, testing for the presence of health problems, which may interfere with their prospective job

performance or be detrimental to the District employees or the public and testing for the presence of drugs or alcohol

- ii. Applicants who are referred for a medical examination shall be required to sign consent forms authorizing the examination and the release of the examination results to the General Manager.
- iii. All medical examinations and the results thereof shall be approved by the General Manager.
- iv. Any applicant who refuses to sign the consent form(s) or to submit to the medical examination shall not be considered for employment.
- v. Examination results are confidential and shall be used solely for assistance in the District's determination for employment of the applicant and will not be released except to:
 - a. Appropriate District personnel.
 - b. The applicant upon written request.
 - c. Pursuant to court order.
 - d. Examination reveals a medical problem that should be brought to the applicant's attention. This shall be done only on the advice of the examining physician.
- vi. Applicants who are taking medication prescribed by a physician shall so indicate on the examination form and must be otherwise disclosed prior to the examination. Any positive indications related to the presence of that medication will not prohibit employment unless, pursuant to applicable law, the use of said medication would otherwise interfere with the applicant's job performance or create an unsafe condition for the applicant, District employees, or the public.
- vii. If a required medical examination reveals a medical problem that is recommended by the examining physician to be investigated further, any such investigation and/or follow-up medical procedures shall be paid for by the applicant.

24. **SICK LEAVE**

- A. **Application.** This policy shall apply to probationary and regular employees in all classifications.
- B. **Definition.** 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 when prior notice is provided to the supervisor.
- C. **Accrual.** Employees shall accumulate sick leave at the rate of one (1) day per month.
- D. **Use.** 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 should notify their supervisor to the extent feasible 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:

- i. 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.
 - ii. 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.
 - iii. The term "spouse" is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.
- E. **Notice.** In order to receive compensation while on sick leave, the employee shall notify a supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.
- F. **Evidence.** If absence from duty by reason of illness occurs, satisfactory evidence may be required by the General Manager.
- G. **"Buy-Back."**
 - i. **Incentive Plan "A."** An employee not using any sick leave for twelve (12) consecutive months may convert their twelve (12) accrued days to cash at a rate of two (2) accrued days for eight (8) hours pay at their regular hourly rate.
 - ii. **Incentive Plan "B."** Upon retirement or death, an employee, or his/ her beneficiary, shall be entitled to receive 50% of all accumulated sick leave not compensated for in "A" above.
 - iii. **Note.** Beneficiary shall be the individual indicated on the employee's Life Insurance Beneficiary Form.

25. **FAMILY AND MEDICAL LEAVE**

- A. The purpose of this policy is to clarify how the District will implement the Family and Medical Leave Act of 1993 (FMLA). The provisions of the contract or MOU with union and/or employee association shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the FMLA.
- B. **Eligibility.** To be eligible for leave under the FMLA, an employee must have:
 - i. Been employed by the District for at least twelve (12) months
 - ii. Worked for the District at least one-thousand-two-hundred-fifty (1,250) hours during the twelve (12) months immediately preceding the commencement of leave.
- C. **Leave Benefit.**
 - i. Eligible employees will be provided with up to twelve (12) weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a seriously ill child, parent, or spouse. In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to twelve (12) weeks of unpaid leave. "Serious health condition" is defined as an acute illness, injury, impairment, or physical or mental condition that entails:
 - a. Inpatient care in a hospital, hospice, or residential medical care facility; or,

- b. Continuing treatment by a health care provider.
- ii. To be eligible for leave under the FMLA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave for the first part of the twelve (12) week statutory leave. If a husband and wife are both employed by the District, the total number of workweeks of leave to which both may be entitled shall be limited to twelve (12) weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.
- iii. Employees taking a "Family Care Leave" will be required to use all available paid time off (e.g. vacation, floating holidays, etc.) during any "Family Care Leave". Vacation and sick time off do not accrue during a "Family Care Leave". If a holiday falls during a "Family Care Leave," the employee will not receive holiday pay.

Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.
- iv. At the end of the leave the District will attempt to reinstate the employee to his/her previous position (unless the position is eliminated) or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue seniority or employment benefits during the leave period. The District will also require the employee to obtain medical certification that they are able to resume work.

D. Employee Obligations

- i. If an employee requests leave for the birth, adoption, or the foster placement of a child, and the need for leave is foreseeable, the employee must provide his or her supervisor with at least thirty (30) days' prior written notice. However, if the date of the birth, adoption, or foster placement requires that leave begin in less than thirty (30) days, the employee must provide the general manager with as much notice as practicable. If the employee requests leave because of a serious health condition, the employee must provide the Supervisor with thirty (30) days notice, or with as much notice as practicable.
- ii. Employees seeking leave on account of a serious health condition must provide the supervisor with medical certification regarding their condition. The General Manager may require employees to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the General Manager may require a third opinion from a mutually agreed on health care provider.
- iii. Leave for childbirth or adoption can be taken intermittently (e.g. two (2) days a week or one (1) week per month). Leave for a serious illness, including a pregnancy-related illness, may be taken intermittently when medically necessary or if the employee is unable to perform his/ her job intermittently, this need must be included in the medical certification.

26. PREGNANCY DISABILITY LEAVE OF ABSENCE

- A. Under the California Fair Employment and Housing Act (FEHA), if an employee is disabled by pregnancy, childbirth, or related medical conditions, she is eligible to take a Pregnancy Disability Leave (PDL). If she is affected by pregnancy or a related medical condition, she is also eligible to transfer to a less strenuous or hazardous condition or to less strenuous or hazardous duties, if this transfer is medically advisable.

- B. **Length.** The PDL is for any period(s) of actual disability caused by an employee's pregnancy, childbirth, or related medical condition up to four (4) months (or eighty-eight (88) workdays for a full-time employee) per pregnancy.
 - i. The PDL does not need to be taken in one continuous period of time, but can be taken on an as-needed basis.
 - ii. Time-off for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by your PDL.
- C. **Compensation.** Generally, the District is required to treat pregnancy disability the same as we treat other disabilities of similarly situated employees. The PDL will be unpaid.
 - i. At the employee's option, she can use any accrued vacation as part of her pregnancy disability leave before taking the remainder of her leave as an unpaid leave. The employee may also be eligible for State Disability Insurance for the unpaid portion of her leave.
 - ii. Taking a PDL may impact certain of the employee's benefits or her seniority date. If the employee wants more information regarding her eligibility for a leave, the impact of the leave on her senior and benefits, and our policy for other disabilities, she should contact her supervisor.
 - iii. An employee returning from an approved PDL of four months or less will be reinstated to her same position or to a comparable position under circumstances allowed by law. The only exception is if the employee's position is eliminated.
- D. **Requirements.** The employee may be required to obtain a certification from her health provider of her pregnancy disability or the medical advisability for a transfer. The certification should include:
 - i. The date on which she became disabled due to pregnancy or the date of the medical advisability for the transfer.
 - ii. The probable duration for the period(s) of disability or the period(s) for the advisability of the transfer.
 - iii. A statement that, due to the disability, she is unable to work at all or to perform any 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 or a statement that, due to her pregnancy, the transfer is medically advisable.

27. **BEREAVEMENT LEAVE**

- A. Two (2) days off with pay for death of employee's/ spouse's parents. Four (4) days off with pay for death of employee's spouse or children.

28. **PERSONAL LEAVE OF ABSENCE**

- A. Employees may be granted leaves of absence without pay for valid and compelling personal reasons for period of up to thirty (30) days. Two (2) weeks prior notice is generally required. A written request is to be submitted to his/ her supervisor with as much advance notice as possible. Management will consider the following factors to determine if a leave is warranted:
 - i. Reason for leave of absence.
 - ii. Length of Service.

iii. Performance and work records and the District's legitimate business needs.

B. **Return.** The ability to return from a personal leave of absence will be based upon the availability of an appropriate position.

29. **JURY DUTY**

A. **Application.** This policy shall apply to probationary and regular employees in all classifications.

B. **Notice.** An employee summoned for jury duty will immediately notify his/her immediate supervisor.

C. While serving on a jury, an employee will be given a paid leave of absence up to five days. Said leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday

30. **RETURN TO WORK POLICY**

A. **Purpose.** The District has developed a return to work program in an effort to minimize serious disability due to on-the-job injuries and illnesses and to reduce workers' compensation costs.

B. **Assistance.** Supervisors will assist by directing the employee to appropriate care and assisting in proper reporting of the injury or illness while maintaining a positive and constant flow of communication with the injured worker. To the extent possible, they will also assist in arranging work that meets "light duty" restrictions, as needed, to reduce lost time.

C. **Work Load.** This policy does not guarantee light duty work will always be available. The operational needs of the District must be considered when determining if light duty work will be provided. Light duty work shall be productive and provide a needed service to the District. The General Manager or Superintendent will work with the Workers' Compensation carrier with the assessment of the employee's ability to return to work.

31. **OCCUPATIONAL INJURY AND ILLNESS PREVENTION PROGRAM**

A. It is the policy of the District that accident prevention shall be considered of primary importance in all phases of operation and administration.

i. The District's management intends to provide safe and healthy working conditions and establish and insist upon safe practices at all times by all employees.

ii. It is a basic requirement that each supervisor make the safety of employees an integral part of his or her regular management function.

iii. It is equally the duty of each employee to accept and follow established safety regulations and procedures. Unsafe conditions must be reported. Fellow employees that need help should be assisted. Everyone is responsible for the housekeeping duties that pertain to their jobs.

iv. Any injury that occurs on the job, even a slight cut or strain, must be reported to management as soon as possible. In no circumstance, except an emergency, should an employee leave a shift without reporting an injury that occurred.

v. Responsibility for implementing the Injury Prevention Program is given to the General Manager, who will coordinate all efforts and oversee the enforcement of all District safety rules and policies.

- B. **Insurance of Compliance.** Employees will be trained in safe practices. If unsafe practices are observed, the employee will be disciplined and retrained to ensure that they comply with safe work practices.
- C. **Communication.**
 - i. During the initial safety orientation, employees will be instructed to report any unsafe conditions, and to discuss occupational health concerns.
 - ii. During safety meetings, employees will be encouraged to report any unsafe conditions, and to discuss occupational health concerns.
 - iii. All safety and health suggestion will be reviewed by the supervisor, who will determine if an inspection, further training, or other action is necessary.
- D. **Occupational Health and Safety Training Program**
 - i. All new employees will be provided a safety orientation during their first day on the job. The orientation will be conducted and documented by their supervisor. It will cover all company safety rules and the safe practices required for their job assignment.
 - ii. Employees given a new job assignment will be provided a safety orientation regarding any new hazards prior to beginning the new job. Employees risking exposure to a new hazard will be given safety orientation prior to working with the new hazard.
 - iii. A safety orientation will be conducted periodically. Safety rules and safety practices will be emphasized at this training session, which will serve the same purpose as the safety orientation given to new employees.
 - iv. Only individuals who are knowledgeable of the safety hazards and safe practices of the workers under their direction and control will be permitted to supervise.
 - v. Records will be kept of all training provided. Records will indicate the type of training given, date, the name of the training provider, and signatures of employees in attendance.
- E. **Inspections**
 - i. Inspections will be performed regularly to identify and evaluate workplace hazards. A checklist will be developed for use in subsequent inspections.
 - ii. Inspections will also be performed whenever a new process or substance is introduced, when the company receives information that a company process or substance is hazardous, as part of an accident investigation, and when a safety hazard is reported. These inspections may be limited to the substance or process in question.
 - iii. All inspections will be documented using the Hazard Checklist, which will be signed and dated by the inspector. The inspector will correct, or arrange to correct all hazards identified.
- F. **Accident Investigation**
 - i. All accidents, illnesses, and exposures to hazardous substances resulting from employment with the District will be investigated by the injured employee's supervisor, using the Supervisor's Report of Accident Form.
 - ii. The investigation report will be reviewed by the General Manager.

- iii. Particular attention will be given to ways of preventing future occurrences of similar accidents, illnesses or exposures.

G. **Unsafe Conditions and Work Practices**

- i. When safety hazards are corrected, the action taken will be indicated on the Hazard Checklist, which will then be signed and dated by the individual making the corrections.
- ii. Priorities for correction will be determined by the severity of the hazard(s) identified. Employees will be protected from imminent hazards by the use of lockouts or other means of adequately preventing employees from exposure.
- iii. Hazard checklist forms will be kept as a record of the company's ongoing safety effort.

- H. **Recordkeeping.** Inspection records, accident investigations, and training records, shall be kept for a minimum of three (3) years. A record-keeper shall be designated.

32. **UNIFORMS AND PROTECTIVE CLOTHING**

- A. **Employee Appearance and Dress.** Employees are expected to maintain a neat, clean and well-groomed appearance.

- i. Hair, beard and mustaches must be of style and length to avoid coming into contact with moving equipment. Loose clothing is not to be worn when operating equipment.
- ii. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. The wearing of suggestive attire or of dungarees, jeans, shorts, sandals, tennis shoes, western boots, T-Shirts and similar items of casual attire is not permitted as they do not present a businesslike appearance.
- iii. The exception occurs when prior approval has been given by a manager to wear non-professional clothing to complete a specific duty or special function or on days designated by the General Manager as "casual days."
- iv. No facial piercing or gauges shall be worn while on duty
- v. Any visible tattoos should be covered while on duty
- vi. Any work time missed because of failure to comply with the dress policy will not be compensated, and repeated (3) violations of this policy will be cause for disciplinary action.

- B. **Uniforms.** The District supplies all field employees with uniforms.

- i. The cost of uniforms and/or protective clothing, boots, etc., that employees are required to wear shall be borne by the District.
- ii. All field employees are required to wear steel toed safety shoes or boots. The District will reimburse each field employee up to one hundred thirty dollars (\$130) per year on or after the employee's hire date then on or after the employee's anniversary date, thereafter, for said shoes or boots upon proof of purchase.
- iii. When an employee for whom said uniforms, clothing, shoes, etc., were purchased or reimbursed is terminated or resigns for any reason prior to completing three

continuous months of service after said purchase, a portion of the cost of said items shall be retained from his/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 ratio of the amount of time worked to three continuous months of regular work.

- C. **Compliance.** Any field employee not wearing the complete uniform, while performing District functions, is subject to disciplinary action.
 - i. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises.
 - ii. Uniforms are not to be worn for personal use.

33. **CONFERENCES**

- A. Where employee attendance at professional conferences will be of benefit to the District's operations, no expenses shall be incurred in behalf of the employee when the Board of Directors has approved such attendance in advance.
- B. It is the policy of the District to encourage employee development and excellence of performance by authorizing employees to attend conferences associated with the interests of the District.
- C. **Expenses.** Expenses for professional conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the General Manager and by:
 - i. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or a nearby hotel offering discount rates.
 - ii. Employees traveling together whenever feasible and economically beneficial.
 - iii. Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
 - iv. Not utilizing air travel at a rate or class higher than coach.
 - v. When reimbursing travel expenses, the District will pay the lesser expense between air and auto travel.
- D. **Guests/ Spouse.** The District will only pay for and/or reimburse employees for that portion of expenses that relate to the employee.
- E. **Alcohol.** The District will not reimburse expenses for alcoholic beverages of any kind or for any reason.
- F. **Report.** Upon returning from seminars, workshops, conferences, etc., where expenses are paid for and/or reimbursed by the District, employees shall make a verbal report at their next staff meeting. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of staff.

34. **OCCUPATIONAL CERTIFICATION ASSISTANCE**

The District will pay for and/or reimburse employees for state, federal or county recognized certificate and registration programs.

Some examples of Certificates/Licenses that may be compensated for upon approval of the employee's Department Head and the General Manager are listed below.

- a. Collection System Maintenance - Ca. Water Environment Association
- b. Wastewater Treatment Plant Operator - State Resources Control Board
- c. Water Treatment Operator - Department of Health Services
- d. Water Distribution Operator - Department of Health Services
- e. Backflow Prevention Device Tester - County of Riverside

Other direct occupational programs related to an employee job classification may qualify if approved by the General Manager on a case-by-case basis.

35. **RESPIRATORY PROTECTION PROGRAM**

- A. The District is committed to maintaining an injury and illness free workplace, and is making every effort to protect its employees from harmful airborne substances. Whenever it is possible to do so, this is accomplished through engineering controls such as ventilation or substitution with a less harmful substance, and through administrative controls limiting the duration of exposure. When and if these methods are not adequate, or if the exposures are brief and intermittent, or simply to minimize employees exposure to airborne substances, the District shall provide respirators to allow employees to breathe safely in potentially hazardous environments.
- B. **Responsibility.** A program administrator will be assigned by the General Manager to have the authority and responsibility for overall management and administration of the District's Respiratory Protection Program. The program consists of the following:
 - i. Preparing, evaluating and modifying the written respiratory protection program.
 - ii. Identifying, locating, and maintaining ongoing surveillance and evaluation of airborne exposures.
 - iii. Selecting respirators.
 - iv. Conducting medical screening for potential respirator users.
 - v. Conducting respirator fit testing and assignment.
 - vi. Training.
 - vii. Recordkeeping.
- C. **Program Administration.** Suggestions and comments from employees about exposure conditions, respirators, personal health changes and training issues will be addressed promptly. An annual formal audit will be conducted of the entire program. The form "Respirator Program Evaluation Worksheet" will be used to document the evaluation and to record recommended changes.
- D. **Respirator Selection.** Where engineering and administrative means do not achieve the desired control, or in the case of emergency, respirators must be worn. Different types of respirators are available for a variety of applications, and it is necessary to ensure that the proper NIOSH/ MSHA approved respirator is selected and used for the kind of work being performed and the hazards involved.
- E. **Evaluating Respirator Wearer Health Status.** Even with the appropriate equipment and adequate training provided, an employee's health status must be considered before allowing respirator use. The wearer's physical and medical condition, duration and difficulty of tasks, toxicity of the containment, and type of respirator all affect an

employee's ability to wear a respirator while working. Construction work or work with lead, asbestos, cotton dust and certain carcinogens make this evaluation mandatory.

- F. **Medical Evaluation.** Each respirator wearer will be interviewed, using the form "Physical Status Questionnaire" to determine whether the employee should be given a medical evaluation. When medical review is necessary, the form "Referral for Medical Evaluation," along with the questionnaire and "Respirator Selection Information" Form, are sent to the wearer's physician for prompt action. Before any employee is fit tested for a respirator, either the questionnaire or the medical evaluation form must be completed and signed to certify the employee's ability to wear a respirator.
- G. **Fit Testing & Assignment.** After the appropriate type of respirator is selected and the employee's ability to work while wearing a respirator is certified, a qualitative fit test will be conducted to choose the best fitting face piece and determine the specific brand, model and size for each employee.
 - i. Quantitative fit testing numerically measures the face piece fit and is the preferred alternative to qualitative fitting. Although it requires specialized equipment and trained personnel, some exposures, for example asbestos, require a quantitative fit test.
 - ii. Qualitative fit testing and assignment will be performed according to procedures in Appendix C in this guide. The form "Respirator Fit Testing & Assignment" is used to record test results and document respirator assignment. The form "Respirator Selection Summary" summarizes all respirator assignments.
- H. **Training.** Training in the need, use, limitations, inspection, fit checks, maintenance and storage of the equipment is ordinarily initiated during the fit test and will be completed. Detailed instructions for use and care of the respirator are provided by the manufacturer with the equipment, and this information is to be used in the training. The form "Respirator User Training and Education" is a guide and record of the training received.
- I. **Recordkeeping.** Each major component of the program will be documented to: verify that each activity has occurred; evaluate the success of the program; and satisfy regulatory requirements. These records include the written program, exposure determination, respirator selection, physical status evaluation, fit testing and respirator assignment, training form and program assessment.

36. **DRIVER TRAINING AND RECORD REVIEW**

- A. **Purpose.** The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by:
 - i. Applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; or
 - ii. Establishing disciplinary procedures for different types of driving violations.
- B. **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, but cannot be required to do so in accordance with State law.
- C. **Implementation.** The District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program ("Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV:
 - i. Every six (6) months; and

- ii. 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.
- D. **Review Criteria.** Information that will be generated during the record review will include:
 - i. Type of license;
 - ii. Expiration Date;
 - iii. Endorsements;
 - iv. DMV action suspensions, revocations, and penal code violations; and
 - v. Vehicle Code Violations.
- E. **Disciplinary Procedures:**
 - i. 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:
 - a. They earn two points within thirty-six (36) months
 - b. They receive any moving violation in a District vehicle within thirty-six (36) months.
 - c. They are involved in an accident within thirty-six (36) months.
 - ii. A driver will be placed on a twelve (12) month driving probation if they earn three (3) to five (5) points within thirty-six (36) months. Additional point violations within this probationary period will affect a one- hundred twenty (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.
 - iii. A driver will be suspended from District driving privileges for one-hundred twenty (120) days if:
 - a. They earn four (4) or more points within twenty-four (24) months.
 - b. They earn six (6) or more points within thirty-six (36) months.
 - c. They receive a citation for DUI, reckless driving, or speed contest on personal time within thirty-six (36) months.
 - d. If they are involved in two chargeable (resulting in a point violation) accidents within twenty-four (24) months. 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.
 - iv. A driver will be permanently suspended of District driving privileges if:
 - a. They receive a citation for DUI, reckless driving, or speed contest during District business within thirty-six (36) months.

- b. They receive two citations for DUI, two citations for reckless driving, or two citations for speed contest on personal time within twelve (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.
 - v. Occasionally, it may be brought to the District's attention that an employee is exposing the District to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.
- C. **Defensive Driver Training.** All drivers shall attend an approved defensive driver training course at least once every four years or more often as specified in Disciplinary Procedures, above. Directors are encouraged to attend courses, but cannot be required to do so in accordance with State law.

37. **DISTRICT VEHICLE USAGE**

- A. **Application.** This policy applies to employees who drive District vehicles to and from work.
- B. **Exceptions.** During working hours, trips for personal purposes will be avoided. Occasionally, stopping at a store en route to a business destination, or going to a restaurant (within close proximity of your work location) for lunch is permitted. While going to or from work, occasionally stopping to buy groceries, pick up laundry, medications, etc., is also permitted. No alcohol shall be purchased while driving a District vehicle.
- C. **Limitation.** Other than the foregoing uses, district vehicles will not be used for any other personal purposes without prior written approval. This means that weekend or after-hours trips to the store (regardless of how close to home), trips back to the office to retrieve forgotten personal items, or any other non-business usage will not be permitted.

38. **PERSONAL VEHICLE USAGE**

- A. When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.
- B. **Authorization.** Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational.
- C. **Coordination.** Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work and used in an efficient manner.
- D. **Insurance.** Proof of adequate insurance coverage for collision, personal injury, and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

39. **HIPAA COMPLIANCE**

- A. Authorization as required under the Health Insurance Portability and Accountability Act (HIPAA) for disclosure of protected health information (PHI) will be a condition of employment or continued employment with the Agency to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness-for-duty physicals, return to work authorizations, and any other lawful

need for medical information. Refusal to authorize release of PHI in any of the above instances will be grounds for discipline up to and including termination.

40. **TOBACCO USE**

- A. Ample research exists demonstrating the health hazards of the use of tobacco products, including smoking and the breathing of second-hand smoke. Therefore, in the best interest of the health and safety of employees and the general public, the smoking of tobacco products shall be banned completely within District buildings or confined spaces, or in District vehicles.
- B. **Application.** The successful implementation of this policy depends upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on District premises share in the responsibility of adhering to this policy.
- C. **Responsibility.** All District employees will be responsible for advising members of the public who are observed smoking tobacco products on District property of the District's policy on the matter. Said individuals shall be asked by staff to refrain from smoking.

Members of the public who refuse to comply with this policy may be directed by any managerial employee to leave District property.

- D. **Disciplinary Action.** District employees who violate this policy will be subject to disciplinary action in accordance with Section 42, Disciplinary Action.

41. **SMOKE FREE WORK-PLACE**

- A. Smoking is prohibited within the buildings, facilities and vehicles of the District. Those who smoke are requested to do so outdoors away from entrances or windows of buildings or 20' away from building.
- B. **Safety.** 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. Extra care should be taken when working around combustible materials, or out in the field near equipment or supplies.
- C. **Non-Hazardous.** Smoking is allowed in non-district vehicles and on district properties as long as it is not a safety hazard. If employees observe unsafe activity involving smoking, they should bring it to the attention of the person and attempt to gain voluntary compliance to terminate the smoking activity. If the party refuses to cooperate, employee should inform his/her supervisor to take added action.

42. **DISCIPLINARY ACTION OR TERMINATIONS**

- I. The General Manager in presence of a witness (Supervisor) has the authority to discipline or terminate any employee. The following is a nonexclusive list of the types of disciplinary action which may be imposed.
 - A. Oral or written warnings.
 - B. Probation - the placing of an employee in a position wherein his/her past and current performance is being reevaluated. Failure to improve his/her performance during the probationary period will result in further disciplinary action.
 - C. Suspension - an involuntary leave without pay.

- D. Demotion - reduction from a position in one class to a position in another class having a lower salary range, affected for disciplinary purposes. (Demotions resulting from organizational changes and layoffs are not disciplinary.)
 - E. Termination - discharge from service with the District.
- II. It is intended that discipline be imposed primarily for corrective purposes and to address deficiencies in work performance. All disciplinary actions should be kept confidential. The following is a nonexclusive and illustrative list of the more common causes for disciplinary action provided however these provisions are not intended nor shall they change or modify the at-will status of employees:
- A. Action contrary to the Personnel Rules and Regulations of the District.
 - B. Inefficiency or incompetence.
 - C. Disobedience or insubordination.
 - D. Dishonesty.
 - E. Consumption of alcoholic beverages or drugs - employees shall not use, carry or transport alcoholic beverages or narcotics during work shift or, on neither District property nor report for work while under the influence of alcohol or narcotics.
 - F. Disorderly or immoral conduct.
 - G. Discourteous treatment of the public.
 - H. Accepting gratuities or tips offered in exchange for District services rendered a customer or prospective customer.
 - I. Conviction of a felony.
 - J. Tardiness.
 - K. Absenteeism.
 - L. Neglect of duty.
 - M. Failure to follow safe working practices or failure to report promptly any injury.
- III. In cases of disciplinary action, an employee shall be given written notification of the reasons for such action. This notification shall include a statement of the reasons for the action being taken, the disciplinary action being proposed, the effective date of the proposed disciplinary action, and the notice of the right of the employee to respond orally or in writing to the authority proposing the disciplinary action. This notification shall be delivered to the employee in person and/or mailed to the employee's residence.
- IV. An employee shall have the right to an Administrative Review of disciplinary suspension, a demotion or termination. A written request for such a Review shall be submitted to the General Manager within five (5) days of the date of receipt of the notice of the proposed disciplinary action. If a timely request for Review is submitted, the Review shall be conducted before an impartial representative of management (as chosen by the General Manager) prior to the effective date of the proposed disciplinary action. The employee may submit written rebuttal material prior to the Review.

The employee is entitled to question the person offering evidence against him/her and is entitled to have an attorney represent him/her. The management representative conducting the review shall verify the reasons for and the need of disciplinary action and

determine if the proposed disciplinary action is appropriate. The decision of the management representative will be submitted in writing to the employee within three (3) days after the Administrative Review. The decision of the management representative will be final.

- V. Upon termination, the employee shall be given an Exit Interview. This review, while not limited to, will also include a discussion of all benefits, including accrued sick leave, accrued vacation, retirement plan, health insurance, life insurance and disability insurance.

43. **NEPOTISM - EMPLOYMENT OF RELATIVES**

- A. It is the policy of the District to seek the best possible candidates for its staff through appropriate search procedures. It is also the policy of District not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Furthermore, the District retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The department head shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist.
- B. Where the department head has made a determination that such adverse impact does not exist, this determination shall be reviewed by the General Manager prior to any appointment being made. If the General Manager determines that an adverse impact would in fact occur, the Personnel Committee shall be notified.
- C. This policy applies to individuals who are related by blood, marriage or adoption including the following relationships: spouse, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. A spouse is a partner in marriage as defined in California Civil Code 4100. In implementing this policy, it is lawful to ask an applicant to state whether he or she has a spouse or relative as defined in this policy who is presently employed by the District, but such information may not be used as a basis for an employment decision except as stated herein.
- D. This policy shall apply to all employees of the District. It shall also apply to all part time employees and contract employees of the District.
- E. For purposes of this policy, "supervisory employee" or "supervisor" means any employee, regardless of job description or title, having authority in the interest of the District to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- F. When two existing employees marry, and a determination has been made that the potential for creating adverse impact as described above exists, the Personnel Committee in conjunction with the General Manager, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation or transfer. If the District is unable to make an acceptable accommodation, then the two individuals will be notified by the General Manager that one of the employees must separate from District employment within 60 days. The choice of who shall separate from District service shall be made by the General Manager.
- G. With regard to related employees and the Beaumont-Cherry Valley Water District's funds: One related employee only shall have access to district funds, provided it is part of their employment duties. The other employee(s) related to the above shall have no direct, indirect, physical or electronic access to district funds or any advisory input for the management of district funds.

- H. The hiring of all future employees who have a relative working for the District shall be subject to the approval of the District's Personnel Committee, which shall take into consideration whether such employment would violate this policy.
- I. Non paid volunteers working for the District may have relatives employed by the District. Their work assignment shall be approved by the General Manager.
- J. No employee of the District shall have supervision over a relative

44. **CONFIDENTIALITY REGARDING RESIGNATIONS**

- A. To the extent permitted by law, District staff and Directors shall keep confidential the circumstances giving rise to an employee's resignation/termination from the District.
- B. **Public Record.** This policy is itself a public record which the District must release upon request.

45. **INTERNET, E-MAIL, AND ELECTRONIC COMMUNICATION ETHICS, USAGE AND SECURITY**

- A. **Purpose.** The District believes that employee access to and use of the Internet, e-mail, and other electronic communications resources benefits the District and makes it a more profitable and successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success.
- B. The District has established this ethics, usage, and security policy to ensure that all District employees use the computer resources, which the District has provided its employees, such as the Internet and e-mail, in an ethical, legal, and appropriate manner. This policy defines acceptable and unacceptable use of the Internet, e-mail, and other electronic communications.
- C. This policy also establishes the steps the District may take for inappropriate use of the Internet and e-mail. All employees must read and adhere to the guidelines and policies established herein. Failure to follow this policy may lead to discipline, up to and including immediate termination.
 - i. Employees shall not use the Internet or e-mail in an inappropriate manner. Inappropriate use of the internet and e-mail includes, but is not limited to:
 - a. Accessing internet sites that contain pornography, exploit children, or would generally be regarded in the community as offensive, or for which there is no official business purpose to access.
 - b. Participating in any profane, defamatory, harassing, illegal, discriminatory, or offensive activity or any activity that is inconsistent in any way with the District's policies (i.e. policy on sexual harassment).
 - c. Exploiting security weaknesses of the District's computing resources and/or other networks or computers outside the District.
 - d. Internet access is to be used for 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. Access to the Internet and e-mail is not a benefit of employment with the District. (Personal use of the Internet, e-mail, texting and other electronic communications is strictly prohibited.)

- ii. Employees DO NOT have any right to privacy in any District computer resources, including internet sites visited, downloads and e-mail messages, text messages produced, sent, or received by District computers or transmitted via the District's servers and network. Employee access to the Internet and e-mail is controlled by use of a password. The existence of a password does not mean that employees should have any expectation of privacy. Employees must disclose their passwords to the Executive Assistant upon request, and the Executive Assistant will maintain a file of all passwords currently in use. As directed by the General Manager, the District may monitor the contents of all e-mail messages to promote the administration of the District, its business, and policies.
- iii. Employees access to and use of the Internet, e-mail, and other electronic communications will be monitored frequently. Failure to follow the policy may lead to discipline, up to and including immediate termination. Disciplinary action may include the removal of Internet and e-mail access from their computer or termination of employment with the District.
- iv. The Internet and e-mail provide means by which employees of the District may communicate with its customers (general public). Messages to or from customers through the District's e-mail system may be considered part of the District's public business records and should be treated as such.
- v. Deleting an e-mail message does not necessarily mean the message cannot be retrieved from the District's computer system. For a specific period of time, the District retains backup copies of all documents, including e-mail messages, produced, sent, and received on the District's computer system.
- vi. E-mail and any attachments are subject to the same ethical and legal concerns and standards of good conduct as memos, letters, and other paper-based documents. E-mail can be forwarded to others, printed on paper, and is subject to possible discovery during lawsuits in which the District may be involved.
- vii. Currently all District e-mail being sent is not encrypted. Unencrypted electronic mail is not a secure way of exchanging information or files. Due to the way Internet data is routed, all messages are subject to "eavesdropping." Messages may be "stolen" as they temporarily reside on host machines waiting to be routed to their destination, or they may be purposefully intercepted from the Internet during transfer to the recipient. It is possible for someone other than the intended recipient to capture, store, read, alter/or re-distribute your message. Do not transmit information in an electronic mail message that should not be written in a letter, memorandum, or document available to the public.
- viii. E-mail, 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.
- ix. Use of electronic mail or the Internet to distribute copyrighted materials is prohibited.
- x. Each user should take the necessary steps to prevent unauthorized disclosure of confidential or privileged information
- xi. Use of electronic mail or the Internet to send offensive messages of any kind is prohibited.
- xii. Use of electronic mail or the Internet for inappropriate or unauthorized advertising and promotion of the District is prohibited.

- xiii. When District employees communicate using electronic mail or other features of the Internet, the employee must be extremely mindful of the image being portrayed of the District.
- xiv. Computer viruses can become attached to executable files and program files. Receiving and/or downloading executable files and programs via electronic mail or the Internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. This does not include e-mail and/or documents received via e-mail and the Internet. All downloaded files must be scanned for viruses.
- xv. Use of another user's name/account, without express permission of the Systems Administrator, to access the Internet is strictly prohibited.
- xvi. Personal use of the District's computer resources for personal commercial activity or any type of illegal activity is strictly prohibited.
- xvii. It is advisable for all employees of the District to remind customers/clients/contractors of these security issues when sending confidential electronic mail and/or documents to the District via electronic mail. If applicable, our customer/clients/contracts should be reminded to implement a security policy and make sure their employees understand the ramifications of sending privileged information via electronic mail.
- xviii. To maintain the integrity and firewall protection of the District's network system, telephone system, modem pool, or communication server to access the Internet. The District will not be responsible for maintaining or payment of personal Internet accounts or related software.
- xix. E-mail that users need to retrieve from their personal Internet account must be retrieved via that User's personal Internet account. District users shall not access such personal e-mail account using the District's network system, telephone system, modem pool, or communication server.
- xx. Employees will only access the Internet through the District's network. Internet access through other methods (i.e. modems) will be allowed, as directed by the District's computer consultant
- xxi. Employees will respect all copyright and license agreements regarding software or publication they access or download from the Internet. The District will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the license or copyright infringement. Any software or publication, which is downloaded onto District computer resources, becomes the sole property of the District.
- xxii. Employees will only download information and/or publications for official business purposes.
- xxiii. Employees are to scan all downloaded materials before using or opening them on their computers to prevent the introduction of computer viruses.
- xxiv. All list subscriptions should be for business purposes only. The employee will make sure List Servers are notified when the employee leaves the District.

46. CELLULAR TELEPHONE USAGE

- A. Personal cellular telephones may be used by employees during hours of work for essential personal calls, or for an occasional personal business call.

- i. Essential personal calls are defined as calls of minimal duration and frequency that are urgent in nature and cannot be made at another time or from a different telephone. Examples of essential personal calls are calls to arrange for care of a child or other family emergency, to alert a family member of an unexpected delay due to a change in work schedule, or to arrange for transportation or service in the event of car trouble, etc.
 - ii. To the extent possible, personal cellular telephone usage should be confined to rest and lunch breaks, and in locations such that the conversation is not disrupting to other employees or District business.
- B. **Exception.** Personal and District-owned cellular telephone usage will not be permitted by employees who are engaged in a continuous operation, such as a member on a utility crew engaged in the construction or repair of District facilities.
- C. **Meetings.** Personal and District-owned cellular telephones will be turned off or set to vibration mode during meetings, training sessions or during work hours if the employee's work station is in close proximity to others.
- D. **Safety.** Employees are expected to operate District vehicles and equipment in a safe and prudent manner. Therefore, if use of a cellular telephone is necessary while driving a District vehicle or operating potentially hazardous equipment, hands-free cellular telephone accessories shall be used to maximize the employee's attentiveness. District employees will follow current laws concerning driving and the use of electronic devices.
- D. **Camera Phones.** Camera phones shall not be used in situations where any individual may have an expectation of privacy. This includes but is not limited to restrooms, locker rooms and training rooms.
- E. **Text Messages.** Text messaging devices shall not be used by employees to communicate with each other during working hours unless specifically authorized for District purposes by a supervisor.

47. **GRIEVANCE PROCEDURES**

- A. **Definition.** A grievance is any alleged violation, or major difference of opinion, as to the interpretation of application of any negotiated agreement, or any law, rule or regulation governing personnel matters.
- B. **Exception.** 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.
- C. **Representation.** An employee is entitled to representation in the preparation and presentation of his grievance at any step in the grievance procedure. The grievant is entitled to be released from work for a reasonable period of time in order to present the grievance.
- D. **Procedure.** An employee and any representation will be unimpeded and free from restraint, discrimination, interference, of reprisal in seeking appropriate adjustment of a grievance.
 - i. **Step 1.** A grievance, as defined above, shall be presented to the immediate supervisor within seven (7) business days of the event giving rise to the grievance. If not presented within said time requirement, the grievance will be deemed to have been waived. Prior to filling a written grievance, an employee will first discuss the matter with his/ her immediate supervisor. The immediate

supervisor shall respond, either orally or in writing, within three (3) days of the discussion concerning the matters giving rise to the grievance.

- ii. **Step 2.** In the event the problem is not resolved through informal discussion as outlined in Step 1, the grievance shall be reduced to writing, and submitted to the General Manager, within five (5) days of receipt of the immediate supervisor's answer. Upon receipt of a written grievance, the General Manager shall meet with the employee and his representative. The General Manager shall render a written decision no later than three (3) days after the Step 2 meeting.
- iii. **Step 3.** Should the grievance not be resolved in Step 2, it may then be appealed to the Personnel Committee of the Board of Directors within three (3) days. The Personnel Committee shall meet with the grievant and his/her representative, within ten (10) days of submission for review, and render a written decision ten (10) days thereafter, which decision shall be final.

E. **Personnel Committee.** The Personnel Committee shall, as soon as possible, 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 Committee's decision shall be announced in open session immediately after the closed session in which it was made.

F. **Basic Rules.**

- i. 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.
- ii. By agreement in writing, the parties may extend any and all time limitations specified above.
- iii. 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.
- iv. A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

48. **SUBSTANCE ABUSE (In Conformance with Department of Transportation Guidelines)**

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

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

- B. **Applicability.** This policy applies to all employees when they are on District property or when performing any District related business. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work. A safety-sensitive employee is:
- i. One in any classification requiring the use of a Class "A" or Class "B" commercial drivers license, as listed in Appendix A;
 - ii. One who has voluntarily driven a District vehicle requiring a commercial license within the last twelve (12) month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license; or,
 - iii. One who performs safety-sensitive functions as specified in Appendix A. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- C. **Prohibited Substances.** "Prohibited substances" addressed by this policy include, but are not limited to the following:
- i. **Drugs.** Marijuana, amphetamines, opiates, phencyclidine (PCP) cocaine and any all other substances illegal in the State of California.
 - ii. **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.
 - iii. **Legal Medications.** Using or being under the influence of any legally prescribed 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. 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.
- D. **Prohibited Conduct.** 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.
- i. **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.
 - ii. **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 an 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.

- iii. **Alcohol Use.** No safety-sensitive 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 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violations of this provision are prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP.
- iv. **Compliance with Testing Requirements.** All safety-sensitive employees are subject to controlled substance testing and breathe alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.
- v. **Treatment/Rehabilitation Program.** An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:
 - a. **Positive Controlled Substance and/or Alcohol Test.** A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the 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.
 - b. **Voluntary Admittance.** All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to 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.
- vi. **Leave Time.** Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any. If no time available participants will not be paid by the District and should not accumulate vacation or sick time while on leave.
- E. **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.
- F. **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.

- G. **Testing for Prohibited Substances.** Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under DOT guidelines. All employees shall be subject to testing prior to employment and for reasonable suspicion. All safety-sensitive employees shall be subject to testing randomly and following an accident, as defined in the DOT guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five (5) years, as determined by an SAP. Safety-sensitive employees who perform safety-sensitive functions as defined in the DOT guidelines shall also be subject to testing on a randomly selected and unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), 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. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from his/her position for at least twenty-four (24) hours unless a retest results within 15-20 minutes in an alcohol concentration of 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, 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.

i. **Circumstances Under Which Employees May Be Tested.**

- a. **Pre-Employment Testing.** All job applicants who have been offered District employment, including current non-safety-sensitive employees who promote, demote or transfer to such positions, shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide "clean" records from previous employers 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.

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

- c. **Post-Accident Testing.** Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. 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 (1) or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive 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. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident.

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

When safety-sensitive employees are off work due to long-term lay-offs, illness, injury, or vacation, the employee's name will be placed back into the pool and another employee name selected.

The number of safety-sensitive employees selected for random testing will be the amount required in the DOT guidelines. Currently, twenty five percent (25%) of the employee pool is tested for alcohol and fifty percent (50%) for substance abuse. The employee pool will either be all District safety-sensitive employees or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

- e. **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 the 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 twelve (12) months, nor longer than sixty (60) months in total, following return to duty.
- f. **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 safety-sensitive employee's request for a retest must be made to the supervisor within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.
- ii. **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.
- H. **Employee Assessment.** Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the DOT guidelines will be assessed by an SAP. An 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. 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, vacation, administrative leave, personal necessity leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.
- I. **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., vacation, sick leave, administrative leave, personnel necessity leave or floating holidays, 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.

J. **Contact Person.** Any questions regarding this policy should be directed to the General Manager.

K. **Definitions.**

- i. **Accident.** An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.
- ii. **Alcohol.** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- iii. **Alcohol Concentration.** The alcohol in a volume of breath expressed in terms of grams of alcohol per two-hundred-ten (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).
- iv. **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).
- v. **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.
- vi. **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.
- vii. **Collection Site.** A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breath.
- viii. **Commercial Motor Vehicle.** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. Has a gross combination weight ratio of twenty-six-thousand-one (26,001) or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten-thousand (10,000) pounds; or,
 - b. Has a gross vehicle weight rating of twenty-six-thousand-one (26,001) or more pounds; or,
 - c. Is designed to transport sixteen (16) or more passengers, including the driver; or,
 - d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.
- ix. **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.)

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

Controlled substances will be tested under the DHHS guidelines. The primary (initial or screening) controlled substance test thresholds (subject to change based on DHHS guidelines) for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolites	50 ng/ml
Cocaine Metabolites	300 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates Metabolites ¹	300 ng/ml

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

Marijuana Metabolite (THC) ²	15 ng/ml
Cocaine Metabolite ³	150 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates	
Morphine	300 ng/ml
Codeine	300 ng/ml
Amphetamines	
Amphetamine	500 ng/ml
Methamphetamine ⁴	500 ng/ml

- xi. **Covered Employee.** A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.
- xii. **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.
- xiii. **District.** Beaumont-Cherry Valley Water District
- xiv. **District Time.** Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

¹25 ng/ml if immunoassay

²Delta-9-tetrahydrocannabinol-9-carboxylic acid

³Benzoyllecgonine

⁴Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

- xv. **Driver.** Any person who operates a commercial motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.
- xvi. **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.
- xvii. **Evidential Breath Testing Device (EBT).** The device to be used for breath alcohol testing
- xviii. **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.
- xix. **Performing (Safety-Sensitive Function).** A safety-sensitive employee is considered to be performing a safety-sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.
- xx. **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."
- xxi. **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. This is also required when employees transfer to a safety-sensitive position.
- xxii. **Prohibited Drugs (Controlled Substances).** Marijuana, cocaine, opiates, amphetamines, or phencyclidine and all others as might be recognized by law
- xxiii. **Prohibited Substances.** This is synonymous with drug abuse and/or alcohol misuse or abuse.
- xxiv. **Random Alcohol and/or Controlled Substance Testing.** Testing conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions.
- xxv. **Reasonable Suspicion Alcohol and/or Controlled Substance Testing.** Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.
- xxvi. **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).
- xxvii. **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.

- xxviii. **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 twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty upon the SAP recommendation.
- xxix. **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 0.04 or greater on an alcohol test.
- xxx. **Safety-Sensitive Employee (Function and/or Position).** An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (A complete list of safety-sensitive classifications and functions is listed in Appendix A of this policy.)
- xxxi. **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.
- xxxii. **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.
- xxxiii. **Supervisor.** Foreman, Superintendent, Division Manager or General Manager who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse.
- xxxiv. **Vehicle.** Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

2. PROCEDURES

A. Reasonable Suspicion Testing.

- i. 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.
- ii. 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.
- iii. 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.

- iv. 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.
- v. 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).
- vi. 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 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 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.
- vii. 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.

B. Random Testing.

- i. The compliance company notifies the General Manager, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.

- ii. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- iii. At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- iv. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.
- v. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive 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 safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

C. **Post Accident.**

- i. The safety-sensitive employee notifies a supervisor that an accident has occurred.
- ii. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- iii. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- iv. The General Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
- v. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition

and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

- vi. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive 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 safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

E. Return to Work and Follow Up.

- i. The compliance company notifies the District to send the employee to the collection site for alcohol and controlled substance testing.
- ii. The supervisor notifies 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.
- iii. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- iv. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02, or whose controlled substance test is verified positive will be terminated from employment.

F. Chain of Custody for Controlled Substance Specimens.

- i. At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
- ii. 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.
- iii. 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.
- iv. 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.

G. Specimen Collection of Strange and/or Unrecognizable Substances.

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

- ii. 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.
- iii. An incident report is written by the supervisor and signed by both the supervisor and the witness.
- iv. 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.

H. **Alcohol Concentration.**

- i. The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
- ii. After an explanation of how the breathalyzer works, an initial breath sample is taken.
- iii. 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.
- iv. 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.

I. **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.

APPENDIX "A"

SAFETY-SENSITIVE CLASSIFICATIONS AND FUNCTIONS

Water Division Safety-Sensitive Classifications

Utility Worker I II III	Production Operator
Chief Production Operator	Field Foreman
	Utility Worker I II III

Safety-Sensitive Function

Operating any vehicle where a Class A or Class B driver's license would be required.

APPENDIX "B"

VOLUNTARY PARTICIPATION IN RANDOM TESTING

In accordance with Appendix "A" of the District's Substance Abuse Policy, my classification is not considered safety-sensitive. Therefore, I am not required to participate in the random testing for controlled substances, even though I have a Class A or Class B (commercial) driver's license.

However, for the convenience of the District, and because I would like to have the opportunity to operate District vehicles and equipment requiring a commercial license, designated as safety-sensitive functions in the District's policy, I hereby request that I be included - during the current calendar year - in the pool of safety-sensitive employees for the purpose of controlled substance random testing, in conformance with the District's Substance Abuse Policy.

Employee's Signature

Date

Employee's Name Printed

March 11, 2009 WORKING DRAFT

APPENDIX "C"

Sexual Harassment Policy. By signing this document, I hereby represent that I have read, understand, and agree to the District's Sexual Harassment Policy.

Date

Signature

Print name here

RESOLUTION NO. 2009-5

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT
RATIFYING, APPROVING AND ADOPTING
THE POLICY MANUALS ATTACHED
AND MADE A PART OF THIS RESOLUTION**

WHEREAS, the Board of Directors of the Beaumont Cherry Valley Water District on January 14, 2009, adopted the "Policies & Procedures Manuals Applicable to Board of Directors and District Staff" (Section II); and

WHEREAS, the Board of Directors of the Beaumont Cherry Valley Water District on February 11, 2009, adopted the "Operations Policies & Procedures Manual" (Section III) and the "Miscellaneous Policies & Procedures Manual" (Section IV); and

WHEREAS, the Board of Directors of the Beaumont Cherry Valley Water District has this 18th day of March, 2009, adopted a final version (Section I) of the "Personnel Policies & Procedures Manual"; and

WHEREAS, the Board of Directors of the Beaumont Cherry Valley Water District believes that it is in the best interest of the District, for purposes of clarity, to ratify, approve and adopt the four Manuals referenced above.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Directors of the Beaumont Cherry Valley Water District hereby ratify, approve and adopt the following Policy Manuals which are attached to this Resolution:

1. Section I - Personnel Policies and Procedures Manual
2. Section II - Policies & Procedures Manual Applicable to Board of Directors and District Staff
3. Section III - Operations Policies & Procedures Manual
4. Section IV - Miscellaneous Policies & Procedures Manual

ADOPTED, SIGNED AND APPROVED this 18th day of March, 2009.

AYES:

NOES:

ABSENT:

ABSTAINED:

Dr. Blair Ball, President of the
Beaumont Cherry Valley Water District
and of the Board of Directors thereof

ATTEST:

Ryan Woll, Secretary of the
Beaumont Cherry Valley Water District
and of the Board of Directors thereof



BEAUMONT CHERRY VALLEY WATER DISTRICT

Policies and Procedures

BEAUMONT-CHERRY VALLEY WATER DISTRICT

**PERSONNEL
POLICIES & PROCEDURES MANUAL**

Adopted March 18, 2009

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BEAUMONT-CHERRY VALLEY WATER DISTRICT

PERSONNEL POLICIES & PROCEDURES MANUAL

Adopted March 18, 2009

RESERVATION OF RIGHTS

As circumstances change, the District may revise, supplement, or rescind any policies or portion of this Manual. Employees will be notified in writing of such changes as they occur. Only written changes adopted by the Board of Directors are recognized or binding.

1. DEFINITIONS

- A. **District.** Beaumont-Cherry Valley Water District shall hereinafter be referred to as "District."
- B. **Designees.** Sections empowering the General Manager as decision-maker will not apply to any other individual, unless the General Manager should designate another management employee or supervisor as vested with such powers.

2. CONTRACTUAL PROVISIONS

- A. **Application.** The employment provisions of this policies and procedures manual shall apply, unless otherwise provided by contractual provision.

3. EQUAL OPPORTUNITY

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.

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, marital status, handicap, veteran status, or any other factor.

4. AFFIRMATIVE ACTION

It is the policy of the District that there shall be no discrimination based upon race, national origin, religion, sex, physical handicap, veteran's status, or age in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action.

5. ACCESS TO PERSONNEL RECORDS

Employee files are confidential and are to be treated as such. Access to employee files is limited to the following:

- 1. **The Employee.** Employees may inspect their own personnel file in the presence of the General Manager, Assistant General Manager.

2. **Persons Other Than the Employee.** Other employees of the District may have access to personnel files only if they have a "need to know." This means access is limited to:
 - i. Administrative Department staff as they need access in the course of their normal duties;
 - ii. Management considering an employee for promotion, transfers into their departments, or disciplinary action.
 - iii. Members of the Personnel Committee of the Board as it pertains to the Policy Manual

6. **HARASSMENT**

- A. The District is committed to providing a work environment for its employees that is free of harassment. The District prohibits sexual harassment (see Section 7, "SEXUAL HARRASSMENT", p. 3-4) as well as harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other basis protected by federal, state or local law, ordinance or regulation. This policy applies to all persons involved in the operation of the District and prohibits harassment by any employee of the District - supervisors and co-workers.
- B. **Reporting.** Employees are encouraged to immediately report any incident of harassment so that complaints can be quickly and fairly resolved.
- C. Harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other protected basis is prohibited, including, but not limited to the following behavior:
 - i. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
 - ii. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings or gestures;
 - iii. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis; and,
 - iv. Retaliation for having reported or threatened to report harassment.
- D. **Written Complaint.** If any employee of the District believes that he/she has been harassed, the employee should provide a written complaint to the supervisor, Assistant General Manager, or the General Manager as soon as possible after the incident. The complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness (es).
 - i. Staff receiving harassment complaints will refer them immediately to the General Manager or the Personnel Committee of the Board of Directors (in the event the complaint involves the General Manager) who will undertake an immediate, thorough and objective investigation of the harassment allegation(s).
- E. **Remedial Action.** If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to and including termination. Whatever action is taken against the harasser will be made known to the employee lodging the complaint, and appropriate action will be taken to remedy any loss to the employee resulting from the harassment. Retaliation by

management or co-workers against anyone filing a complaint will not be permitted or tolerated.

7. **SEXUAL HARASSMENT**

- A. Acts of sexual harassment by employees, supervisors, or managers, are prohibited and are subject to sanctions and disciplinary measures, up to and including termination of employment.
- B. **Definition.** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
 - i. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
 - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
 - iii. 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.
 - iv. Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, or comments, graphic commentaries on the person's body; sexually degrading words to describe the person, or propositions of a sexual nature.
 - v. Visual conduct such as derogatory and/ or sexually-oriented posters, photography, cartoons, drawings or gestures.
 - vi. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis, sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person.
 - vii. Direct or indirect threats or suggestions of sexual relations or sexual contact are made.
 - viii. Retaliation for having reported or threatened to report harassment.
- C. All employees shall be informed of the District's sexual harassment policy and complaint process and again when any complaint is filed. Also, the policy and the complaint process set forth herein shall be readily available to all employees and members of the general public utilizing the District's facilities and services.
 - i. All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.
 - ii. An annual bulletin shall be prepared, distributed and signed by all employees informing them of the District's sexual harassment policy. See Appendix C.
 - iii. Within fourteen (14) working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees re-informing them of the District's sexual harassment policy.
- D. **Complaint Process.** Any employee who believes he/she is the victim of sexual harassment should notify the other employee that such behavior is offensive, and ask him or her to immediately stop the behavior. It is important to let fellow employees know

when behavior is offensive because the District hires people from a variety of cultural and ethnic backgrounds.

- i. Allegations of harassment in employment should be reported as soon as possible to any supervisory employee. If the complaint is directed against the General Manager, the complaint shall be filed with the Personnel Committee of the Board of Directors.
- ii. The complaint should include details of the incident, names of individuals involved and names of any witnesses.
- iii. A formal complaint is made in writing. Said form should be submitted by the employee to any supervisory employee, preferably to the immediate supervisor.
- iv. An employee may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

E. **Complaint Response Process.** Any supervisory employee who receives a formal sexual harassment complaint shall at all times maintain the confidentiality of the plaintiff and shall personally deliver said complaint immediately and directly to the Assistant General Manager or the General Manager.

- i. Within seventy-two (72) hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall commence and be conducted by the General Manager, within which the alleged harassment occurred.
- ii. The investigation shall include a written statement from the alleged harasser.
- iii. A written record of any investigation of an alleged sexual harassment shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Personnel Committee of the Board of Directors.
- iv. All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.
- v. The person initiating the complaint has the right to be accompanied by advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.
- vi. All parties concerned will be advised of the results of the investigation.

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

- i. 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, etc.
- ii. 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.
- iii. Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

8. **EMPLOYEE STATUS**

- A. **At Will.** Unless otherwise provided by contractual provisions, all employees of the District are employed on an at will basis; i.e., employment may be terminated at any time with or without cause.
- B. **Regular Employee.** A "Regular" employee is one who has been hired to fill a regular position in any job classification and has completed his/her probationary period.
- C. **Probationary Employee.** Each newly hired employee can be terminated without cause. Each newly hired shall serve an initial six (6) months probationary period. At the end of a newly hired employee's probationary period of six (6) months, the District, by committee of Supervisors and General Manager shall evaluate the employee's performance and make recommendation to the General Manager to determine the employee's future permanent status, or extend employee's probationary period.
 - i. A probationary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, as he/she becomes eligible. A probationary employee will not be eligible for a leave of absence.
- D. **Temporary Employee.** A temporary employee is defined as anyone hired for a period of six (6) months or less. Should a temporary employee continue his/ her employment beyond the six (6) month period, such time will be credited to his/ her regular probationary period.
 - i. 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.
 - ii. A temporary employee will receive not less than the minimum rate for the job, but will not be eligible for any fringe benefits including sick leave pay, holiday pay, vacation pay, insurance coverage, jury duty pay, bereavement pay or items of a similar nature, nor will he/she accrue seniority or leave of absence rights.
 - iii. If a temporary employee is reclassified to probationary or regular status, he/she will be credited with all continuous service in determining eligibility for such benefits that may accrue to him/her in his/her new status.
- E. **Part-Time Employee.** 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 employee cannot accommodate it. He/ she also works standby as discussed in Section 19, ("WORK HOURS, OVERTIME AND STANDBY PROGRAM", p. 9)

9. **COMPENSATION**

- A. **Compensation at Hiring.** This policy shall apply to all District employees.
 - i. **New Employees.** All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.
- B. **Advancement within Range.** The General Manager shall authorize advancement within the salary range only after evaluating the employee's performance and determining that it is 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.

- C. **Promotion.** When the District has an opening in a classification above the entry level, notice shall be posted in the break room, located at the District Headquarters and at the Operations Building prior to filling the position. Should the position be filled from within, positions shall be filled on the following basis:

- i. Ability to perform in the vacant position.
- ii. Where the District considers 1 and 2 above, equal, preference shall be given to personnel having the appropriate certification for the position to be filled.
- iii. When the District has established all factors equal, seniority shall be the final consideration.

Permanent employees elevated in classification shall serve a six (6) month probationary period in their newly acquired position. Permanent status will be dependent on the job performance evaluation which will occur at the end of the probationary period.

- D. **Performing Work Out of Classification.** Employees required to work an eight (8) hour shift in a temporary classification higher than their current classification will be paid a step increase equivalent to five percent (5%) of his/ her base pay rate.

Should an employee be required to work temporarily in a classification paying less than his/ her established rate, he/ she will be paid at their normal rate.

- E. **Step Increases.** Employees below Step 5 in his/ her classification shall be eligible for step increase based on individual performance evaluation. Individual performance evaluations shall be conducted at six (6) month intervals for all employees, based on anniversary date.

- i. Employees that have reached step 5 in their classification shall receive an annual employee review by their immediate supervisor. Pay increase in excess of Step 5, other than as pursuant to the cost of living increase, shall be at the discretion of the Board of Directors, based on merit.
- ii. Each employee at Step 5 shall be evaluated at one (1) year intervals, on or about their employment anniversary date, and said evaluation shall be reviewed by the Board of Directors when merit increases are recommended by the immediate supervisors, and approved by the General Manager. The Board may adopt salary increases in excess of Step 5, based on individual merit and job performance.
- iii. The salary schedules are made a part of this agreement on the appropriate dates, and attached hereto as Exhibit "A" on January 1, 2006, 2007, 2008.

10. PERFORMANCE EVALUATION

- A. **Written Evaluation.** Performance evaluations shall be in writing on forms prescribed by the General Manager. Said evaluation shall provide recognition for effective performance and also identify areas that need improvement. In addition to providing scaled scores in each performance and characteristic category, the evaluator will also provide a narrative explanation of the reason for each score.
- B. **Employee Response.** The performance evaluation shall be signed by the evaluator and shall be discussed with the employee. The employee will be provided an opportunity to prepare a written response to the evaluation that will be attached to the evaluation for inclusion in his/her personnel file.

- C. **Discretion.** Unscheduled performance evaluations may be made at the discretion of the General Manager.

11. **PERFORMANCE EVALUATION—GENERAL MANAGER**

- A. The General Manager of the District is retained and serves at the will of the Board of Directors. The Board of Directors shall review the performance of the General Manager after the initial six (6) months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.
- B. **Occurrence.** The performance evaluations should occur in closed session annually during the first Board of Directors meeting of the month in which the evaluation is due, or on another date mutually acceptable to the Board of Directors and the General Manager. The District Secretary shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate advance notice to the Board and the General Manager.
- C. **Evaluation Form.** The Board of Directors will agree upon an evaluation form to be provided to the Board and completed prior to the formal performance review session. Board of Directors shall be encouraged to prepare input on the form prior to the Board of Directors meeting.
- D. **Evaluation.** During the scheduled closed session(s), the Board should meet as a group with the General Manager to discuss the components of the performance evaluation and received feedback from the General Manager relative to the Board's assessment. If requested by the Board, the District's Legal Counsel may attend the evaluation closed session.
- E. **Goals and Objectives.** The Board of Directors and General Manager should jointly develop mutually agreed upon written goals and objectives for the subsequent evaluation period.
- F. **Compensation Award.** Any decision on a compensation award shall be made at a public meeting following the closed session evaluation meeting.

12. **HEALTH AND WELFARE BENEFITS**

- A. **Insurance.** The District will provide employees health insurance coverage through the Public Employees Retirement System (PERS) for all members of the Bargaining Unit and their dependents. Insurance will cover maternity for employee and spouse only.
- B. **State Disability Insurance.** Employees shall pay the cost of the premiums associated with State Disability Insurance.
- C. **Life Insurance.** Life Insurance shall be provided at the employee's current regular rate of pay, at the time of death, equal to one year's salary.

13. **PAY PERIODS**

- A. The pay period shall commence on Sunday at 12:01 A.M., and continue until 12:00 Midnight the second Saturday following. Payday shall occur on the Thursday following the end of pay period.

14. **GIFT ACCEPTANCE GUIDELINES**

- A. **Policy.** 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:

- i. Is customary and gives no appearance of impropriety and does not have more than a nominal value;
- ii. Does not impose any sense of obligation on either the giver or the receiver;
- iii. Does not result in any kind of special or favored treatment;
- iv. Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense; or
- v. Is given and received with no effort to conceal the full facts by either the giver or receiver.

15. **OUTSIDE EMPLOYMENT**

- A. No District employee shall be permitted to accept employment in addition to or outside of District service if:
 - i. The additional or outside employment leads to a conflict or potential conflict of interest for said employee;
 - ii. The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,
 - iii. The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.
- B. **District Resources.** An employee who does have additional or outside employment shall not be permitted to use District assets including records, materials, equipment, facilities, vehicles or other District resources in connection with said employment.

16. **LETTERS OF RECOMMENDATION**

- A. **Requests.** The General Manager shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees other than him/ 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. At his/her discretion, the General Manager may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

17. **EXECUTIVE OFFICER**

- A. **Executive Officer.** The General Manager shall be the Executive Officer of the District and serve at the pleasure of the Board.
- B. **Employment Agreement.** The terms and conditions of the General Manager's employment shall be specified in the agreement of employment established between the General Manager and the Board of Directors.
- C. **Conflict.** Whenever the agreement of employment established between the General Manager and the Board of Directors is in conflict with any District policy, said agreement of employment shall prevail.

18. **VOLUNTEER PERSONNEL WORKERS' COMPENSATION INSURANCE**

- A. **Policy.** An unpaid person authorized to perform volunteer service for the District shall be deemed to be an employee of the District for the purposes of Workers' Compensation Insurance benefits provided for by law for any injury or illness sustained by them while engaged in the performance of services for the District under its direction and control.
- B. **Authorization.** The Legislature of the State of California has provided through legislation (Labor Code §3363.5) authorization for the inclusion of such coverage in the District's Workers' Compensation Insurance policy.

19. **WORK HOURS, OVERTIME AND STANDBY PROGRAM**

- A. **Application.** This policy shall apply to all non-exempt employees.
- B. **Work Day.** A normal work day is defined as eight (8) hours of work plus and unpaid one-half (1/2) hour lunch break followed by fifteen and one-half (15 ½) hours of rest for all employees except clerical classifications.

Clerical employees' normal work day shall consist of eight (8) hours of work and one (1) hour unpaid lunch period followed by fifteen (15) hours of rest.
- C. **Work Week.** A workweek is defined as one-hundred-sixty-eight (168) consecutive hours beginning at 12:01 A.M. Sunday and ending the following Saturday at 12:00 A.M. Midnight.
- D. **Alternative Work Week.** Other alternatives work weeks might be the implemented for the betterment of the District as determined by the General Manager and the Board.
- E. **Overtime.** Employees will be compensated at the rate of time and one-half (regular overtime rate) their standard hourly wage rate for all hours worked in excess of eight (8) in a normal work day. Employees working more than twelve (12) consecutive hours shall be compensated at twice their normal rate of pay for all hours worked in excess of twelve (12) consecutive hours. All overtime shall be paid in the pay period in which overtime is worked. This definition of overtime might change if an alternative work week (D) is implemented. To be compensable, all overtime must be authorized in advance by the employee's supervisor.
- F. **Emergencies.** Other than regular hours of work, any time worked by an employee in emergency repair or emergency maintenance of facilities of the District shall be compensated at the overtime rate of pay.
- G. **Call Out Time.** The intent of the Standby Program is to provide qualified personnel to respond to water system emergencies after regular business hours. For the purpose of this policy, the definition of emergencies may include, but shall not be limited to, water outages, water leaks, water quality concerns and telemetry system alarms.
 - i. **Scheduling and Compensation.** A regular standby period will be for a one week duration—Thursday 7:30 a.m. to Thursday 7:30 a.m. This includes nights, weekends, and holidays. The employee providing standby services will be compensated at a flat rate of one hundred dollars (\$100) per standby period plus overtime pay of time and one-half for the actual call out, with a two-hour minimum. The start time for the call-out and overtime pay to begin shall be at the time the employee arrives at the District Office or job site.
 - ii. **Rotation.** There will be a minimum of a four-person rotation for standby.
 - iii. **Training.** Employees new to the standby program will be supported by a Production Department employee for all telemetry system alarms. In-training

employee providing standby services will be compensated at a flat rate of fifty dollars (\$50) per standby. The progress of the employees in training shall be evaluated in intervals of three months and six months. At the end of the six-month training period, an employee in training should be considered able to respond to telemetry system alarms without the immediate support of the Productions Department employee. The evaluations will be performed by the Production employee assigned to support the employee in training and will be reviewed by the General Manager.

- iv. **Schedule.** The schedule for standby will be posted for a period of at least three months. The schedule will be prepared by Production Department Employees and approved by the Assistant General Manager. The schedule will be prepared in such a manner that Production Department Personnel will be on standby during their regularly scheduled work periods.
- v. **Trade.** Employees may trade their scheduled standby assignments only with the approval of the General Manager or Assistant General Manager. The trade of a standby assignment must be with another qualified standby employee. Standby employees are encouraged to consider the standby schedule when planning for vacation leave. Unless the trade is approved, standby assignments will be considered part of an employee's job responsibilities.
- vi. **Participation Criteria.** An employee interested in the standby program must meet the following minimum requirements:
 - a. Three years of employment with the District and must be assigned to a position equivalent to a Water Utility Person II.
 - b. Possess a Certificate of Competency as a Water Distribution Operation II or Water Treatment Operator I (California Department of Health Services)
 - c. Be able to travel from their residence to the District Main Office within approximately 15 minutes.
 - d. Good knowledge of the methods, equipment, materials and terminology used in the operation and maintenance of the water distribution system.
 - e. Ability to maintain accurate records and make reports.
 - f. Ability to understand and follow oral and written directions of a technical nature.
 - g. Ability to maintain harmonious working relations with others.
- vii. **Program Operation Guidelines.** The standby employee is responsible for responding to after business hours emergency calls and assessing the nature and severity of the incident. The standby employee is responsible for calling out the necessary number of personnel to make the needed emergency repairs to the water system. Depending on the classification of personnel contacted to make repairs, either the crew leader or senior employee will be responsible for the actual repair and satisfactory completion of said repair. If the standby employee has a question regarding the procedure to be used to make needed repairs, then the Field Foreman or Operations Superintendent and/or Assistant General Manager shall be contacted. If these individuals cannot be reached a Production Department employee shall be contacted.
- viii. **Log.** A log of all call out activity shall be maintained by standby employees. The standby employee's payroll time sheet must accurately reflect the log entries in order to be approved for payment.

- ix. **Overtime Rate.** Employees shall be paid a minimum of two (2) hours at the regular overtime rate, when called out to work during their normal off duty hours, other than his/ her regular shift.

20. **CONTINUITY OF SERVICE**

- A. For probationary and regular employees in all classifications, length of continuous service with the District will be used as the basis for determining benefits such as sick leave and vacation time. Length of continuous service will also be one of the considerations in promotions, demotions and layoffs.
- B. **Limitation.** Continuous service with the District will start with the date of employment and continue until one of the following occurs:
 - i. An employee is discharged;
 - ii. An employee voluntarily terminates his/her employment; or,
 - iii. An employee is laid off.
- C. **Accrual.** Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service will accrue for the period of such absence:
 - i. Absence by reason of industrial disability;
 - ii. Authorized absence without pay for less than 30 days in a calendar year; or,
 - iii. Absences governed by applicable state and/or federal laws such as military or National Guard service.
- D. **Re-Employment.** A re-employment list shall be maintained by the District. The re-employment list shall be used to determine the order in which part-time and temporary employees shall be employed when other than regular work is available and additional employees are needed. The list shall be arranged on the basis of seniority. An individual is considered to have seniority if his/her length-of-service, as defined above, is greater than that of another individual on the list. An individual on the re-employment list shall be rehired to fill a vacant position within a specific job classification if:
 - i. He /she was previously employed within said job classification or within a job classification requiring higher qualifications, and/or satisfies the qualifications as specified in the job description for said vacant position; and,
 - ii. He/she has seniority, as defined above.
- E. **List Removal.** When an individual on the re-employment list is called to work and is unavailable to work, the next person on the list having seniority and satisfying the conditions listed in Paragraph D of this section shall be called. If an individual is called to work three times without being available to work, his/her name may be removed from the re-employment list. An individual shall be removed from the re-employment list when he/she notifies the District that he/she has taken a regular position elsewhere and is unavailable to work for the District.
- F. **Seniority.** Regular employees who are laid off will be placed on the re-employment list and shall receive seniority based on previously earned length-of-service.
- G. **Service Records.** Previous regular employees who were laid off and called back for work not being regular in nature will have their employment service records maintained so that they accumulate length-of-service as they work on an "hour-for-hour" basis.

- H. **Non-Permanent Employees.** Part-time and temporary employees who are hired for a position having regular status will have previously earned length-of-service maintained in their employment service records.
- I. **Rehiring.** Previous temporary employees who are rehired within twelve (12) months of their last date of employment shall have their employment service records restored to include previously earned length-of-service.

21. **HOLIDAYS**

- A. Full Time Employees that do not work the holiday shall be credited with eight (8) hours pay. Such eight (8) hours shall be counted as a day worked for the purposes of the computation of overtime.
- B. **Holidays.** The following days shall be recognized and observed as paid holidays as provided in the current MOU:
 - i. New Years Day;
 - ii. Martin Luther King, Jr.'s Birthday;
 - iii. President's Day;
 - iv. Memorial Day;
 - v. Independence Day;
 - vi. Labor Day;
 - vii. Veteran's Day;
 - viii. Thanksgiving Day;
 - ix. Day After Thanksgiving;
 - x. Christmas Day;
 - xi. Employee Birthday; or
 - xii. Other holidays provided to employees subject to the discretion of the Board.
- C. **Compensation.** An employee required to work the holiday would bank his/her 8 hours and take them at a later date with approval of the Supervisor and General Manager.
- D. **Exception.** A holiday that occurs on a Saturday shall be granted the preceding Friday. A holiday that occurs on a Sunday shall be granted the following Monday.
- E. **Authorized Leave.** 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.
- F. Employees must work the regular business day before and after the holiday to qualify for this benefit, unless a preapproved vacation exists.

22. **VACATION**

- A. **Application.** This policy shall apply to regular and probationary employees in all classifications.
- B. **Accrual.** Vacation shall be earned from date of hire. Paid vacations shall be accrued according to the following schedule on an annual basis:
 - i. One (1) through four (4) years of service, ten (10) days;
 - ii. Five (5) through fourteen (14) years of service, fifteen (15) days; or
 - iii. Fifteen (15) years and more, twenty (20) days.
- C. **First Year.** An employee with less than five years seniority would receive 10 days vacation per year. The first year shall be prorated and accrued at a rate of 5/6 of a day

per month commencing with the first full month of employment, and awarded after January 1 of the following year.

- D. **Non- accumulation.** If there is sufficient time in the remainder of the calendar year to take or reschedule a vacation, and an employee elects not to take or schedule his/her vacation, the District shall have the option of requiring the employee to take a vacation or purchase unused vacation at an employee's regular hourly rate of compensation. The purchase shall occur at the first pay period in the month of December.
- E. **Sick Leave.** The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation 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 vacation time have been used.
- F. **Scheduling.** Vacations shall be scheduled prior to March 15 and approved by April 1, or scheduled and approved thirty (30) days in advance of desired time provided that District operations are not interrupted, vacation will be scheduled in a first come first serve basis.

23. PRE-EMPLOYMENT PHYSICAL EXAMINATION

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

The purposes of this policy are as follows.

- i. To establish and maintain a safe, healthy working environment for all employees.
 - ii. To establish and maintain a safe, healthy environment for the public.
 - iii. To reduce the incidence of accidental injury to persons or property.
 - iv. To reduce absenteeism and tardiness.
- B. **Medical Examinations.** The District shall require the prospective employee to take a medical examination in order to identify any health problem which could interfere with his/ her prospective job performance or be detrimental to the health or safety of the applicant, District employees, or the public.

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

- C. **Procedure.**
 - i. All applications for employment shall contain a statement to prospective applicants advising them that the selection procedure includes taking and passing a medical examination, which includes, but is not limited to, testing for the presence of health problems, which may interfere with their prospective job

performance or be detrimental to the District employees or the public and testing for the presence of drugs or alcohol

- ii. Applicants who are referred for a medical examination shall be required to sign consent forms authorizing the examination and the release of the examination results to the General Manager.
- iii. All medical examinations and the results thereof shall be approved by the General Manager.
- iv. Any applicant who refuses to sign the consent form(s) or to submit to the medical examination shall not be considered for employment.
- v. Examination results are confidential and shall be used solely for assistance in the District's determination for employment of the applicant and will not be released except to:
 - a. Appropriate District personnel.
 - b. The applicant upon written request.
 - c. Pursuant to court order.
 - d. Examination reveals a medical problem that should be brought to the applicant's attention. This shall be done only on the advice of the examining physician.
- vi. Applicants who are taking medication prescribed by a physician shall so indicate on the examination form and must be otherwise disclosed prior to the examination. Any positive indications related to the presence of that medication will not prohibit employment unless, pursuant to applicable law, the use of said medication would otherwise interfere with the applicant's job performance or create an unsafe condition for the applicant, District employees, or the public.
- vii. If a required medical examination reveals a medical problem that is recommended by the examining physician to be investigated further, any such investigation and/or follow-up medical procedures shall be paid for by the applicant.

24. **SICK LEAVE**

- A. **Application.** This policy shall apply to probationary and regular employees in all classifications.
- B. **Definition.** 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 when prior notice is provided to the supervisor.
- C. **Accrual.** Employees shall accumulate sick leave at the rate of one (1) day per month.
- D. **Use.** 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 should notify their supervisor to the extent feasible 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:

- i. 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.
 - ii. 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.
 - iii. The term "spouse" is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.
- E. **Notice.** In order to receive compensation while on sick leave, the employee shall notify a supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical.
- F. **Evidence.** If absence from duty by reason of illness occurs, satisfactory evidence may be required by the General Manager.
- G. **"Buy-Back."**
 - i. **Incentive Plan "A."** An employee not using any sick leave for twelve (12) consecutive months may convert their twelve (12) accrued days to cash at a rate of two (2) accrued days for eight (8) hours pay at their regular hourly rate.
 - ii. **Incentive Plan "B."** Upon retirement or death, an employee, or his/ her beneficiary, shall be entitled to receive 50% of all accumulated sick leave not compensated for in "A" above.
 - iii. **Note.** Beneficiary shall be the individual indicated on the employee's Life Insurance Beneficiary Form.

25. **FAMILY AND MEDICAL LEAVE**

- A. The purpose of this policy is to clarify how the District will implement the Family and Medical Leave Act of 1993 (FMLA). The provisions of the contract or MOU with union and/or employee association shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the FMLA.
- B. **Eligibility.** To be eligible for leave under the FMLA, an employee must have:
 - i. Been employed by the District for at least twelve (12) months
 - ii. Worked for the District at least one-thousand-two-hundred-fifty (1,250) hours during the twelve (12) months immediately preceding the commencement of leave.
- C. **Leave Benefit.**
 - i. Eligible employees will be provided with up to twelve (12) weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a seriously ill child, parent, or spouse. In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to twelve (12) weeks of unpaid leave. "Serious health condition" is defined as an acute illness, injury, impairment, or physical or mental condition that entails:
 - a. Inpatient care in a hospital, hospice, or residential medical care facility; or,

- b. Continuing treatment by a health care provider.
- ii. To be eligible for leave under the FMLA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave for the first part of the twelve (12) week statutory leave. If a husband and wife are both employed by the District, the total number of workweeks of leave to which both may be entitled shall be limited to twelve (12) weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.
- iii. Employees taking a "Family Care Leave" will be required to use all available paid time off (e.g. vacation, floating holidays, etc.) during any "Family Care Leave". Vacation and sick time off do not accrue during a "Family Care Leave". If a holiday falls during a "Family Care Leave," the employee will not receive holiday pay.

Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.
- iv. At the end of the leave the District will attempt to reinstate the employee to his/her previous position (unless the position is eliminated) or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue seniority or employment benefits during the leave period. The District will also require the employee to obtain medical certification that they are able to resume work.

D. Employee Obligations

- i. If an employee requests leave for the birth, adoption, or the foster placement of a child, and the need for leave is foreseeable, the employee must provide his or her supervisor with at least thirty (30) days' prior written notice. However, if the date of the birth, adoption, or foster placement requires that leave begin in less than thirty (30) days, the employee must provide the general manager with as much notice as practicable. If the employee requests leave because of a serious health condition, the employee must provide the Supervisor with thirty (30) days notice, or with as much notice as practicable.
- ii. Employees seeking leave on account of a serious health condition must provide the supervisor with medical certification regarding their condition. The General Manager may require employees to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the General Manager may require a third opinion from a mutually agreed on health care provider.
- iii. Leave for childbirth or adoption can be taken intermittently (e.g. two (2) days a week or one (1) week per month). Leave for a serious illness, including a pregnancy-related illness, may be taken intermittently when medically necessary or if the employee is unable to perform his/ her job intermittently, this need must be included in the medical certification.

26. PREGNANCY DISABILITY LEAVE OF ABSENCE

- A. Under the California Fair Employment and Housing Act (FEHA), if an employee is disabled by pregnancy, childbirth, or related medical conditions, she is eligible to take a Pregnancy Disability Leave (PDL). If she is affected by pregnancy or a related medical condition, she is also eligible to transfer to a less strenuous or hazardous condition or to less strenuous or hazardous duties, if this transfer is medically advisable.

- B. **Length.** The PDL is for any period(s) of actual disability caused by an employee's pregnancy, childbirth, or related medical condition up to four (4) months (or eighty-eight (88) workdays for a full-time employee) per pregnancy.
 - i. The PDL does not need to be taken in one continuous period of time, but can be taken on an as-needed basis.
 - ii. Time-off for prenatal care, severe morning sickness, doctor-ordered bed rest, childbirth, and recovery from childbirth are all covered by your PDL.
- C. **Compensation.** Generally, the District is required to treat pregnancy disability the same as we treat other disabilities of similarly situated employees. The PDL will be unpaid.
 - i. At the employee's option, she can use any accrued vacation as part of her pregnancy disability leave before taking the remainder of her leave as an unpaid leave. The employee may also be eligible for State Disability Insurance for the unpaid portion of her leave.
 - ii. Taking a PDL may impact certain of the employee's benefits or her seniority date. If the employee wants more information regarding her eligibility for a leave, the impact of the leave on her senior and benefits, and our policy for other disabilities, she should contact her supervisor.
 - iii. An employee returning from an approved PDL of four months or less will be reinstated to her same position or to a comparable position under circumstances allowed by law. The only exception is if the employee's position is eliminated.
- D. **Requirements.** The employee may be required to obtain a certification from her health provider of her pregnancy disability or the medical advisability for a transfer. The certification should include:
 - i. The date on which she became disabled due to pregnancy or the date of the medical advisability for the transfer.
 - ii. The probable duration for the period(s) of disability or the period(s) for the advisability of the transfer.
 - iii. A statement that, due to the disability, she is unable to work at all or to perform any 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 or a statement that, due to her pregnancy, the transfer is medically advisable.

27. **BEREAVEMENT LEAVE**

- A. Two (2) days off with pay for death of employee's/ spouse's parents. Four (4) days off with pay for death of employee's spouse or children.

28. **PERSONAL LEAVE OF ABSENCE**

- A. Employees may be granted leaves of absence without pay for valid and compelling personal reasons for period of up to thirty (30) days. Two (2) weeks prior notice is generally required. A written request is to be submitted to his/ her supervisor with as much advance notice as possible. Management will consider the following factors to determine if a leave is warranted:
 - i. Reason for leave of absence.
 - ii. Length of Service.

iii. Performance and work records and the District's legitimate business needs.

B. **Return.** The ability to return from a personal leave of absence will be based upon the availability of an appropriate position.

29. **JURY DUTY**

A. **Application.** This policy shall apply to probationary and regular employees in all classifications.

B. **Notice.** An employee summoned for jury duty will immediately notify his/her immediate supervisor.

C. While serving on a jury, an employee will be given a paid leave of absence up to five days. Said leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday

30. **RETURN TO WORK POLICY**

A. **Purpose.** The District has developed a return to work program in an effort to minimize serious disability due to on-the-job injuries and illnesses and to reduce workers' compensation costs.

B. **Assistance.** Supervisors will assist by directing the employee to appropriate care and assisting in proper reporting of the injury or illness while maintaining a positive and constant flow of communication with the injured worker. To the extent possible, they will also assist in arranging work that meets "light duty" restrictions, as needed, to reduce lost time.

C. **Work Load.** This policy does not guarantee light duty work will always be available. The operational needs of the District must be considered when determining if light duty work will be provided. Light duty work shall be productive and provide a needed service to the District. The General Manager or Superintendent will work with the Workers' Compensation carrier with the assessment of the employee's ability to return to work.

31. **OCCUPATIONAL INJURY AND ILLNESS PREVENTION PROGRAM**

A. It is the policy of the District that accident prevention shall be considered of primary importance in all phases of operation and administration.

i. The District's management intends to provide safe and healthy working conditions and establish and insist upon safe practices at all times by all employees.

ii. It is a basic requirement that each supervisor make the safety of employees an integral part of his or her regular management function.

iii. It is equally the duty of each employee to accept and follow established safety regulations and procedures. Unsafe conditions must be reported. Fellow employees that need help should be assisted. Everyone is responsible for the housekeeping duties that pertain to their jobs.

iv. Any injury that occurs on the job, even a slight cut or strain, must be reported to management as soon as possible. In no circumstance, except an emergency, should an employee leave a shift without reporting an injury that occurred.

v. Responsibility for implementing the Injury Prevention Program is given to the General Manager, who will coordinate all efforts and oversee the enforcement of all District safety rules and policies.

- B. **Insurance of Compliance.** Employees will be trained in safe practices. If unsafe practices are observed, the employee will be disciplined and retrained to ensure that they comply with safe work practices.
- C. **Communication.**
 - i. During the initial safety orientation, employees will be instructed to report any unsafe conditions, and to discuss occupational health concerns.
 - ii. During safety meetings, employees will be encouraged to report any unsafe conditions, and to discuss occupational health concerns.
 - iii. All safety and health suggestion will be reviewed by the supervisor, who will determine if an inspection, further training, or other action is necessary.
- D. **Occupational Health and Safety Training Program**
 - i. All new employees will be provided a safety orientation during their first day on the job. The orientation will be conducted and documented by their supervisor. It will cover all company safety rules and the safe practices required for their job assignment.
 - ii. Employees given a new job assignment will be provided a safety orientation regarding any new hazards prior to beginning the new job. Employees risking exposure to a new hazard will be given safety orientation prior to working with the new hazard.
 - iii. A safety orientation will be conducted periodically. Safety rules and safety practices will be emphasized at this training session, which will serve the same purpose as the safety orientation given to new employees.
 - iv. Only individuals who are knowledgeable of the safety hazards and safe practices of the workers under their direction and control will be permitted to supervise.
 - v. Records will be kept of all training provided. Records will indicate the type of training given, date, the name of the training provider, and signatures of employees in attendance.
- E. **Inspections**
 - i. Inspections will be performed regularly to identify and evaluate workplace hazards. A checklist will be developed for use in subsequent inspections.
 - ii. Inspections will also be performed whenever a new process or substance is introduced, when the company receives information that a company process or substance is hazardous, as part of an accident investigation, and when a safety hazard is reported. These inspections may be limited to the substance or process in question.
 - iii. All inspections will be documented using the Hazard Checklist, which will be signed and dated by the inspector. The inspector will correct, or arrange to correct all hazards identified.
- F. **Accident Investigation**
 - i. All accidents, illnesses, and exposures to hazardous substances resulting from employment with the District will be investigated by the injured employee's supervisor, using the Supervisor's Report of Accident Form.
 - ii. The investigation report will be reviewed by the General Manager.

- iii. Particular attention will be given to ways of preventing future occurrences of similar accidents, illnesses or exposures.

G. **Unsafe Conditions and Work Practices**

- i. When safety hazards are corrected, the action taken will be indicated on the Hazard Checklist, which will then be signed and dated by the individual making the corrections.
- ii. Priorities for correction will be determined by the severity of the hazard(s) identified. Employees will be protected from imminent hazards by the use of lockouts or other means of adequately preventing employees from exposure.
- iii. Hazard checklist forms will be kept as a record of the company's ongoing safety effort.

- H. **Recordkeeping.** Inspection records, accident investigations, and training records, shall be kept for a minimum of three (3) years. A record-keeper shall be designated.

32. **UNIFORMS AND PROTECTIVE CLOTHING**

- A. **Employee Appearance and Dress.** Employees are expected to maintain a neat, clean and well-groomed appearance.

- i. Hair, beard and mustaches must be of style and length to avoid coming into contact with moving equipment. Loose clothing is not to be worn when operating equipment.
- ii. Employees are expected to dress in a manner that is normally acceptable in similar business establishments. The wearing of suggestive attire or of dungarees, jeans, shorts, sandals, tennis shoes, western boots, T-Shirts and similar items of casual attire is not permitted as they do not present a businesslike appearance.
- iii. The exception occurs when prior approval has been given by a manager to wear non-professional clothing to complete a specific duty or special function or on days designated by the General Manager as "casual days."
- iv. No facial piercing or gauges shall be worn while on duty
- v. Any visible tattoos should be covered while on duty
- vi. Any work time missed because of failure to comply with the dress policy will not be compensated, and repeated (3) violations of this policy will be cause for disciplinary action.

- B. **Uniforms.** The District supplies all field employees with uniforms.

- i. The cost of uniforms and/or protective clothing, boots, etc., that employees are required to wear shall be borne by the District.
- ii. All field employees are required to wear steel toed safety shoes or boots. The District will reimburse each field employee up to one hundred thirty dollars (\$130) per year on or after the employee's hire date then on or after the employee's anniversary date, thereafter, for said shoes or boots upon proof of purchase.
- iii. When an employee for whom said uniforms, clothing, shoes, etc., were purchased or reimbursed is terminated or resigns for any reason prior to completing three

continuous months of service after said purchase, a portion of the cost of said items shall be retained from his/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 ratio of the amount of time worked to three continuous months of regular work.

- C. **Compliance.** Any field employee not wearing the complete uniform, while performing District functions, is subject to disciplinary action.
 - i. Any employee who does not meet the standards of this policy will be required to take corrective action, which may include leaving the premises.
 - ii. Uniforms are not to be worn for personal use.

33. **CONFERENCES**

- A. Where employee attendance at professional conferences will be of benefit to the District's operations, no expenses shall be incurred in behalf of the employee when the Board of Directors has approved such attendance in advance.
- B. It is the policy of the District to encourage employee development and excellence of performance by authorizing employees to attend conferences associated with the interests of the District.
- C. **Expenses.** Expenses for professional conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the General Manager and by:
 - i. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or a nearby hotel offering discount rates.
 - ii. Employees traveling together whenever feasible and economically beneficial.
 - iii. Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
 - iv. Not utilizing air travel at a rate or class higher than coach.
 - v. When reimbursing travel expenses, the District will pay the lesser expense between air and auto travel.
- D. **Guests/ Spouse.** The District will only pay for and/or reimburse employees for that portion of expenses that relate to the employee.
- E. **Alcohol.** The District will not reimburse expenses for alcoholic beverages of any kind or for any reason.
- F. **Report.** Upon returning from seminars, workshops, conferences, etc., where expenses are paid for and/or reimbursed by the District, employees shall make a verbal report at their next staff meeting. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of staff.

34. **OCCUPATIONAL CERTIFICATION ASSISTANCE**

The District will pay for and/or reimburse employees for state, federal or county recognized certificate and registration programs.

Some examples of Certificates/Licenses that may be compensated for upon approval of the employee's Department Head and the General Manager are listed below.

- a. Collection System Maintenance - Ca. Water Environment Association
- b. Wastewater Treatment Plant Operator - State Resources Control Board
- c. Water Treatment Operator - Department of Health Services
- d. Water Distribution Operator - Department of Health Services
- e. Backflow Prevention Device Tester - County of Riverside

Other direct occupational programs related to an employee job classification may qualify if approved by the General Manager on a case-by-case basis.

35. **RESPIRATORY PROTECTION PROGRAM**

- A. The District is committed to maintaining an injury and illness free workplace, and is making every effort to protect its employees from harmful airborne substances. Whenever it is possible to do so, this is accomplished through engineering controls such as ventilation or substitution with a less harmful substance, and through administrative controls limiting the duration of exposure. When and if these methods are not adequate, or if the exposures are brief and intermittent, or simply to minimize employees exposure to airborne substances, the District shall provide respirators to allow employees to breathe safely in potentially hazardous environments.
- B. **Responsibility.** A program administrator will be assigned by the General Manager to have the authority and responsibility for overall management and administration of the District's Respiratory Protection Program. The program consists of the following:
 - i. Preparing, evaluating and modifying the written respiratory protection program.
 - ii. Identifying, locating, and maintaining ongoing surveillance and evaluation of airborne exposures.
 - iii. Selecting respirators.
 - iv. Conducting medical screening for potential respirator users.
 - v. Conducting respirator fit testing and assignment.
 - vi. Training.
 - vii. Recordkeeping.
- C. **Program Administration.** Suggestions and comments from employees about exposure conditions, respirators, personal health changes and training issues will be addressed promptly. An annual formal audit will be conducted of the entire program. The form "Respirator Program Evaluation Worksheet" will be used to document the evaluation and to record recommended changes.
- D. **Respirator Selection.** Where engineering and administrative means do not achieve the desired control, or in the case of emergency, respirators must be worn. Different types of respirators are available for a variety of applications, and it is necessary to ensure that the proper NIOSH/ MSHA approved respirator is selected and used for the kind of work being performed and the hazards involved.
- E. **Evaluating Respirator Wearer Health Status.** Even with the appropriate equipment and adequate training provided, an employee's health status must be considered before allowing respirator use. The wearer's physical and medical condition, duration and difficulty of tasks, toxicity of the containment, and type of respirator all affect an

employee's ability to wear a respirator while working. Construction work or work with lead, asbestos, cotton dust and certain carcinogens make this evaluation mandatory.

- F. **Medical Evaluation.** Each respirator wearer will be interviewed, using the form "Physical Status Questionnaire" to determine whether the employee should be given a medical evaluation. When medical review is necessary, the form "Referral for Medical Evaluation," along with the questionnaire and "Respirator Selection Information" Form, are sent to the wearer's physician for prompt action. Before any employee is fit tested for a respirator, either the questionnaire or the medical evaluation form must be completed and signed to certify the employee's ability to wear a respirator.
- G. **Fit Testing & Assignment.** After the appropriate type of respirator is selected and the employee's ability to work while wearing a respirator is certified, a qualitative fit test will be conducted to choose the best fitting face piece and determine the specific brand, model and size for each employee.
 - i. Quantitative fit testing numerically measures the face piece fit and is the preferred alternative to qualitative fitting. Although it requires specialized equipment and trained personnel, some exposures, for example asbestos, require a quantitative fit test.
 - ii. Qualitative fit testing and assignment will be performed according to procedures in Appendix C in this guide. The form "Respirator Fit Testing & Assignment" is used to record test results and document respirator assignment. The form "Respirator Selection Summary" summarizes all respirator assignments.
- H. **Training.** Training in the need, use, limitations, inspection, fit checks, maintenance and storage of the equipment is ordinarily initiated during the fit test and will be completed. Detailed instructions for use and care of the respirator are provided by the manufacturer with the equipment, and this information is to be used in the training. The form "Respirator User Training and Education" is a guide and record of the training received.
- I. **Recordkeeping.** Each major component of the program will be documented to: verify that each activity has occurred; evaluate the success of the program; and satisfy regulatory requirements. These records include the written program, exposure determination, respirator selection, physical status evaluation, fit testing and respirator assignment, training form and program assessment.

36. **DRIVER TRAINING AND RECORD REVIEW**

- A. **Purpose.** The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by:
 - i. Applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; or
 - ii. Establishing disciplinary procedures for different types of driving violations.
- B. **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, but cannot be required to do so in accordance with State law.
- C. **Implementation.** The District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program ("Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV:
 - i. Every six (6) months; and

- ii. 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.
- D. **Review Criteria.** Information that will be generated during the record review will include:
 - i. Type of license;
 - ii. Expiration Date;
 - iii. Endorsements;
 - iv. DMV action suspensions, revocations, and penal code violations; and
 - v. Vehicle Code Violations.
- E. **Disciplinary Procedures:**
 - i. 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:
 - a. They earn two points within thirty-six (36) months
 - b. They receive any moving violation in a District vehicle within thirty-six (36) months.
 - c. They are involved in an accident within thirty-six (36) months.
 - ii. A driver will be placed on a twelve (12) month driving probation if they earn three (3) to five (5) points within thirty-six (36) months. Additional point violations within this probationary period will affect a one- hundred twenty (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.
 - iii. A driver will be suspended from District driving privileges for one-hundred twenty (120) days if:
 - a. They earn four (4) or more points within twenty-four (24) months.
 - b. They earn six (6) or more points within thirty-six (36) months.
 - c. They receive a citation for DUI, reckless driving, or speed contest on personal time within thirty-six (36) months.
 - d. If they are involved in two chargeable (resulting in a point violation) accidents within twenty-four (24) months. 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.
 - iv. A driver will be permanently suspended of District driving privileges if:
 - a. They receive a citation for DUI, reckless driving, or speed contest during District business within thirty-six (36) months.

- b. They receive two citations for DUI, two citations for reckless driving, or two citations for speed contest on personal time within twelve (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.
 - v. Occasionally, it may be brought to the District's attention that an employee is exposing the District to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.
- C. **Defensive Driver Training.** All drivers shall attend an approved defensive driver training course at least once every four years or more often as specified in Disciplinary Procedures, above. Directors are encouraged to attend courses, but cannot be required to do so in accordance with State law.

37. **DISTRICT VEHICLE USAGE**

- A. **Application.** This policy applies to employees who drive District vehicles to and from work.
- B. **Exceptions.** During working hours, trips for personal purposes will be avoided. Occasionally, stopping at a store en route to a business destination, or going to a restaurant (within close proximity of your work location) for lunch is permitted. While going to or from work, occasionally stopping to buy groceries, pick up laundry, medications, etc., is also permitted. No alcohol shall be purchased while driving a District vehicle.
- C. **Limitation.** Other than the foregoing uses, district vehicles will not be used for any other personal purposes without prior written approval. This means that weekend or after-hours trips to the store (regardless of how close to home), trips back to the office to retrieve forgotten personal items, or any other non-business usage will not be permitted.

38. **PERSONAL VEHICLE USAGE**

- A. When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.
- B. **Authorization.** Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational.
- C. **Coordination.** Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work and used in an efficient manner.
- D. **Insurance.** Proof of adequate insurance coverage for collision, personal injury, and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

39. **HIPAA COMPLIANCE**

- A. Authorization as required under the Health Insurance Portability and Accountability Act (HIPAA) for disclosure of protected health information (PHI) will be a condition of employment or continued employment with the Agency to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness-for-duty physicals, return to work authorizations, and any other lawful

need for medical information. Refusal to authorize release of PHI in any of the above instances will be grounds for discipline up to and including termination.

40. **TOBACCO USE**

- A. Ample research exists demonstrating the health hazards of the use of tobacco products, including smoking and the breathing of second-hand smoke. Therefore, in the best interest of the health and safety of employees and the general public, the smoking of tobacco products shall be banned completely within District buildings or confined spaces, or in District vehicles.
- B. **Application.** The successful implementation of this policy depends upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on District premises share in the responsibility of adhering to this policy.
- C. **Responsibility.** All District employees will be responsible for advising members of the public who are observed smoking tobacco products on District property of the District's policy on the matter. Said individuals shall be asked by staff to refrain from smoking.

Members of the public who refuse to comply with this policy may be directed by any managerial employee to leave District property.

- D. **Disciplinary Action.** District employees who violate this policy will be subject to disciplinary action in accordance with Section 42, Disciplinary Action.

41. **SMOKE FREE WORK-PLACE**

- A. Smoking is prohibited within the buildings, facilities and vehicles of the District. Those who smoke are requested to do so outdoors away from entrances or windows of buildings or 20' away from building.
- B. **Safety.** 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. Extra care should be taken when working around combustible materials, or out in the field near equipment or supplies.
- C. **Non-Hazardous.** Smoking is allowed in non-district vehicles and on district properties as long as it is not a safety hazard. If employees observe unsafe activity involving smoking, they should bring it to the attention of the person and attempt to gain voluntary compliance to terminate the smoking activity. If the party refuses to cooperate, employee should inform his/her supervisor to take added action.

42. **DISCIPLINARY ACTION OR TERMINATIONS**

- I. The General Manager in presence of a witness (Supervisor) has the authority to discipline or terminate any employee. The following is a nonexclusive list of the types of disciplinary action which may be imposed.
 - A. Oral or written warnings.
 - B. Probation - the placing of an employee in a position wherein his/her past and current performance is being reevaluated. Failure to improve his/her performance during the probationary period will result in further disciplinary action.
 - C. Suspension - an involuntary leave without pay.

- D. Demotion - reduction from a position in one class to a position in another class having a lower salary range, affected for disciplinary purposes. (Demotions resulting from organizational changes and layoffs are not disciplinary.)
 - E. Termination - discharge from service with the District.
- II. It is intended that discipline be imposed primarily for corrective purposes and to address deficiencies in work performance. All disciplinary actions should be kept confidential. The following is a nonexclusive and illustrative list of the more common causes for disciplinary action provided however these provisions are not intended nor shall they change or modify the at-will status of employees:
- A. Action contrary to the Personnel Rules and Regulations of the District.
 - B. Inefficiency or incompetence.
 - C. Disobedience or insubordination.
 - D. Dishonesty.
 - E. Consumption of alcoholic beverages or drugs - employees shall not use, carry or transport alcoholic beverages or narcotics during work shift or, on neither District property nor report for work while under the influence of alcohol or narcotics.
 - F. Disorderly or immoral conduct.
 - G. Discourteous treatment of the public.
 - H. Accepting gratuities or tips offered in exchange for District services rendered a customer or prospective customer.
 - I. Conviction of a felony.
 - J. Tardiness.
 - K. Absenteeism.
 - L. Neglect of duty.
 - M. Failure to follow safe working practices or failure to report promptly any injury.
- III. In cases of disciplinary action, an employee shall be given written notification of the reasons for such action. This notification shall include a statement of the reasons for the action being taken, the disciplinary action being proposed, the effective date of the proposed disciplinary action, and the notice of the right of the employee to respond orally or in writing to the authority proposing the disciplinary action. This notification shall be delivered to the employee in person and/or mailed to the employee's residence.
- IV. An employee shall have the right to an Administrative Review of disciplinary suspension, a demotion or termination. A written request for such a Review shall be submitted to the General Manager within five (5) days of the date of receipt of the notice of the proposed disciplinary action. If a timely request for Review is submitted, the Review shall be conducted before an impartial representative of management (as chosen by the General Manager) prior to the effective date of the proposed disciplinary action. The employee may submit written rebuttal material prior to the Review.

The employee is entitled to question the person offering evidence against him/her and is entitled to have an attorney represent him/her. The management representative conducting the review shall verify the reasons for and the need of disciplinary action and

determine if the proposed disciplinary action is appropriate. The decision of the management representative will be submitted in writing to the employee within three (3) days after the Administrative Review. The decision of the management representative will be final.

- V. Upon termination, the employee shall be given an Exit Interview. This review, while not limited to, will also include a discussion of all benefits, including accrued sick leave, accrued vacation, retirement plan, health insurance, life insurance and disability insurance.

43. **NEPOTISM - EMPLOYMENT OF RELATIVES**

- A. It is the policy of the District to seek the best possible candidates for its staff through appropriate search procedures. It is also the policy of District not to discriminate in its employment and personnel actions with respect to its employees and applicants on the basis of marital or familial status. Furthermore, the District retains the right to refuse to appoint a person to a position in the same department, division or facility, wherein his/her relationship to another employee has the potential for creating adverse impact on supervision, safety, security or morale, or involves a potential conflict of interest. The department head shall have the authority and responsibility for determining if such a potential for adverse impact exists or does not exist.
- B. Where the department head has made a determination that such adverse impact does not exist, this determination shall be reviewed by the General Manager prior to any appointment being made. If the General Manager determines that an adverse impact would in fact occur, the Personnel Committee shall be notified.
- C. This policy applies to individuals who are related by blood, marriage or adoption including the following relationships: spouse, child, step-children, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, parent-in-law, daughter-in-law, son-in-law, brother-in-law and sister-in-law. A spouse is a partner in marriage as defined in California Civil Code 4100. In implementing this policy, it is lawful to ask an applicant to state whether he or she has a spouse or relative as defined in this policy who is presently employed by the District, but such information may not be used as a basis for an employment decision except as stated herein.
- D. This policy shall apply to all employees of the District. It shall also apply to all part time employees and contract employees of the District.
- E. For purposes of this policy, "supervisory employee" or "supervisor" means any employee, regardless of job description or title, having authority in the interest of the District to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend this action, if, in the connection with the foregoing, the exercise of this authority is not of a merely routine or clerical nature, but requires the use of independent judgment.
- F. When two existing employees marry, and a determination has been made that the potential for creating adverse impact as described above exists, the Personnel Committee in conjunction with the General Manager, shall make reasonable efforts to minimize problems of supervision, or safety, security or morale through reassignment of duties, relocation or transfer. If the District is unable to make an acceptable accommodation, then the two individuals will be notified by the General Manager that one of the employees must separate from District employment within 60 days. The choice of who shall separate from District service shall be made by the General Manager.
- G. With regard to related employees and the Beaumont-Cherry Valley Water District's funds: One related employee only shall have access to district funds, provided it is part of their employment duties. The other employee(s) related to the above shall have no direct, indirect, physical or electronic access to district funds or any advisory input for the management of district funds.

- H. The hiring of all future employees who have a relative working for the District shall be subject to the approval of the District's Personnel Committee, which shall take into consideration whether such employment would violate this policy.
- I. Non paid volunteers working for the District may have relatives employed by the District. Their work assignment shall be approved by the General Manager.
- J. No employee of the District shall have supervision over a relative

44. **CONFIDENTIALITY REGARDING RESIGNATIONS**

- A. To the extent permitted by law, District staff and Directors shall keep confidential the circumstances giving rise to an employee's resignation/termination from the District.
- B. **Public Record.** This policy is itself a public record which the District must release upon request.

45. **INTERNET, E-MAIL, AND ELECTRONIC COMMUNICATION ETHICS, USAGE AND SECURITY**

- A. **Purpose.** The District believes that employee access to and use of the Internet, e-mail, and other electronic communications resources benefits the District and makes it a more profitable and successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success.
- B. The District has established this ethics, usage, and security policy to ensure that all District employees use the computer resources, which the District has provided its employees, such as the Internet and e-mail, in an ethical, legal, and appropriate manner. This policy defines acceptable and unacceptable use of the Internet, e-mail, and other electronic communications.
- C. This policy also establishes the steps the District may take for inappropriate use of the Internet and e-mail. All employees must read and adhere to the guidelines and policies established herein. Failure to follow this policy may lead to discipline, up to and including immediate termination.
 - i. Employees shall not use the Internet or e-mail in an inappropriate manner. Inappropriate use of the internet and e-mail includes, but is not limited to:
 - a. Accessing internet sites that contain pornography, exploit children, or would generally be regarded in the community as offensive, or for which there is no official business purpose to access.
 - b. Participating in any profane, defamatory, harassing, illegal, discriminatory, or offensive activity or any activity that is inconsistent in any way with the District's policies (i.e. policy on sexual harassment).
 - c. Exploiting security weaknesses of the District's computing resources and/or other networks or computers outside the District.
 - d. Internet access is to be used for 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. Access to the Internet and e-mail is not a benefit of employment with the District. (Personal use of the Internet, e-mail, texting and other electronic communications is strictly prohibited.)

- ii. Employees DO NOT have any right to privacy in any District computer resources, including internet sites visited, downloads and e-mail messages, text messages produced, sent, or received by District computers or transmitted via the District's servers and network. Employee access to the Internet and e-mail is controlled by use of a password. The existence of a password does not mean that employees should have any expectation of privacy. Employees must disclose their passwords to the Executive Assistant upon request, and the Executive Assistant will maintain a file of all passwords currently in use. As directed by the General Manager, the District may monitor the contents of all e-mail messages to promote the administration of the District, its business, and policies.
- iii. Employees access to and use of the Internet, e-mail, and other electronic communications will be monitored frequently. Failure to follow the policy may lead to discipline, up to and including immediate termination. Disciplinary action may include the removal of Internet and e-mail access from their computer or termination of employment with the District.
- iv. The Internet and e-mail provide means by which employees of the District may communicate with its customers (general public). Messages to or from customers through the District's e-mail system may be considered part of the District's public business records and should be treated as such.
- v. Deleting an e-mail message does not necessarily mean the message cannot be retrieved from the District's computer system. For a specific period of time, the District retains backup copies of all documents, including e-mail messages, produced, sent, and received on the District's computer system.
- vi. E-mail and any attachments are subject to the same ethical and legal concerns and standards of good conduct as memos, letters, and other paper-based documents. E-mail can be forwarded to others, printed on paper, and is subject to possible discovery during lawsuits in which the District may be involved.
- vii. Currently all District e-mail being sent is not encrypted. Unencrypted electronic mail is not a secure way of exchanging information or files. Due to the way Internet data is routed, all messages are subject to "eavesdropping." Messages may be "stolen" as they temporarily reside on host machines waiting to be routed to their destination, or they may be purposefully intercepted from the Internet during transfer to the recipient. It is possible for someone other than the intended recipient to capture, store, read, alter/or re-distribute your message. Do not transmit information in an electronic mail message that should not be written in a letter, memorandum, or document available to the public.
- viii. E-mail, 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.
- ix. Use of electronic mail or the Internet to distribute copyrighted materials is prohibited.
- x. Each user should take the necessary steps to prevent unauthorized disclosure of confidential or privileged information
- xi. Use of electronic mail or the Internet to send offensive messages of any kind is prohibited.
- xii. Use of electronic mail or the Internet for inappropriate or unauthorized advertising and promotion of the District is prohibited.

- xiii. When District employees communicate using electronic mail or other features of the Internet, the employee must be extremely mindful of the image being portrayed of the District.
- xiv. Computer viruses can become attached to executable files and program files. Receiving and/or downloading executable files and programs via electronic mail or the Internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software upgrades. This does not include e-mail and/or documents received via e-mail and the Internet. All downloaded files must be scanned for viruses.
- xv. Use of another user's name/account, without express permission of the Systems Administrator, to access the Internet is strictly prohibited.
- xvi. Personal use of the District's computer resources for personal commercial activity or any type of illegal activity is strictly prohibited.
- xvii. It is advisable for all employees of the District to remind customers/clients/contractors of these security issues when sending confidential electronic mail and/or documents to the District via electronic mail. If applicable, our customer/clients/contracts should be reminded to implement a security policy and make sure their employees understand the ramifications of sending privileged information via electronic mail.
- xviii. To maintain the integrity and firewall protection of the District's network system, telephone system, modem pool, or communication server to access the Internet. The District will not be responsible for maintaining or payment of personal Internet accounts or related software.
- xix. E-mail that users need to retrieve from their personal Internet account must be retrieved via that User's personal Internet account. District users shall not access such personal e-mail account using the District's network system, telephone system, modem pool, or communication server.
- xx. Employees will only access the Internet through the District's network. Internet access through other methods (i.e. modems) will be allowed, as directed by the District's computer consultant
- xxi. Employees will respect all copyright and license agreements regarding software or publication they access or download from the Internet. The District will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the license or copyright infringement. Any software or publication, which is downloaded onto District computer resources, becomes the sole property of the District.
- xxii. Employees will only download information and/or publications for official business purposes.
- xxiii. Employees are to scan all downloaded materials before using or opening them on their computers to prevent the introduction of computer viruses.
- xxiv. All list subscriptions should be for business purposes only. The employee will make sure List Servers are notified when the employee leaves the District.

46. CELLULAR TELEPHONE USAGE

- A. Personal cellular telephones may be used by employees during hours of work for essential personal calls, or for an occasional personal business call.

- i. Essential personal calls are defined as calls of minimal duration and frequency that are urgent in nature and cannot be made at another time or from a different telephone. Examples of essential personal calls are calls to arrange for care of a child or other family emergency, to alert a family member of an unexpected delay due to a change in work schedule, or to arrange for transportation or service in the event of car trouble, etc.
 - ii. To the extent possible, personal cellular telephone usage should be confined to rest and lunch breaks, and in locations such that the conversation is not disrupting to other employees or District business.
- B. **Exception.** Personal and District-owned cellular telephone usage will not be permitted by employees who are engaged in a continuous operation, such as a member on a utility crew engaged in the construction or repair of District facilities.
- C. **Meetings.** Personal and District-owned cellular telephones will be turned off or set to vibration mode during meetings, training sessions or during work hours if the employee's work station is in close proximity to others.
- D. **Safety.** Employees are expected to operate District vehicles and equipment in a safe and prudent manner. Therefore, if use of a cellular telephone is necessary while driving a District vehicle or operating potentially hazardous equipment, hands-free cellular telephone accessories shall be used to maximize the employee's attentiveness. District employees will follow current laws concerning driving and the use of electronic devices.
- D. **Camera Phones.** Camera phones shall not be used in situations where any individual may have an expectation of privacy. This includes but is not limited to restrooms, locker rooms and training rooms.
- E. **Text Messages.** Text messaging devices shall not be used by employees to communicate with each other during working hours unless specifically authorized for District purposes by a supervisor.

47. **GRIEVANCE PROCEDURES**

- A. **Definition.** A grievance is any alleged violation, or major difference of opinion, as to the interpretation of application of any negotiated agreement, or any law, rule or regulation governing personnel matters.
- B. **Exception.** 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.
- C. **Representation.** An employee is entitled to representation in the preparation and presentation of his grievance at any step in the grievance procedure. The grievant is entitled to be released from work for a reasonable period of time in order to present the grievance.
- D. **Procedure.** An employee and any representation will be unimpeded and free from restraint, discrimination, interference, of reprisal in seeking appropriate adjustment of a grievance.
 - i. **Step 1.** A grievance, as defined above, shall be presented to the immediate supervisor within seven (7) business days of the event giving rise to the grievance. If not presented within said time requirement, the grievance will be deemed to have been waived. Prior to filling a written grievance, an employee will first discuss the matter with his/ her immediate supervisor. The immediate

supervisor shall respond, either orally or in writing, within three (3) days of the discussion concerning the matters giving rise to the grievance.

- ii. **Step 2.** In the event the problem is not resolved through informal discussion as outlined in Step 1, the grievance shall be reduced to writing, and submitted to the General Manager, within five (5) days of receipt of the immediate supervisor's answer. Upon receipt of a written grievance, the General Manager shall meet with the employee and his representative. The General Manager shall render a written decision no later than three (3) days after the Step 2 meeting.
- iii. **Step 3.** Should the grievance not be resolved in Step 2, it may then be appealed to the Personnel Committee of the Board of Directors within three (3) days. The Personnel Committee shall meet with the grievant and his/her representative, within ten (10) days of submission for review, and render a written decision ten (10) days thereafter, which decision shall be final.

E. **Personnel Committee.** The Personnel Committee shall, as soon as possible, 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 Committee's decision shall be announced in open session immediately after the closed session in which it was made.

F. **Basic Rules.**

- i. 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.
- ii. By agreement in writing, the parties may extend any and all time limitations specified above.
- iii. 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.
- iv. A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

48. **SUBSTANCE ABUSE (In Conformance with Department of Transportation Guidelines)**

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

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

- B. **Applicability.** This policy applies to all employees when they are on District property or when performing any District related business. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work. A safety-sensitive employee is:
- i. One in any classification requiring the use of a Class "A" or Class "B" commercial drivers license, as listed in Appendix A;
 - ii. One who has voluntarily driven a District vehicle requiring a commercial license within the last twelve (12) month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license; or,
 - iii. One who performs safety-sensitive functions as specified in Appendix A. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- C. **Prohibited Substances.** "Prohibited substances" addressed by this policy include, but are not limited to the following:
- i. **Drugs.** Marijuana, amphetamines, opiates, phencyclidine (PCP) cocaine and any all other substances illegal in the State of California.
 - ii. **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.
 - iii. **Legal Medications.** Using or being under the influence of any legally prescribed 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. 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.
- D. **Prohibited Conduct.** 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.
- i. **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.
 - ii. **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 an 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.

- iii. **Alcohol Use.** No safety-sensitive 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 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violations of this provision are prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP.
- iv. **Compliance with Testing Requirements.** All safety-sensitive employees are subject to controlled substance testing and breathe alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.
- v. **Treatment/Rehabilitation Program.** An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:
 - a. **Positive Controlled Substance and/or Alcohol Test.** A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the 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.
 - b. **Voluntary Admittance.** All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to 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.
- vi. **Leave Time.** Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any. If no time available participants will not be paid by the District and should not accumulate vacation or sick time while on leave.
- E. **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.
- F. **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.

- G. **Testing for Prohibited Substances.** Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under DOT guidelines. All employees shall be subject to testing prior to employment and for reasonable suspicion. All safety-sensitive employees shall be subject to testing randomly and following an accident, as defined in the DOT guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five (5) years, as determined by an SAP. Safety-sensitive employees who perform safety-sensitive functions as defined in the DOT guidelines shall also be subject to testing on a randomly selected and unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), 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. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from his/her position for at least twenty-four (24) hours unless a retest results within 15-20 minutes in an alcohol concentration of 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, 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.

i. **Circumstances Under Which Employees May Be Tested.**

- a. **Pre-Employment Testing.** All job applicants who have been offered District employment, including current non-safety-sensitive employees who promote, demote or transfer to such positions, shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide "clean" records from previous employers 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.

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

- c. **Post-Accident Testing.** Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. 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 (1) or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive 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. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident.

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

When safety-sensitive employees are off work due to long-term lay-offs, illness, injury, or vacation, the employee's name will be placed back into the pool and another employee name selected.

The number of safety-sensitive employees selected for random testing will be the amount required in the DOT guidelines. Currently, twenty five percent (25%) of the employee pool is tested for alcohol and fifty percent (50%) for substance abuse. The employee pool will either be all District safety-sensitive employees or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

- e. **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 the 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 twelve (12) months, nor longer than sixty (60) months in total, following return to duty.
- f. **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 safety-sensitive employee's request for a retest must be made to the supervisor within seventy-two (72) hours of notice of the initial test result. Requests after seventy-two (72) hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.
- ii. **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.
- H. **Employee Assessment.** Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the DOT guidelines will be assessed by an SAP. An 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. 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, vacation, administrative leave, personal necessity leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.
- I. **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., vacation, sick leave, administrative leave, personnel necessity leave or floating holidays, 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.

J. **Contact Person.** Any questions regarding this policy should be directed to the General Manager.

K. **Definitions.**

- i. **Accident.** An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.
- ii. **Alcohol.** The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- iii. **Alcohol Concentration.** The alcohol in a volume of breath expressed in terms of grams of alcohol per two-hundred-ten (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).
- iv. **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).
- v. **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.
- vi. **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.
- vii. **Collection Site.** A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breath.
- viii. **Commercial Motor Vehicle.** A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:
 - a. Has a gross combination weight ratio of twenty-six-thousand-one (26,001) or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten-thousand (10,000) pounds; or,
 - b. Has a gross vehicle weight rating of twenty-six-thousand-one (26,001) or more pounds; or,
 - c. Is designed to transport sixteen (16) or more passengers, including the driver; or,
 - d. Is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.
- ix. **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.)

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

Controlled substances will be tested under the DHHS guidelines. The primary (initial or screening) controlled substance test thresholds (subject to change based on DHHS guidelines) for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolites	50 ng/ml
Cocaine Metabolites	300 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates Metabolites ¹	300 ng/ml

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

Marijuana Metabolite (THC) ²	15 ng/ml
Cocaine Metabolite ³	150 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates	
Morphine	300 ng/ml
Codeine	300 ng/ml
Amphetamines	
Amphetamine	500 ng/ml
Methamphetamine ⁴	500 ng/ml

- xi. **Covered Employee.** A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.
- xii. **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.
- xiii. **District.** Beaumont-Cherry Valley Water District
- xiv. **District Time.** Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

¹25 ng/ml if immunoassay

²Delta-9-tetrahydrocannabinol-9-carboxylic acid

³Benzoyllecgonine

⁴Specimen must also contain amphetamine at a concentration greater than or equal to 200 ng/ml

- xv. **Driver.** Any person who operates a commercial motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.
- xvi. **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.
- xvii. **Evidential Breath Testing Device (EBT).** The device to be used for breath alcohol testing
- xviii. **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.
- xix. **Performing (Safety-Sensitive Function).** A safety-sensitive employee is considered to be performing a safety-sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.
- xx. **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."
- xxi. **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. This is also required when employees transfer to a safety-sensitive position.
- xxii. **Prohibited Drugs (Controlled Substances).** Marijuana, cocaine, opiates, amphetamines, or phencyclidine and all others as might be recognized by law
- xxiii. **Prohibited Substances.** This is synonymous with drug abuse and/or alcohol misuse or abuse.
- xxiv. **Random Alcohol and/or Controlled Substance Testing.** Testing conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions.
- xxv. **Reasonable Suspicion Alcohol and/or Controlled Substance Testing.** Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.
- xxvi. **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).
- xxvii. **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.

- xxviii. **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 twelve (12) months after an employee returns to duty. Follow-up testing may be extended for up to sixty (60) months following return-to-duty upon the SAP recommendation.
- xxix. **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 0.04 or greater on an alcohol test.
- xxx. **Safety-Sensitive Employee (Function and/or Position).** An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (A complete list of safety-sensitive classifications and functions is listed in Appendix A of this policy.)
- xxxi. **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.
- xxxii. **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.
- xxxiii. **Supervisor.** Foreman, Superintendent, Division Manager or General Manager who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse.
- xxxiv. **Vehicle.** Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

2. PROCEDURES

A. Reasonable Suspicion Testing.

- i. 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.
- ii. 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.
- iii. 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.

- iv. 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.
- v. 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).
- vi. 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 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 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.
- vii. 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.

B. Random Testing.

- i. The compliance company notifies the General Manager, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.

- ii. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- iii. At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- iv. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.
- v. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive 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 safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

C. Post Accident.

- i. The safety-sensitive employee notifies a supervisor that an accident has occurred.
- ii. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- iii. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- iv. The General Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
- v. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee, whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition

and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.

- vi. The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive 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 safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

E. Return to Work and Follow Up.

- i. The compliance company notifies the District to send the employee to the collection site for alcohol and controlled substance testing.
- ii. The supervisor notifies 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.
- iii. At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- iv. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02, or whose controlled substance test is verified positive will be terminated from employment.

F. Chain of Custody for Controlled Substance Specimens.

- i. At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
- ii. 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.
- iii. 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.
- iv. 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.

G. Specimen Collection of Strange and/or Unrecognizable Substances.

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

- ii. 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.
- iii. An incident report is written by the supervisor and signed by both the supervisor and the witness.
- iv. 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.

H. **Alcohol Concentration.**

- i. The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
- ii. After an explanation of how the breathalyzer works, an initial breath sample is taken.
- iii. 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.
- iv. 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.

I. **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.

APPENDIX "A"

SAFETY-SENSITIVE CLASSIFICATIONS AND FUNCTIONS

Water Division Safety-Sensitive Classifications

Utility Worker I II III	Production Operator
Chief Production Operator	Field Foreman
	Utility Worker I II III

Safety-Sensitive Function

Operating any vehicle where a Class A or Class B driver's license would be required.

APPENDIX "B"

VOLUNTARY PARTICIPATION IN RANDOM TESTING

In accordance with Appendix "A" of the District's Substance Abuse Policy, my classification is not considered safety-sensitive. Therefore, I am not required to participate in the random testing for controlled substances, even though I have a Class A or Class B (commercial) driver's license.

However, for the convenience of the District, and because I would like to have the opportunity to operate District vehicles and equipment requiring a commercial license, designated as safety-sensitive functions in the District's policy, I hereby request that I be included - during the current calendar year - in the pool of safety-sensitive employees for the purpose of controlled substance random testing, in conformance with the District's Substance Abuse Policy.

Employee's Signature

Date

Employee's Name Printed

APPENDIX "C"

Sexual Harassment Policy. By signing this document, I hereby represent that I have read, understand, and agree to the District's Sexual Harassment Policy.

Date

Signature

Print name here

BEAUMONT-CHERRY VALLEY WATER DISTRICT

POLICIES & PROCEDURES MANUAL APPLICABLE TO BOARD OF DIRECTORS AND DISTRICT STAFF

Adopted on January, 14, 2009

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BEAUMONT-CHERRY VALLEY WATER DISTRICT

**BOARD OF DIRECTORS
POLICIES & PROCEDURES MANUAL**

Adopted January 14, 2009

1. BASIS OF AUTHORITY

- A. **Authority.** The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

2. MEMBERS OF THE BOARD OF DIRECTORS

- A. **Information.** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.
- i. Information exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.
 - ii. Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.
- B. **Conduct.** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.
- C. **Comments.** Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
- D. **Pertinence.** Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).
- E. **Conflict of Interest.** Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.
- F. **Information.** Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

3. COMMITTEES OF THE BOARD OF DIRECTORS

- A. **Ad Hoc Committees.** The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.
- B. **Standing Committees.** The following shall be standing committees of the Board:
 - i. Personnel Committee; and
 - ii. Finance Committee.
- C. **Appointment.** The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in December.
- D. **Oversight.** The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations resulting from said review should be submitted to the Board in writing.
 - i. All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.
- E. **Personnel.** The Board's standing Personnel Committee shall be concerned with the functions, activities, operations, compensation and welfare of District staff.
- F. **Finance.** The Board's standing Finance and Audit Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

4. BOARD PRESIDENT

- A. **Rights.** The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- B. **Absence.** In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

5. BOARD MEETINGS

- A. **Regular Meetings.** Regular meetings of the Board of Directors shall be held on the second Wednesday of each calendar month at 7:00 p.m. in the meeting room at 560 Magnolia Avenue, Beaumont, California, 92223-2258. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board.
- B. **Special Meetings and Workshops.** Special Meetings and Workshops of the Board of Directors may be called by the Board President or by a majority of the Board.
 - i. All Directors shall be notified of a Special Board Meeting and/or Workshop and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least twenty-four (24) hours prior to the meeting.
- C. **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in the subparagraph above.
- D. **Annual Organizational Meeting.** The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President, Vice President, Secretary and Treasurer from among its members to serve during the coming calendar year, and will appoint the Executive Assistant to the General Manager as the Board's Recording Secretary.
- E. **Agenda Order.** The Chairperson of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.
- F. **Public Involvement.** The Chairperson and the General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

6. BOARD MEETING AGENDAS

- A. **Agenda.** The General Manager, in cooperation with the Board President and Vice President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act.
- B. **Public Requests.** Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

- i. The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least ten (10) business days prior to the date of the meeting;
 - ii. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy; and
 - iii. The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.
- C. **Testimony.** This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.
- D. **Notice.** At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. If the District maintains a website, the agenda shall be posted on the website for public information at the same time.
 - i. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting.

7. BOARD MEETING CONDUCT

- A. **Policy.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Section 11 "Rules of Order for Board and Committee Meetings", shall be used as a general guideline for meeting protocol.
- B. **Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.
- C. **Conduct.** The conduct of meetings shall, to the fullest possible extent, enable Directors to:
 - i. Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,
 - ii. Receive, consider and take any needed action with respect to reports of accomplishment of District operations.
- D. **Public Comment.** Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as followed:
 - i. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.

- ii. No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.
- E. **Disruption.** Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is in fact willful disruption of any meeting of the Board, he/she may order the disrupting parties out of the room and subsequently conduct the Board's business without them present.

After clearing the room of disruptive individuals, the President may permit those persons who, in his/her opinion, were not responsible for the willful disruption to remain in the meeting room.

8. BOARD ACTIONS AND DECISIONS

- A. **Actions.** Actions by the Board of Directors include but are not limited to the following:
 - i. Adoption or rejection of regulations or policies;
 - ii. Adoption or rejection of a resolution;
 - iii. Adoption or rejection of an ordinance;
 - iv. Approval or rejection of any contract or expenditure;
 - v. Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,
 - vi. Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.
- B. **Majority.** Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.
 - i. **Abstention.** A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.
 - a. **Example.** If three (3) of five (5) Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one (1) Director abstains on a particular action and the other two (2) cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.
 - b. **Example.** If an action is proposed requiring a two-thirds (2/3) vote and two (2) Directors abstain, the proposed action cannot be approved because four (4) of the five (5) Directors would have to vote in favor of the action.

- c. **Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three (3) Directors must vote in favor of the appointment for it to be approved. If two (2) of the three (3) Directors present abstain, the appointment is not approved.
- C. **Directions.** The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.
 - i. The President shall determine by consensus a Board directive and shall state it for clarification. Should any two (2) Directors challenge the statement of the President, a voice vote may be requested.
 - ii. A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).
 - iii. Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda.

9. ATTENDANCE AT MEETINGS

- A. **Attendance.** Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

10. MINUTES OF BOARD MEETINGS

- A. **Minutes.** The Executive Assistant to the General Manager acting in his/her capacity as "Recording Secretary" shall keep minutes of all regular and special meetings of the Board.
 - i. Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fire resistant room.
 - ii. Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept indefinitely in a fireproof vault or in fire-resistant room or locked cabinet. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.
 - iii. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may

deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- a. Date, place and type of each meeting;
- b. Directors present and absent by name;
- c. Administrative staff present by name;
- d. Call to order;
- e. Time and name of late arriving Directors;
- f. Time and name of early departing Directors;
- g. Names of Directors absent during any agenda item upon which action was taken;
- h. Summary record of staff reports;
- i. Summary record of public comment regarding matters not on the agenda, including names of commentators;
- j. Approval of the minutes or modified minutes of preceding meetings;
- k. Approval of financial reports;
- l. Record by number (a sequential range is acceptable) of all warrants approved for payment;
- m. Complete information as to each subject of the Board's deliberation;
- n. Record of the vote of each Director on every action item for which the vote was not unanimous;
- o. Resolutions and ordinances described as to their substantive content and sequential numbering;
- p. Record of all contracts and agreements, and their amendment, approved by the Board;
- q. Approval of the annual budget;
- r. Approval of all policies, rules and/or regulations;
- s. Approval of all dispositions of District assets;
- t. Approval of all purchases of District assets; and
- u. Time of meeting's adjournment.

11. RULES OF ORDER FOR BOARD AND COMMITTEE MEETINGS

- A. **Policy.** Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.
- B. **Point of Order.** If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.
- C. **Obtaining the Floor.** Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

D. **Motions.**

- i. Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

A Director makes a motion; another Director seconds the motion; and the President states the motion.

- ii. Once the motion has been stated by the President, it is open to discussion and debate. After the public in attendance has had an opportunity to comment, and after the matter has been fully debated, the President will call for the vote.
- iii. Any Director may move to immediately bring the question being debated to a vote (following public input), thus suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

E. **Secondary Motions.** Ordinarily, only one (1) motion can be considered at a time and a motion must be disposed of before any other motions or business is considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.

- i. **Motion to Amend.** A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.
- ii. **Motion to Table.** A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.
- iii. **Motion to Postpone.** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.
- iv. **Motion to Refer to Committee.** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.
- v. **Motion to Close Debate and Vote Immediately.** As provided above, any Director may move to close debate and immediately vote on a main motion.
- vi. **Motion to Adjourn.** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

F. **Decorum.**

- i. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings.

- ii. The President may also declare a short recess during any meeting.
- G. **Amendment of Rules of Order.** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:
 - i. Temporarily suspend these rules in whole or in part;
 - ii. Amend these rules in whole or in part; or,
 - iii. Both.

12. TRAINING, EDUCATION AND CONFERENCES

- A. **Policy.** Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.
 - i. "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.
- B. **Expenses.** It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use by a Director of District credit cards for these purposes is not permitted.
 - i. The Executive Assistant to the General Manager is responsible for making arrangements for Directors for conference and registration expenses, and may help as requested for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the Executive Assistant to the General Manager, together with validated receipts in accordance with State law.
 - ii. Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.
 - iii. Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth, if any, by the event sponsor and by:
 - a. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or using other less expensive nearby lodging.

- b. Directors traveling together whenever feasible and economically beneficial.
 - c. Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
- C. **Notice.** A Director shall not attend a conference or training event for which there is an expense to the District, if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.
- D. **Reimbursement.** Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

13. REMUNERATION

- A. **Remuneration.** Members of the Board of Directors shall receive a monthly "Director's Fee," the amount of which shall be established by the Board and be consistent with applicable state law.

14. PAYMENT OF EXPENSES INCURRED ON DISTRICT BUSINESS

- A. **General.** Whenever a Director or employee is attending any meeting at which the interest of the District is the major purpose of the meeting, or attending a conference of an organization as authorized in this Manual, or by Board action, or otherwise representing the District at an approved civic or community function, the expenses incurred by reason of attendance at such meeting, conference, or other function shall be reimbursed by the District in accordance with the rules set forth in this Section. In the event that circumstances prevent an expense reimbursement request from being considered in the manner described herein, a Director or employee may submit an expense reimbursement request to the Board for having attended a meeting or conference with the understanding that the Board may or may not approve the request.
- B. **Transportation.** If the distance to the function is five-hundred (500) miles or less, air or automotive travel may be used, at the option of the traveler. If travel is by automobile, a District vehicle shall be used if available. If the General Manager determines that a District vehicle is not available, the rate of reimbursement for mileage shall be the standard mileage rate permitted at the time by the Internal Revenue Service in computing a deduction for business mileage.

If the distance to the function is greater than five-hundred (500) miles, air travel shall be used, unless excepted due to physical or other reason

approved by the General Manager, and by the Board of Directors. If automobile travel is used, the transportation expense to be paid by the District will be limited to the total related costs, for duration of travel and ground transportation at the destination, that would have resulted had air travel been used, including, but not limited to, air fare, transportation to and from airports, and airport parking.

- C. **Lodging.** Whenever required to spend the night away from home, District personnel shall engage a room at a good commercial hotel or motel. If accompanied on the trip by another person who is not District personnel, and the room is shared, the District shall be charged only for that portion of the room charge, which would have been made for single occupancy. A receipted bill stating occupants and length of stay shall be submitted with the claim for expense reimbursement. If a room is occupied by more than one person, the rate for single occupancy shall be noted on the receipted statement.
- D. **Meals and Incidental Expenses.** Expense allowance while attending authorized functions shall include, in addition to transportation and lodging, all meals, tips, telephone expense, stenographic expense, auto parking, taxi and other disbursements on behalf of the District. No reimbursement shall be made of expenditures for personal services or needs. District shall not pay for any alcohol expenses incurred. If an automobile is used for transportation when air transportation is required, expenditures for meals and incidental expenses chargeable to the District shall be those which would have resulted had air transportation been used.
- E. **Travel Advance.** A travel advance, equal to the estimated expenditures chargeable to the District, may be made upon a written detailed estimate of the amount needed, submitted to and approved by the General Manager and by the Board of Directors.
- F. **Use of District Credit Cards.** District credit cards are issued to certain District employees for use in connection with District related business. The following rules shall apply to the use of District credit cards:
 - i. District credit cards will be used only for District business.
 - ii. District credit cards will be used only by duly authorized District employees.
 - iii. Purchases and expenditures will be charged and reconciled to the proper account on each monthly statement.
 - iv. Detailed receipts must be presented to the District business office for each expenditure made by credit card. Each expenditure must document the purpose of said expenditure, the person(s) involved and the business conducted.
- G. **District Expenditures for the Convenience of Others.** On occasion, the District may make expenditure or incur a charge in connection with District business, for the convenience of persons other than District personnel. Such expenditures or charges are made with the understanding that the District shall be credited against reimbursable expenses, or reimbursed directly as a

balance owing the District on the "Report of Expenses", as provided in the next section.

- H. **Report of Expenses for Reimbursement.** District personnel shall submit a "Report of Expenses" of all expenses incurred by them while acting in the interest of the District, to which will be attached the associated vouchers and/or receipts. Each expenditure item shall include a detailed description of the function and the nature of the District business conducted. The statement shall also indicate the travel advance, if any, credits for expenses apportioned to personal needs, services, or expenses incurred to the District. Balances owing the District shall be paid on submission of the expenses statement. Amounts due to District personnel shall be paid after the expense statement is reviewed by the General Manager and approved by the Board of Directors.

15. EXPENDITURE REIMBURSEMENT

- A. **Purpose.** The purpose of this policy is to prescribe the manner in which District employees and directors may be reimbursed for expenditures related to District business.
- B. **Scope.** This policy applies to all employees and members of the Board of Directors and is intended to result in no personal gain or loss to an employee or director.
- C. **Implementation.** Whenever District employees or directors desire to be reimbursed for out-of-pocket expenses for item(s) or service(s) appropriately relating to District business, they shall submit their requests on a reimbursement form approved by the General Manager and the Board of Directors. Included on the reimbursement form will be an explanation of the District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.
 - i. The Treasurer and/or the General Manager will review and approve reimbursement requests. Reimbursement requests by the Treasurer and General Manager will be reviewed and approved by the Finance and Audit Committee and/or the Board of Directors.
 - ii. All expenses must be reasonable and necessary, and employees and directors are encouraged to exercise prudence in all expenditures.
 - iii. The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Reimbursement for use of personal vehicles will be at the applicable IRS-approved rate.
 - iv. Expenditures for food and lodging will be moderate and reasonable.

16. PAYMENT OF DIRECTORS' FEES

- A. **Availability.** Directors shall be eligible to collect per diem fees as provided by the resolutions and ordinances of the District, and in accordance with State law for attendance to Board business. Board business eligible for per diem shall include, but not be limited to, Board meetings, Board Committee meetings, LAFCO meetings in which District business is discussed or affected as part of the LAFCO agenda, meetings of associations of which the District is a member, special meetings concerning District matters and those organizations for which attendance is authorized for meetings and conferences as listed. Per diem shall include travel days to and from business meetings as appropriate. Board members shall not count travel to meetings within the County as a reimbursable per diem travel day. In the event that circumstances prevent the per diem request from being considered in the manner described herein, a Director may submit a request to the Board for a per diem for having attended a meeting or conference with the understanding that the Board may or may not approve the request.
- B. **Review.** Directors' per diem fees shall be reviewed by the Board annually in October of each year with said increase (if any) to be effective January 1 of the next calendar year.

17. MEMBERSHIP IN ASSOCIATIONS

- A. **Policy.** The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training.

18. ETHICS TRAINING

- A. **Policy.** All directors and designated executive staff of the District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.
- B. **Application.** This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- C. **Provider.** All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.
- D. **Participation.** Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.
 - i. **Records.** District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.

- E. **Training Information.** District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.
- F. **Training Options.** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.
- G. **Requirements.** Any director of the District that serves on the board of another agency is only required to take the training once every two (2) years.

19. CODE OF ETHICS

- A. **Policy.** The Board of Directors of the District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State laws including AB 1234 (Salinas) approved in 2006 (copy attached as reference).

In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed:

- i. The dignity, style, values and opinions of each Director shall be respected.
- ii. Responsiveness and attentive listening in communication is encouraged.
- iii. The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the District's legal counsel shall be requested to make a determination if one exists or not.
- iv. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- v. Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- vi. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.
- vii. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

- viii. Directors should practice the following procedures:
 - a. In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
 - b. In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
 - c. In presenting items for discussion at Board meetings, See Board Meeting Agenda.
 - d. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager and/or the District's legal counsel.
 - ix. If approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor or General Manager. The chain of command should be followed.
- B. **Team Effort.** The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.
- i. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.
 - ii. Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.
 - iii. Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
 - iv. Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

20. ETHICS POLICY

The policy of the Beaumont-Cherry Valley Water District/Agency is to maintain the highest ethical standards for its Directors and staff. The proper operation of the District requires that decisions and policy be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Directors and staff remain objective and responsive to

the needs of the public they serve. Accordingly, it is the policy of the District that Directors and District staff will maintain the highest standard of personal honesty and fairness in carrying out their duties.

This policy sets forth the basic ethical standards to be followed by the Board of Directors of the Beaumont-Cherry Valley Water District. The objectives of this policy are to (i) provide guidance for dealing with ethical issues, (ii) heighten awareness of ethics and values as critical elements in Directors' conduct, and (iii) improve ethical decision-making and values-based management.

- A. **Responsibilities of Public Office.** Directors are obligated to uphold the Constitution of the United States and the Constitution of the State of California. Directors will comply with applicable laws regulating their conduct, including conflict of interest, financial disclosure and open government laws. Directors will strive to work in cooperation with other public officials unless prohibited from so doing by law or officially recognized confidentiality of their work. (Cal. Const., art. XX, § 3; Gov. Code, § 1360.)
- B. **Fair and Equal Treatment.** Directors, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Director will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances.
- C. **Proper Use and Safeguarding of District Property and Resources.** Except as specifically authorized, the California Constitution prohibits a Director from making a "gift of public funds" by utilizing or permitting the use of District -owned vehicles, equipment, telephones, materials or property for his or her personal benefit or profit of third parties. A Director will not ask or require a District employee to perform services for the personal benefit or profit of a Director. Each Director must protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form. Directors will safeguard District property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. (Cal. Const., art. XVI, § 6; Gov. Code, §§ 8314 and 53234 et seq.; Pen. Code, § 424; see *People v. Battin* (1978) 77 Cal.App.3d 635.)
- D. **Use of Confidential Information.** A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information to a person not authorized to receive it. Under applicable provisions of law, information qualifies as confidential if it
 - i. Has been received for, or during, a closed session meeting of the Board,
 - ii. Is protected from disclosure under the attorney/client or other evidentiary privilege, or
 - iii. Is not required to be disclosed under the California Public Records Act.

This Section does not prohibit a Director from taking any of the following actions:

- i. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District, an elected official or employee,
- ii. Expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action, or
- iii. Disclosing information acquired during a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (i) or (ii), above, however, a Director will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

E. **Conflict of Interest.** A Director will not have a financial interest in a contract with the District/Agency, or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless the Director's participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law. A Director will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000 et seq., relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission [FPPC] regulations found at Cal. Code Regs., tit. 2, §§ 18100 et seq.) that is distinguishable from the effect on the public generally on

- i. A business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations;
- ii. Real property in which the Director has a direct or indirect investment interest, with a value in the amount specified in FPPC regulations;
- iii. A source of income for the Director in the amount specified in FPPC regulations, within twelve (12) months before the Board decision;
- iv. A source of gifts to the Director in an amount specified in FPPC regulations within twelve (12) months before the Board decision; or
- v. A business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

An "indirect interest" means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or

by a business entity or trust in which the Director, or the Director's spouse, dependent child or agent, owns directly, indirectly or beneficially a ten percent (10%) interest or greater. An elected official will not accept honoraria or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Directors will report all gifts, campaign contributions, income and financial information as required under the District's Conflict of Interest Code and the provisions of the Fair Political Practices Act and FPPC regulations. (Gov. Code, §§ 87100 et seq.)

If a member of the Board believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- i. If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the District's General Manager and the District's legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
 - ii. If it is not possible for the Director to discuss the potential conflict with the General Manager and the District's legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and
 - iii. Upon a determination that there is a disqualifying conflict of interest, the Director
 - a. Will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and
 - b. Will leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters or the Director has been advised that specific FPPC exemption applies.
- F. **Nepotism.** A Director will not recommend the employment of a relative by the District. A Director will not recommend the employment of a relative to any person known by the Director to be bidding for or negotiating a contract with the District.
- G. **Soliciting Political Contributions.** Directors are prohibited from soliciting political funds or contributions at District facilities, or from District employees. A Director will not accept, solicit or direct a political contribution from (a) District employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the District. A Director will not use the District's seal, trademark, stationery or other indicia

of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law. (Gov. Code, § 3205.)

- H. **Incompatible Offices.** Another aspect of prohibited conflicts of interest is simultaneous holding of two incompatible public offices, unless simultaneous holding of the offices is compelled or expressly authorized by law. When public offices are incompatible, the public officer forfeits the first office upon taking the second.

Government Code section 1099 codifies the common law rule against holding incompatible public offices. Under section 1099, offices are incompatible under any of the following circumstances unless the simultaneous holding of the office is compelled or expressly authorized by law:

- i. Either office may audit, overrule, remove members of, dismiss employees of, or supervise the other office or body;
- ii. Based on the powers and jurisdictions of the offices, there is a possibility of a significant clash of duties or loyalties between the offices;
- iii. Public policy considerations make it improper for one person to hold both offices. The doctrine of incompatible offices does not apply to positions on government bodies that are solely advisory, or to positions of employment. (Gov. Code, § 1099; 83 Ops.Cal.Atty.Gen 153 (2000); 58 Ops.Cal.Atty.Gen. 109 (1975).) However, the Attorney General has repeatedly held that certain positions, such as general manager of a water district and city manager, are public offices. (E.g., 82 Ops.Cal.Atty.Gen. 201 (1999); 67 Ops.Cal.Atty.Gen 409 (1984).) Government Code section 53227 prohibits an employee of a special district from taking office as an elected or appointed member of the Board of the same special district unless he or she resigns as an employee.

I. **Director-General Manager Financial Officer Relationship.**

- **General Manager.** The Board sets the policy for the District. The General Manager:
 - i. Has charge and control of the construction, maintenance and operation of the water system and other facilities of the District upon approval of the Board of Directors,
 - ii. Has power and authority to employ and discharge employees and assistants, consistent with District policy and other provisions of law,
 - iii. Prescribes the duties of employees and assistants, consistent with District policy, and
 - iv. Fixes and alters the compensation of employees and assistants, subject to approval by the Board.

The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager, and not through other District employees, except as it pertains to the functions of the Financial Officer. Members of the Board will refrain from making requests directly to District employees (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding District operations from District employees.

- **General Manager Duty.** The General Manager has primary responsibility for
 - i. Ensuring compliance with the District's Personnel Manual, and ensuring that District employees do not engage in improper activities,
 - ii. Investigating allegations of improper activities, and
 - iii. Taking appropriate corrective and disciplinary actions.
- **Board Duty.** The Board has a duty to ensure that the General Manager is operating the District according to law and the policies approved by the Board. Directors are encouraged to fulfill their obligation to the public and the District by disclosing to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Directors will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines that the General Manager is not properly carrying out these responsibilities.
- **Financial Officer.** The Board will appoint the District's Financial Officer (who will report to the General Manager). The Financial Officer will install and maintain a system of auditing and accounting that will completely and at all times show the financial condition of the District in accordance with generally accepted accounting principles and legal requirements. The Board will retain and periodically review the work of an auditor as an independent contractor of the District (other than the Financial Officer), who will report to the Board, to conduct an annual audit of the District's books, records and financial affairs.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

OPERATIONS POLICIES & PROCEDURES MANUAL

Adopted February 11, 2009

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BEAUMONT-CHERRY VALLEY WATER DISTRICT

**OPERATIONS
POLICIES & PROCEDURES MANUAL**

Adopted February 11, 2009

1. EMERGENCY PREPAREDNESS

- A. **Policy.** It is the policy of the District to create and maintain an active emergency preparedness program that includes an emergency plan that will help manage the District's critical functions during any emergency and protect the safety of staff. The District will coordinate the emergency plan, function and response with those responders from the public and private entities and organizations charged with emergency duties.
- B. **Emergency.** Emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the provision of critical District functions and the health and safety of staff or the public, caused by such conditions as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, dam failures, freezes, water supply contamination, and other conditions which may be beyond the capability of the services, personnel, equipment, and facilities of this District, and may require the combined forces of other political subdivisions to help respond.
- C. **Emergency Preparedness.** The Board of Directors authorizes the establishment of an Emergency Preparedness Program, which consists of the nationally-recognized four (4) phases of emergency management: mitigation, preparedness/planning, response, and recovery. District actions will include developing and maintaining a District-wide emergency plan, identifying and training District staff to activate and use the plan, appointing District staff to critical positions identified in the emergency plan, and appointing staff to represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs incurred during the emergency.
- D. **Standardized Emergency Management System.** The California Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created by Government Code §8607 following the East Bay Hills Firestorm in 1991. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures, and training will follow the SEMS regulations, and coordinate with the District-wide emergency plan.
- E. **District Emergency Declaration.** When an emergency condition arises, the General Manager may, in consultation with the Board President, declare a "District Emergency." The Board must ratify the declaration within fourteen (14) days at a regular, special or emergency Board meeting.
- F. **Authorization During District Emergencies.** The General Manager's Declaration of a District Emergency is a public acknowledgement of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the General Manager, may delegate to the General Manager the authority to suspend competitive bidding and enter into emergency contracts of up to two-hundred-fifty thousand dollars (\$250,000), as authorized by Public Contract Code §20567 and §22050.

- G. **Mutual Aid.** The California Master Mutual Aid Agreement (Government Code §8561, §8615, and §8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The General Manager, in accordance with the Emergency Plan, may request mutual aid assistance from other local government and public agencies, or commit District resources to other agencies requesting aid. The General Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.
- H. **Continuity of Management.** The District's emergency plan will list at least two (2) successors to critical staff identified in the plan, including the General Manager. In the event the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary staff.
- I. **Status Reports.** In June of each year, the General Manager will provide annual reports to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within sixty (60) days of the occurrence of a declared District Emergency.

2. **EMERGENCY RESPONSE GUIDELINE FOR HOSTILE OR VIOLENT INCIDENTS**

- A. **Purpose of the Policy.** To provide direction for the District Board of Directors and staff regarding responses to hostile or violent incidents, including possible armed intruders or related threats on District facilities or properties.
- B. **Background.** The potential for hostile or violent incidents on District facilities or operational locations always exists. In recent time frames, incidents involving armed intruders have occurred in increasing frequency involving injuries and deaths at government institutions, offices and educational facilities. Often, an intruder is a person who is an ex-employee, customer or person known to the agency involved. The person often is upset at an event or person who works at the facility. However, armed intruders can be any variety of persons who have an anger situation affecting one or more staff members or other related persons to the District. Often, incidents involving armed intruders escalate to include multiple persons and potentially taking of hostages, including District customers. Threats of these types and risks are to be considered extreme emergencies and the safety and well being of employees and/or customers is the highest priority.
- C. **Response to an Incident.** Any evidence of the exposure to a hostile or violent person or situation on District facilities or operating areas should be taken seriously for safety purposes. Any Director or staff employee observing or sensing that a violent or hostile situation is occurring should consider taking precautionary and safety actions. Any event resulting in awareness of a possible violent act including possible gunfire, explosion, fighting, or scuffling could indicate an incident of violent potential. Any staff person observing such potential activities should take steps to protect themselves and others on the District premises including but not limited to:
 - i. **Communication.** Attempt to communicate the situation to everyone in the facility by means of telephone, paging, email and/or radio system including basic information that a potential incident is occurring. If a perpetrator(s) is seen or known, information on the person(s) should be provided.

- ii. **Types.** Since different types and levels of workplace violence may require various responses, establishing basic information on the type of event is essential. Examples are:
 - a. **Gunfire.** Awareness of gunfire in the facility should result in evacuation to the extent that is possible. If not possible, securing of rooms or offices and notification of others by phone or email is encouraged. Calling emergency resources via 911 is imperative once safe to call. Remain in the most secure location possible until contacted by public safety personnel or a facility supervisor, etc.
 - b. **Explosion.** An explosion could occur naturally or by violent intention. Awareness of an explosion or fire in the facility should result in immediate evacuation in accordance with established procedures for fire. A predetermined evacuation rally point is important, because it is easy to identify who is out of the facility.
 - c. **Physical Threat/ Bomb Threat.** Awareness of a telephone or in person threat to facility or staff should be met with action to evacuate and clear staff from the threatened area. Calling 911 as soon as possible is imperative.
 - d. **Hostage Situations.** If a possible hostage incident is known, evacuation of the facility is paramount to safety of persons in the area. Contact 911 immediately.
 - e. **Irate Customer/ Threat at Counter or Meeting.** In cases where any person acts to threaten a staff person or customer at a District facility in a manner causing fear for safety, action to summon public safety personnel by 911 should be taken. In no way should steps be taken to challenge or subdue such a person except in defense of life for self or immediate others at the facility.
 - f. **Volatile Situation.** In the event that a volatile situation occurs at a Board of Directors or other public meeting, the person chairing/hosting the meeting should take steps to control the situation or adjourn the meeting to abate the confrontation, if possible. In event of a threatening or hostile situation, call 911 immediately and proceed with evacuation or other appropriate actions.
- D. **Planning for Emergency Incidents.** All employees and members of the Board of Directors shall receive training on response to violent or hostile incidents. In the event of a potential incident, notify a supervisor or the General Manager as quickly as possible, or call 911 when an active incident is occurring. If assessment of a possible threat is needed, the General Manager or ranking staff person shall be notified for considering validity of the threat or safety risk. Public safety agency shall be contacted by 911 whenever a perceived threat is considered valid.

Steps should be taken to plan response capabilities for emergencies in addition to fires, earthquakes, etc. that may involve hostile situations. These include but are not limited to:

- i. **Evacuation Plan.** A facility evacuation plan should be prepared for each room. Post the plan at each doorway and hallway exit. Have a safe area zone for staging established.
 - ii. **Lock down procedures.** Lock down procedures to secure the facility in a hostile or violent incident for both exterior and interior doors.
 - iii. **Emergency Code.** Develop an emergency notice code for intercom, email and radio to facility and District staff. Use of a Code "Red" is recommended.
 - iv. **Radio Alert Code.** Develop a radio communication alert code "Red" to notify other District staff so they will not return to the facility during the incident until cleared to do so by public safety personnel.
 - v. **Training.** Training of all personnel in dealing with customers, employees and other persons in aggravated situations and how to identify and assess potential threats or volatile situations. All employees assigned or expected to serve at the front desk or counter shall receive such training regularly.
- E. **Actions for Violent or Armed Threat Situation.** The existence or potential for an event involving a violent person or armed intruder at a District facility should be considered an emergency condition. Actions could include up to and all of:
- i. **Received Threat.** Notify your supervisor or General Manager and other staff immediately if a threat is received but not actively in process. If validated, contact public safety by calling 911 immediately.
 - ii. **Evaluation.** The General Manager or ranking staff member shall evaluate the situation and consider appropriate actions including shutting down operations and evacuation and/or locking down the facility until public safety response abates the threat.
 - iii. **Emergency Code Procedure.** Initiate notification of other facility staff of active threat by emergency code procedure. Evacuate the facility wherever possible. Secure money or computer equipment if time allows.
 - iv. **Alarm Activation.** Activate an alarm for notifying other staff or an alarm company if one engaged by the District. A call contact would be included in procedure to double check for safety at the facility.
 - v. **Intruder Sighting.** Upon sighting an armed intruder, an alert to all employees should be made by page, email or radio.
 - vi. **Secure Work Area.** Secure your work area or evacuate if safely possible. If not able to evacuate, find a safe hiding place and stay put until contacted by public safety personnel.
 - vii. **Staging Area.** Once outdoors after an evacuation, proceed to planned staging area to report in for identification. Inform public safety personnel of any information on the incident.
 - viii. **Await Instructions.** Attempt to remain calm and assist others; wait for instructions from public safety or supervisory personnel.

- ix. **Non-Confrontation.** Do not attempt to look around to see what is happening. Evacuate whenever possible and with others in areas you see directly. Do not confront or attempt to apprehend a violent perpetrator unless directly attacked for self-defense. Do not assume someone already called 911, call them immediately.

- F. **Post Event Actions.** Following the clear announcement of ending of a violent or hostile person situation, contact public safety or supervisory personnel for instructions. Report any knowledge or first hand observations of the incident. Contact your family and immediate friends so they will not take any actions to respond unnecessarily. Await direction as to return to work or other steps dependant on level of the incident. If not able to do so, consult with your supervisor or notify the ranking person on-site.

An Emergency Response Coordinator shall evaluate and debrief any major incident and to take needed steps to abate the conditions after the event and prepare as necessary for continued operations. Planning and actions to address conditions are expected and your input is important via your supervisor. There may be the potential to lock-down or close the facility from operating for some time or corrective steps. If deemed needed, seek direction on what actions you should take to assist in procedure.

3. **COMPUTER AND BUSINESS CONTINUITY SECURITY**

- A. **Purpose.** The District seeks to ensure that detailed or sensitive information regarding its water and power system facilities and operations not be released to parties who might use it for malicious purposes. This security plan is designed to address computer security procedures for District personnel who are issued desktop or laptop computers and who may handle sensitive or important information to the operation of the agency.
- B. **Scope.** This program applies to all employees who are issued desktop or laptop computers.
- C. **Responsibilities.**
 - i. **Purchasing.** The Assistant General Manager approves all purchases of desktop or laptop computers for use by District personnel, subject to the General Manager's oversight.
 - ii. **Assignment/ Enforcement.** Operations Superintendant is responsible for assigning laptop computers to personnel within their respective divisions, and for enforcement of this policy.
 - iii. **Responsibility.** Each employee issued a desktop or laptop computer is responsible for understanding and following the requirements of this policy and for the safekeeping of any electronic device assigned to their possession.
- D. **Sensitive Information.** Sensitive information that must not be released has been classified by the Federal Energy Regulatory Commission as Critical Energy Infrastructure Information and includes electrical, civil and mechanical schematics and drawings that show details of location and layout. The District also considers detailed maintenance records that include photos and schedules to be sensitive information.

E. **Computer Security.**

- i. **Passwords.** A password will be required to start the computer. Passwords must be a minimum of eight (8) characters in length and must contain at least one (1) number and one (1) special character.
- ii. **Software.** Any software installed on the computer must be pre-approved by the Assistant General Manager.
- iii. **Internet Access.** Internet access may only be made through the District's network server. The computer may not be used to access the Internet via an employee's personal Internet account.
- iv. **Transportation/ Storage.** The laptop computer may be transported between the main District office and the field location at which the employee is assigned to work via a District vehicle. If the employee at any time leaves the vehicle unattended, the laptop computer will be stored out of sight in a locked vehicle.
- v. **Electronic Storage.** All electrical, civil and/or mechanical schematics, drawings, photos and database records will be stored in electronic format on the District's network computer. Only those schematics, drawings, photos or maintenance database records necessary for the work being conducted at the given field location may be downloaded and temporarily stored on the laptop computer's hard drive. Upon completion of the field assignment, all revised files will be uploaded onto the District's network computer and all temporarily stored files will be deleted from the laptop computer's hard drive.
- vi. **Prior Approval.** Any desktop or laptop computer may not be removed from the District's service area without prior approval of the General Manager or Assistant General Manager.

- F. **Compliance.** The Operations Superintendant will periodically check all desktop or laptop computers at least twice a year to ensure that no critical infrastructure information or other sensitive data is being stored on the computer's hard drive. Personnel found to be in violation of this policy will be subject to disciplinary procedures.

4. **ENVIRONMENTAL HEALTH AND SAFETY COMPLIANCE PROGRAM**

- A. **Purpose.** The Board of Directors of the District recognizes the importance of an effective environmental, health, and safety-compliance program for the well-being of each District employee, to the District's customers, to the public at large, to the environment, and to the productivity of District operations. Therefore, it is the firm and continuing policy of the Board of Directors that environmental, health and safety compliance and accident prevention shall be considered of primary importance in all phases of the District's operation and administration, at all levels of the organization.
- B. **Policy.** Within the District, therefore, the General Manager is authorized to approve programs, standards, rules, and procedures to protect and promote the safety and health of District employees, customers, the public at large, the environment, and the productivity of District Operations. The Assistant General Manager shall review accidents and compliance issues, and recommend new or

revised environmental, health, and/or safety programs, standards, rules, and procedures for approval by the Board and implementation within the District.

- i. **Responsibility.** The Operations Superintendant and each supervisor shall make environmental, health, and safety compliance an integral part of their regular duties, including the provision of proper training, materials, and equipment so that work can be performed safely and in compliance with regulations and other applicable standards.
 - ii. **Compliance.** It is equally the duty of each employee to accept and follow established programs, standards, rules, and procedures, as well as instructions and directives relating to the efficient performance of their work. Every effort will be made to provide adequate training to employees. However, if an employee is ever in doubt about how to do a job safely and correctly, it is their duty to ask a qualified person for assistance. Everyone is responsible for housekeeping duties that pertain to their jobs. Unsafe conditions must be reported.
- C. **Scope.** By maintaining an effective environmental, health, and safety compliance program, the risk of personal injury, operational interruptions, and regulatory fines are reduced, and the mission of the District is manifested. The cooperation of all District employees is required.

5. **ILLNESS AND INJURY PREVENTION PROGRAM**

- A. **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:
- i. **Safeguards.** Providing mechanical and physical safeguards to the maximum extent possible.
 - ii. **Inspections.** Conducting a program of safety and health inspections 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.
 - iii. **Training.** Training all employees in good safety and health practices.
 - iv. **Equipment.** Providing necessary personal protective equipment, and instructions for use and care.
 - v. **Rule Enforcement.** Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.
 - vi. **Investigations.** Investigating promptly and thoroughly, every accident to determine its cause and correct the problem as indicated so it will not happen again.
 - vii. **Recognition.** Developing a system of recognition and awards for outstanding safety service and/or performance.
- B. **Program Responsibility.** Although the District recognizes that the responsibility for safety and health is shared, the General Manager will be responsible and have

full authority for implementing this policy and the District's Injury and Illness Prevention Program.

- i. **Responsibility.** 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.
 - ii. **Supervisors.** 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.
 - iii. **Compliance.** 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.
- C. **Injury and Illness Records.** The District's record keeping system for its Injury and Illness Prevention Program shall conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of said program.
- i. **Reporting.** A report shall be obtained on every injury or illness requiring medical treatment.
 - ii. **Recording.** Each injury or illness shall be recorded on the "Cal/OSHA Log and Summary of Occupational Injuries and Illnesses," Cal/OSHA Form 300A, according to its instructions.
 - iii. **Supplemental Record.** 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 Section 5, C, ii, above.
 - iv. **Annual Preparation.** Annually, the summary Cal/OSHA Form 300 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.
 - v. **Record Maintenance.** All records specified in this section shall be maintained in the District's files for a minimum of five years after their preparation.
- D. **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:
- i. **Inspection Records.** 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.

- ii. **Training Documentation.** Documentation of safety and health training required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] for each employee. The documentation must specifically 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 (3) years.
- E. **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.
 - i. **Communication.** Written communications to employees shall be in a language they can understand. If an employee cannot read in any language, said communication shall be made orally in a language he/she can readily understand.
 - ii. **Conspicuous Posting.** The District's Code of Safe Practices, below, shall be posted at a conspicuous location in the District's maintenance office, and shall be provided to each supervisory employee who shall keep it readily available.
 - iii. **Meetings.** Periodic meetings (at least one per quarter) of supervisory employees shall be held under the direction of the General Manager for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for three (3) years.
 - iv. **Supervisor Meetings.** Supervisory employees shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crew(s) at least every ten working days to emphasize safety. Documentation of these meetings shall be maintained for three (3) years.
 - v. **General Meetings.** General employee meetings shall be conducted monthly 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 (3) years. Discussions at these meetings should concentrate on:
 - a. **Accident History.** Occupational accident and injury history within the District, including possible comparisons to other similar agencies.
 - b. **Feedback.** Feedback from employees.
 - c. **Guest Speakers.** Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.
 - d. **Materials.** Brief audio-visual materials that relate to the District's operations.

- vi. **Training Programs.** 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 (3) years.
 - a. **New Employees.** 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 (3) years.
 - vii. **Posters/ Bulletins.** Posters and bulletins relating to and encouraging safe and healthy practices shall be posted on a rotational basis at a conspicuous location in the District's maintenance office.
 - viii. **News Articles/ Publications.** 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.
- F. **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.
- i. **Observe.** Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.
 - ii. **Quarterly.** Safety inspections will be conducted at least quarterly. 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.
 - iii. **Written Assessment.** 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.
 - iv. **Assessment Review.** The General Manager 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.
- G. **Accident Investigation.** All accidents shall be thoroughly and properly investigated by the Field Operations Superintendant, 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.
- i. **Obtain Facts.** 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.

- ii. **Locate Problems.** 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).
- iii. **Note Previous Actions.** Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.
- iv. **Note Interim Precautions.** Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.
- v. **Identify Corrective Action.** 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.

H. **Code of Safe Practices.**

- i. All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the Foreman, Field Operations Supervisor, or General Manager.
- ii. 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. Each employee should be safety minded and encourage co-workers to do the same.
- iii. 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 the Paragraph addressing Drug and Alcohol Abuse.
- iv. Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.
- v. Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.
- vi. 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.

- vii. 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.
- viii. 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 Foreman or Field Operations Superintendent.
- ix. Crowding or pushing when boarding or leaving any vehicle or other conveyance shall be prohibited.
- x. 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 Foreman or Field Operations Superintendant, or other responsible managing employee.
- xi. All injuries shall be reported promptly to the Foreman or Field Operations Superintendent, or other responsible managing employee, so that arrangements can be made for medical or first aid treatment.
- xii. When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.
- xiii. 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.
- xiv. Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.
- xv. Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.
- xvi. Gasoline shall not be used for cleaning purposes.
- xvii. 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 Operations Superintendant, or other responsible managing employee.
- xviii. Any damage to scaffolds, falsework, shoring or other supporting structures shall be immediately reported to the Foreman or Field Operations Superintendant, or other responsible managing employee.
- xix. All tools and equipment shall be maintained in good condition.
- xx. Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE."
- xxi. Pipe or Stillson wrenches shall not be used as substitute for other wrenches.
- xxii. Only appropriate tools shall be used for the job.

- xxiii. Wrenches shall not be altered by the addition of handle-extensions or "cheaters."
- xxiv. Files shall be equipped with handles and not used to punch or pry.
- xxv. Screwdrivers shall not be used as chisels.
- xxvi. Wheelbarrows shall not be used with handles in an upright position.
- xxvii. Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.
- xxviii. 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.
- xxix. Only authorized persons shall operate machinery or equipment.
- xxx. Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.
- xxxi. 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.
- xxxii. Where appropriate, lock-out procedures shall be used.
- xxxiii. 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.
- xxxiv. Air hoses shall not be disconnected at compressors until hose line has been bled.
- xxxv. All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.
- xxxvi. Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.
- xxxvii. Tractors, backhoes and other similar equipment shall not operate where there is possibility of overturning in dangerous areas like edges of deep fills, cut banks, and steep slopes.

EDITOR'S NOTE: An Injury and Illness Prevention Program, which will conform to the requirements of SB 198 and the Standards promulgated in response thereto by the California Occupational Safety and Health Standards Board, will require more than just the implementation of a policy similar to the foregoing sample. Full compliance will require an in-depth and individualized assessment of an agency's current workplace conditions, practices and problems. Said assessment must be documented and include a safety and health survey, workplace assessment, evaluation of assessment information, development of an action plan, implementation of said plan, and ongoing maintenance of the program. C.S.D.A. encourages its members to take full advantage of Cal/OSHA's Consultation Service. In addition to suggesting both governmental and private sources for

information, Cal/OSHA has a publication entitled, "Guide to Developing Your Workplace Injury & Illness Prevention Program with Checklists for Self-Inspection." This document and other information can be obtained from the Cal/OSHA Consultation Service Offices listed below:

SAN BERNARDINO
303 West Third St., Room 219
San Bernardino, CA 92401
(909) 383-4257

6. **BUDGET PREPARATION**

- A. **Annual Budget.** An annual budget proposal shall be prepared by the General Manager.
- B. **Finance Committee Input.** Prior to review by the Board of Directors, the Board's standing Finance Committee shall meet with the General Manager and review his/her annual budget proposal.
- C. **Board Review.** The proposed annual budget as reviewed and amended by the Finance Committee shall be reviewed by the Board at its regular meeting in November.
- D. **Board Adoption.** The proposed annual budget as amended by the Board during its review shall be adopted in December.

7. **FIXED-ASSET ACCOUNTING CONTROL**

- A. **Goal.** The purpose of this policy is to ensure proper accounting control resulting in the maintaining of accurate financial reports of fixed assets.
- B. **Policy.** An accounting, or inventory, of all fixed assets shall be conducted on an annual basis. After the conclusion of said inventory, the General Manager, or other responsible managing employee, shall certify its completeness and report the results thereof to the Board of Directors at its next regular monthly meeting.
- C. **Application.** Applicable purchases for inclusion in said accounting shall be the following:
 - i. Equipment, tools, and vehicles that individually have an original total cost of more than three-hundred dollars (\$300);
 - ii. All land and building acquisitions regardless of price; and,
 - iii. Additions or major improvements to the District's service infrastructure.
- D. **Identification.** When any item defined above is received, a tag with a unique identification number shall be affixed to said item, and the number recorded in the permanent inventory records prior to being put into use.
- E. **Inventory Records.** Permanent inventory records shall be maintained in either a paper file or electronic (computer data base) format. Said records shall be updated whenever a change in the status of a particular fixed asset occurs (e.g., original purchase, sale, destruction, loss, theft, etc.).

- F. **Include.** Information to be maintained in said inventory records shall include at least the following:
- i. Asset number;
 - ii. Description;
 - iii. Manufacturer's serial number;
 - iv. Storage location;
 - v. Original cost;
 - vi. Acquisition date;
 - vii. Life expectancy; and,
 - viii. Classification code (e.g., office equipment, vehicle, etc.).

8. **FIXED-ASSET CAPITALIZATION**

- A. **Goal.** The purpose of this policy is to provide criteria for determining when assets and associated costs are to be capitalized and depreciated.
- B. **Policy.** Single-item purchases with at least an anticipated useful life of five years and exceeding five-thousand dollars (\$5,000) each shall be capitalized as a fixed asset. The purchase of these fixed assets shall be included on the District's statement of net assets and depreciated over the asset's estimated useful life. The purchase of fixed assets for less than five-thousand dollars (\$5,000) shall be expensed.
- C. **Also Considered.** Other expenditures of five-thousand dollars (\$5,000) or more that provide a significant increase in future service potential of a fixed asset shall also be capitalized as part of the existing asset.
- i. To meet the criteria for a capital expenditure, the purchase should extend the useful life of an asset, increase the quantity of service provided by an asset, or increase the quality of service by an asset.
 - ii. Capital expenditures may include the following: additions (enlargements, expansions or extensions of existing assets), replacements and improvements, and rearrangement and/or relocation of an asset.
- D. **Not Considered.** Expenditures for normal repairs and maintenance shall not be considered as capital expenditures.
- E. **Depreciation Chart.** Depreciation will be computed over the estimated useful lives of the assets as follows:

ASSET DEPRECIATION LIFE

Fixed Asset	Useful Life (years)
General Plant/Structures	50
Reservoirs, Dams, etc.	50
Vehicles	5

Heavy Equipment (normal – light use)	7 – 10
Light Equipment (normal – light use)	5 – 7
Office Equipment	5 – 10
Office Furniture	10 – 15
Computer Equipment	5 – 7

9. INVESTMENT OF DISTRICT FUNDS

SCOPE

This investment policy applies to all financial assets of the Beaumont-Cherry Valley Water District. These funds are accounted for in the Annual Financial Activity Report, the Annual District Audit, and the Monthly Financial Report, and include:

- General Fund
- Depreciation Fund
- Facilities Fees Fund
- Front Footage Fund
- Emergency Reserve
- New Water Credit (CFD 93-1)
- Water Reclamation Fee

Funds not included in the policy include deferred compensation funds and money purchase pension plan funds.

PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, which person of prudence, discretion and intelligence exercise in the management of their own affairs; not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. The standard of prudence to be used by investment officials shall be the "prudent investor" standard (CGC 53600.3) and shall be applied to the context of managing an overall portfolio. Investment officers acting in accordance with the written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

OBJECTIVES

As specified in CGC 53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the primary objectives, in priority order, of the investment activities shall be:

1. Safety: Safety of principal is the foremost objective of the investment program. Investments of the Beaumont-Cherry Valley Water District shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio.
2. Liquidity: The investment portfolio will remain sufficiently liquid to enable the Beaumont-Cherry Valley Water District to meet all operating requirements which might be reasonably anticipated.
3. Return on Investments: The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

DELEGATION OF AUTHORITY

Authority to manage the investment program is derived from California Government Code Sections 53600; et seq. Management responsibility for the investment program is hereby delegated to the General Manager, who shall establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include references to: safekeeping, PSA repurchase agreements, wire transfer agreements,

collateral/depository agreements and banking services contracts, as appropriate. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the General Manager. The General Manager shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials. Under the provision of California Government Code 53600.3, the General Manager is a trustee and a fiduciary subject to the prudent investor standard

ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

Should the Beaumont-Cherry Valley Water District choose to invest funds in a vehicle other than the Local Agency Investment Fund, the General Manager will maintain a list of financial institutions, selected on the basis of credit worthiness, financial strength experience and minimal capitalization authorized to provide investment services. In addition, a list will also be maintained of approved security brokers/dealers selected by credit worthiness who are authorized to provide investment and financial advisory services in the State of California No public deposit shall be made except in a qualified public depository as established by state laws.

For brokers/dealers of government securities and other investments, the Beaumont-Cherry Valley Water District shall select only brokers/dealers who are licensed and in good standing with the California Department of Securities, the Securities and Exchange Commission, the National Association of Securities Dealers or other applicable self-regulatory organizations. Before engaging in investment transactions with a broker/dealer, the General Manager shall have received from said firm a signed Certification Form. This form shall attest that the individual responsible for the Beaumont-Cherry Valley Water District's account with that firm has reviewed the Beaumont-Cherry Valley Water District's Investment Policy and that the firm understands the policy and intends to present investment recommendations and transactions to the Beaumont-Cherry Valley Water District that are appropriate under the terms and conditions of the Investment Policy.

AUTHORIZED AND SUITABLE INVESTMENTS

The Beaumont-Cherry Valley Water District is empowered by California Government Code 53601 et seq. to invest in the following:

- A. Bonds issued by the Beaumont-Cherry Valley Water District.
- B. United States Treasury Bills, Notes & Bonds.
- C. Registered state warrants or treasury notes or bonds issued by the State of California.
- D. Bonds, notes, warrants or other evidence of debt issued by a local agency within the State of California, including pooled investment accounts sponsored by the State of California, County Treasurers, other local agencies or Joint Powers Agencies.
- E. Obligations issued by Agencies or Instrumentality of the U.S. Government
- F. Bankers Acceptances with a term not to exceed 270 days. Not more than 40% of surplus funds can be invested in Bankers Acceptances and no more than 30% of surplus funds can be invested in the Bankers Acceptances of any single commercial bank.
- G. Prime Commercial Paper of U.S. Corporations with assets greater than \$500 million with a term not to exceed 180 days and the highest ranking issued by Moody's Investors Service or Standard & Poor's Corp. Commercial Paper cannot exceed 15% of total surplus funds, provided that if the average maturity of all Commercial Paper does not exceed 31 days, up to 30% of surplus funds can be invested in Commercial Paper.
- H. Negotiable Certificates of Deposit issued by Federal or State Chartered banks or associations. Not more than 30% of surplus funds can be invested in certificates of deposit.

I. Repurchase/Reverse Repurchase Agreements of any securities authorized by this Section. Securities purchased under these agreements shall be no less than 102% of market value (See special limits in CGC 53601.i)

J. Medium term notes (not to exceed 5 years) of U.S. corporations rated "A" or better by Moody's or S&P. Not more than 30% of surplus funds can be invested in medium term notes.

K. Shares of beneficial interest issued by diversified management companies (Money Market Mutual funds) investing in the securities and obligations authorized by this Section. Such Funds must carry the highest rating of at least two of the three largest national rating agencies. Not more than 15% of surplus funds can be invested in Money Market Mutual Funds.

L. Funds held under the terms of a Trust Indenture or other contract or agreement may be invested according to the provisions of those indentures or agreements.

M. Collateralized bank deposits with a perfected security interest in accordance with the Uniform Commercial Code (VCC) or applicable federal security regulations.

N. Any mortgage pass-through security, collateralized mortgage obligation, mortgage backed or other pay-through bond, equipment lease-backed certificate, consumer receivable pass-through certificate or consumer receivable backed bond of a maximum maturity of five years. Securities in this category must be rated AA or better by a nationally recognized rating service. Not more than 30% of surplus funds may be invested in this category of securities.

O. Any other investment security authorized under the provision of CGC 5921 and 53601. Also, see CGC 53601 for detailed summary of the limitations and special conditions that apply to each of the above listed investment securities. CGC 53601 is attached and included by reference in this investment policy.

Prohibited Investments. Under the provisions of CGC 53601.6 and 53601.5, the Beaumont-Cherry Valley Water District shall not invest any funds covered by this Investment Policy in inverse floaters, range notes, interest-only strips derived from mortgage pools or any investment that may result in a zero interest accrual if held to maturity.

COLLATERALIZATION

All certificates of deposits must be collateralized by U.S. Treasury Obligations. Collateral must be held by a third party trustee and valued on a monthly basis. The percentage of collateralization on repurchase and reverse repurchase agreements will adhere to the amount required under CGC 53601(iX2).

SAFEKEEPING AND CUSTODY

All security transactions entered into by the Beaumont-Cherry Valley Water District shall be conducted on delivery-versus-payment (VP) basis. All securities purchased or acquired shall be delivered to the Beaumont-Cherry Valley Water District by book entry, physical delivery or by third part custodial agreement as required by CGC 53601.

REPORTING

In accordance with CGC 53646(b) (I), the General Manager shall submit to each member of the Board of Directors a quarterly investment report. The report shall include a complete description of the portfolio, the type of investments, the issuers, maturity dates, par values and the current market values of each component of the portfolio, including funds managed for Beaumont-Cherry Valley Water District by third party contracted managers. The report will also include the source of the portfolio valuation. As specified in CGC S3646(e), if all funds are placed in LAIF, FDIC-insured accounts and/or in a county investment pool, the foregoing report elements may be replaced by copies of the latest statements from such institutions. The report must also include a certification that (1) all investment actions executed since the last report have been made in full compliance with the Investment Policy and, (2) the Beaumont Cherry Valley Water District will meet its expenditure obligations for the next six months as required by CGC 53646(b)(2) and (3) respectively. The General Manager shall maintain a complete and timely record of all investment transactions.

INVESTMENT POLICY ADOPTION

The Investment Policy shall be adopted by resolution of the Beaumont-Cherry Valley Water District. Moreover, the Policy shall be reviewed on an annual basis, and modifications must be approved by the Board of Directors.

**INVESTMENTS AUTHORIZED UNDER CALIFORNIA
GOVERNMENT CODE SECTION 53601**

CGC Section Rating	Investment Type Required	Maximum Maturity	Authorized Limit (%)
53601(a) None	Local Agency Bonds	5 Years	None
53601(b) None	U.S. Treasury Bills, Notes or Bonds	5 Years	None
53601(c) None	State Registered Warrants, Notes or Bonds	5 Years	None
53601(d) None	Notes & Bonds of other Local Calif. Agencies	5 Years	None
53601(e) None	U.S. Agencies	5 Years	None
53601(f) None	Bankers Acceptances	270 Days	40%
53601(g) AI/PI	Prime Commercial Paper	180 Days	15% or 30%
53601(h) None	Negotiable Certificates of Deposit	5 Years	30%
53601(i) None	Repurchase & Reverse Repurch. Agreements*	1yr./92 days	None/20%
53601(j) A	Medium Term Corporate Notes	5 Years	30%
53601(k) 2-AAA	Money Market Mutual Funds & Mutual Funds**	5 Years	15%
53601(m) None	Collateralized Bank Deposits	5 Years	None
53601(n) AA	Mortgage Pass-Through Securities	5 Years	20%
53601(d) None	Local Agency Investment Fund (LAIF)	N/A	None
53601(d) None	County Pooled Investment Funds	N/A	None

* See California Government Code Section 53601 (1) for limits on use of reverse repurchase agreements.

**Mutual Funds maturity may be defined as the weighted average maturity; money market mutual funds must have an average maturity of 90 days or less, per SEC regulations.

1 No more than 30% of surplus funds may be invested in Bankers Acceptances of anyone commercial bank.

2 30% if dollar weighted average maturity of all commercial paper does not exceed 31 days. Commercial paper issuers must be organized and operating w/i U.S. and have total assets in excess of \$500 million, and have "A" or higher rating for issuer's debt, other than commercial paper, by Moody's or Standard and Poor's. Purchases may not exceed 10% of outstanding paper of an issuing corporation.

Municipal Utility District investments are controlled by Municipal Utilities District Act (Div 6 (commencing with Section 11501) of the Public Utilities Code).

10. **CUSTOMER PAYMENT ARRANGEMENTS**

- A. **Policy.** Upon request, the General Manager may grant approval of special arrangements to be made for payment of the following fees when an extreme hardship exists:
 - i. Regular water service.
 - ii. Reasonable payment schedule following receipt of delinquency "shut-off" notice.
- B. **Scope.** Monthly payments over a period not to exceed twelve (12) payments. When payments are to be made at the close of escrow but property is not sold, arrangements must be made for payments to continue on a regular basis. If payment arrangement is broken then no other payment arrangements will be granted for the year.

11. **EXPENSE AUTHORIZATION**

- A. **Policy.** The District employs outside contractors or consultants for construction, engineering, planning, and environmental review projects, or for auditing purposes. The District's procedure is as follows:
 - i. **Procedure.** Construction projects will be advertised for bid in at least one local newspaper of general circulation and the local contractors bidding news if available. The bid opening is open to the public and will be specified in the bid documents.
- B. **Board Approval.** Consultants will be selected by the General Manager and approved by the Board of Directors. The General Manager and/or Board of Directors will make their selection based on the consultant's experience and qualifications. The consultant will also be required to provide an explanation of scope of work, hours to complete and applicable cost estimate for their services that will be used in their evaluation in the selection process. Consultants for engineering and architectural services shall be evaluated based upon qualification and not on cost of services (lowest responsible bid) per state law.

12. **EMPLOYMENT OF OUTSIDE CONTRACTORS AND CONSULTANTS**

- A. **Policy.** The District employs outside contractors or consultants for construction, engineering, planning, and environmental review projects, or for auditing purposes. The District's procedure is as follows:

Construction projects will be advertised for bid in at least one (1) local newspaper of general circulation and the local contractors bidding news if available. The bid opening is open to the public and will be specified in the bid documents.
- B. **Board Approval.** Consultants will be selected by the General Manager and approved by the Board of Directors. The General Manager and/or Board of Directors will make their selection based on the consultant's experience and qualifications. The consultant will also be required to provide an explanation of scope of work, hours to complete and applicable cost estimate for their services

that will be used in their evaluation in the selection process. Consultants for engineering and architectural services shall be evaluated based upon qualification and not on cost of services (lowest responsible bid) per state law.

13. **EASEMENT ABANDONMENT**

- A. **Policy.** Abandonment by the District of its interest in public utility easements and other easements dedicated to the District for installation, maintenance, repair, etc., of its facilities, shall require approval of the Board of Directors.
- B. **Board Approval.** Commitments to abandon easements or assurances that easements will be abandoned may be provided by staff only after approval of same by the Board of Directors.

14. **EASEMENT ACCEPTANCE**

- A. **Policy.** Acceptance by the District of any interest in public utility easements or other easements dedicated to the District for installation, maintenance, repair, etc., of its facilities, shall require approval of the Board of Directors.
- B. **Board Approval.** Commitments to accept easements or assurances that easements will be accepted may be provided by staff only after approval of same by the Board of Directors. Acceptance of easements shall be accomplished by the Board of Directors by adoption of a resolution. Said resolution shall be in the following format:

RESOLUTION NO. _____
[DISTRICT NAME]

ACCEPTING [SPECIFY TYPE OF SERVICE] EASEMENT

WHEREAS, a permanent easement is needed for the purpose of constructing, maintaining, servicing and/or replacing [specify type of service] facilities for the parcel listed below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of [District Name] that the District shall accept the easements offered to it by the owners of the parcels hereinafter listed:

Assessor's Parcel No.'s

Property Owner

BE IT FURTHER RESOLVED that the Secretary of the Board cause a copy of this Resolution certified by the Secretary of the Board of Directors to be filed for record in the office of the Recorder of the County of Riverside, State of California.

15. **ENCROACHMENT PERMITS**

- A. **Goal.** Preservation of the integrity, use and safety of District facilities and properties is of utmost importance. Use of District properties, whether in fee or easement, by private or other public agency, is subject to the needs and safe keeping of the District. Whenever a property owner desires to install or construct physical improvements - landscaping, fencing, retaining walls, culverts, bridges and/or other structures or improvements - on, above or below the surface of any portion of their land which is encumbered by a district facility or dedicated easement or right of way, they shall, prior to commencement of said installation

or construction, apply for and receive an Encroachment Permit from the General Manager, or his/her designated representative.

- i. **Plans.** Plans for said structures or improvements may be required by the General Manager to be submitted and approved to ensure that the resulting installation adequately accommodates existing district facilities.
- ii. **Approval Conditions.** The Encroachment Permit will specify those conditions by which approval for the proposed improvements are granted, including specifications for construction materials and procedures.
- iii. **Costs.** A fee in the amount of \$_____, together with actual county recording costs, shall be charged to cover District administrative and inspection costs, and the cost to record the Encroachment Permit with the County Recorder.
- iv. **Permit Form.** The form of the Encroachment Permit shall be as designated by the General Manager, conforming generally as follows

16. CREDIT CARD USAGE

- A. **Purpose.** The purpose of this policy is to prescribe the internal controls for management of District credit cards.
- B. **Scope.** This policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.
- C. **Implementation.** A credit card shall be issued to the General Manager and the Finance Division Manager. District credit cards will not be issued or used by members of the Board of Directors.
 - i. **Timely Payment.** All credit card bills shall be paid in a timely manner to avoid late fees and finance charges.
 - ii. **Reasonable Expenses.** All credit card expenses shall be reasonable and necessary to the furtherance of District business. No personal expenses shall be charged on a District credit card. If there is an overlap on a transaction between personal and District business, the employee shall pay for the transaction personally and then request reimbursement by the District.
 - iii. **Receipts.** All credit-card transactions shall have third-party documents (receipts) attached and the District purpose annotated by the cardholder.
 - iv. **Review and Approval.** The Finance Division Manager shall review and approve credit card transactions by the General Manager cardholder. The General Manager shall review and approve credit card transactions by the Finance Division Manager.

17. PURCHASING

- A. **Policy.** To purchase small items - such as office supplies, auto parts, and other miscellaneous items costing less than five hundred dollars (\$500) - vendors will be asked to submit pricing information by telephone or written quotation. District accounts are then awarded to those firms that provide the best prices, discounts,

etc. Acquisitions are processed on purchase order forms that list instructions to vendors.

- B. **Solicitation.** To purchase items costing more than five-hundred dollars (\$500) and up to twenty-five thousand dollars (\$25,000), quotations will be solicited from vendors and received by telephone, fax or mail, preferably from two (2) or more sources, prior to selecting a preferred supplier and processing a purchase order. The General Manager or designee must approve purchase orders.
- C. **Written Quotes.** For items over twenty five-thousand dollars (\$25,000) or large quantity orders, the District will provide suppliers with a list of items to be purchased. Suppliers will provide written quotes for consideration and recommendation to the Board of Directors for award of contract. Items on the list will be purchased from the supplier quoting the lowest prices and having an acceptable delivery date.
- D. **Vehicles.** Vehicles will be purchased through the State's Vehicle Procurement Program, unless they can be acquired at the same cost or less expensively from local sources by competitive quotation bids in accordance with Paragraph B above.

18. **DISPOSAL OF SURPLUS PROPERTY OR EQUIPMENT**

A. **Sale of Surplus Equipment.**

- i. Board of Directors takes action to declare equipment surplus.
- ii. Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.)
- iii. Sealed bids are opened at the next Regular Board Meeting and action is taken by the Board to accept or reject highest bid.
- iv. Bidders are notified of Board's action.
- v. Junked Certificates are obtained for vehicles that are sold to protect the District from liability.
- vi. Employees and Board of Directors and their immediate families are prohibited from bidding surplus District equipment and assets.

B. **Sale of Real Estate.**

- i. Board takes action to declare property surplus and authorizes District staff to obtain appraisal.
- ii. Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property prior to advertisement to the general public.)
- iii. If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.

- iv. Board takes action at the next regular Board Meeting to accept or reject highest bid.
- v. Bidders are notified of the Board's action.

19. **RECORDS RETENTION**

- A. **Goal.** The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of district records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and, ensure compliance with legal and regulatory requirements.
- B. **Value.** Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.
- C. **Implementation** Upon authorization of the Board of Directors the General Manager is authorized to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below.
- D. **Authority.** Pursuant to the provisions of California Government Code §§60200 through 60203, California Water Code §21403, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the District.
 - i. **Duplicate.** Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.
 - ii. **Recent Documents.** Originals of records, papers and documents more than two (2) years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media.
 - iii. **Necessity.** In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.
 - iv. **Legal Requirements.** Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:
 - a. **Satisfies Standard.** The record, paper or document is photographed, microphotographed, reproduced on film of a type approved for permanent photographic records by the National Bureau of Standards, or copied to an approved electronic media;
 - b. **Accurate Reproduction.** The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; and,
 - c. **Accessible.** The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files

and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

- v. **Accounting Record.** Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:
 - a. **Unnecessary.** There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;
 - b. **Inclusive Report.** There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;
 - c. **Sufficient Report.** Said audit report or reports were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements, and that;
 - d. **Opinion.** Said audit or audits contain the expression of an unqualified opinion.
- vi. **Unnecessary Record.** Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction five (5) years from the end of the fiscal period to which it applies. The following may be destroyed at any time:
 - a. Duplicated (original-subject to aforementioned requirements).
 - b. Rough drafts, notes or working papers (except audit).
 - c. Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.
- vii. **Payroll/ Personnel Records.** All payroll and personnel records shall be retained indefinitely. Originals may upon authorization be destroyed after seven (7) years retention, provided said records have been microfilmed and qualify for destruction section iv, above. Payroll and personnel records include the following:
 - a. Accident reports, injury claims and settlements.
 - b. Medical histories.
 - c. Injury frequency charts.
 - d. Applications, changes and terminations of employees.
 - e. Insurance records of employees.
 - f. Time cards.
 - g. Classification specifications (job descriptions).

- h. Performance evaluation forms.
 - i. Earning records and summaries.
 - j. Retirements.
 - viii. **Assessment Records.** All assessing records may upon authorization be destroyed after seven (7) years retention from lien date; however, their records may be destroyed three (3) years after the lien date when said records are microfilmed as provided for section iv, above.
 - ix. **Debt Authorization.** Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed as provided for in section iv-a above. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten (10) years if microfilmed as provided for in section 4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six (6) months if detailed payment records are kept for ten (10) years.
- E. **Meeting Minutes.** Minutes of the meetings of the Board of Directors are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are microfilmed as provided for in section 4, above. Recording tapes (or other media) of Board meetings will be kept indefinitely.
- i. **Construction Records.** Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven (7) years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven (7) years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.
 - ii. **Contracts.** Contracts should be retained for its life plus seven (7) years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two (2) years old may be destroyed.
 - iii. **Property Records.** Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer District owned

Appendix A

Definitions for Records Retention and Disposal Policy

- A. **Authorization.** Once authorized by the Board of Directors, and approved by the General Manager, an employee is thereby authorized to take such action.
- B. **Accounting Records.** Include but are not limited to the following:
- i. **Source Documents.**
 - a. Invoices
 - b. Warrants
 - c. Requisitions/Purchase Orders (attached to invoices)
 - d. Cash Receipts
 - e. Claims (attached to warrants in place of invoices)
 - f. Bank Statements
 - g. Bank Deposits
 - h. Checks
 - i. Bills
 - j. Various accounting authorizations taken from Board minutes, resolutions or contracts
 - ii. **Journals.**
 - a. Cash Receipts
 - b. Accounts Receivable or Payable Register
 - c. Check or Warrant (payables)
 - d. General Journal
 - e. Payroll Journal
 - iii. **Ledgers.**
 - a. Expenditure
 - b. Revenue
 - c. Accounts Payable or Receivable Ledger
 - d. Construction
 - e. General Ledger
 - f. Assets/Depreciation
 - iv. **Trial Balance.**
 - v. **Statements.** (Interim or Certified - Individual or All Fund)
 - a. Balance Sheet
 - b. Analysis of Changes in Available Fund Balance
 - c. Cash Receipts and Disbursements
 - d. Inventory of Fixed Assets (Purchasing)
 - vi. **Journal Entries.**
 - vii. **Payroll and Personnel Records.** Include but are not limited to the following:
 - a. Accident reports, injury claims and settlements
 - b. Applications, changes or terminations of employees
 - c. Earnings records and summaries
 - d. Fidelity Bonds
 - e. Garnishments
 - f. Insurance records of employees
 - g. Job Descriptions
 - h. Medical Histories

- i. Retirements
 - j. Time Cards
- vii. **Other.**
 - a. Inventory Records (Purchasing)
 - b. Capital Asset Records (Purchasing)
 - c. Depreciation Schedule
 - d. Cost Accounting Records
- C. **Life.** The inclusive or operational or valid dates of a document.
- D. **Record.** Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.
- E. **Record Copy.** The official District copy of a document or file.
- F. **Record Series.** A group of records, generally filed together, and having the same reference and retention value.
- G. **Records Center.** The site selected for storage of inactive records.
- H. **Records Disposal.** The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.
- I. **Records Retention Schedule.** The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.
- J. **Retention Code.** Abbreviation of retention action which appears on the retention schedule.
- K. **Vital Records.** Records which, because of the information they contain, are essential to one or all of the following:
 - i. The resumption and/or continuation of operations;
 - ii. The recreation of legal and financial status of the District, in case of a disaster;
 - iii. The fulfillment of obligations to bondholders, customers, and employees.
 - iv. Vital records include but are not limited to the following:
 - a. Agreements
 - b. Annexations and detachments
 - c. As-built drawings
 - d. Audits
 - e. Contract drawings
 - f. Customer statements
 - g. Deeds
 - h. Depreciation schedule
 - i. Disposal of surplus & excess property
 - j. Disposal of scrap materials
 - k. District insurance records
 - l. District water rights
 - m. Employee accident reports, injury claims & settlements
 - n. Employee earning records

- o. Employee fidelity bonds
- p. Employee insurance records
- q. Encroachment permits (by others)
- r. Encroachment permits (by OWID)
- s. Facility improvement plans
- t. Improvement districts
- u. Individual water rights
- v. Individual claims/settlements
- w. Inventory
- x. Journal vouchers
- y. Ledgers
- z. Licenses & permits (to operate)
- aa. Loans & grants
- bb. Maps
- cc. Minutes of Board meetings
- dd. Payroll register
- ee. Policies, Rules & Regulations
- ff. Purchase orders & requisitions
- gg. Restricted materials permits
- hh. Rights of ways & easements
- ii. Spray permits
- jj. Statements of Economic Interest
- kk. State surplus acquisitions
- ll. Warehouse requisitions
- mm. Warrant/Voucher register
- nn. Warrants (with backup)
- oo. Water rights history

Appendix B

Records Retention & Storage Summary

Group No.	Title or Description	Original	Copy	Retention Periods		
				Office	Record Center	Retain or Destroy
1	Records affecting title to real property or liens thereof.	X		2 yrs.	OP	ES
2	Records required to be kept permanently by statute.	X		2 yrs.	OP	ES
3	Minutes, ordinances & resolutions of Board.	X		2 yrs.	OP	ES
4	Documents with lasting historical, administrative, legal, fiscal, or research value.	X		2 yrs.	OP	ES
5	Correspondence, operational reports and information upon which District policy has been established.	X		2 yrs.	10 yrs.	12 yrs.
	Duplicates of 5, above, when					

6	retention is necessary for reference.	X		2 yrs.		2 yrs.
7	Records requiring retention for more than five years, but no more than fifteen years by statute or administrative value.	X		2 yrs.	13 yrs.	15 yrs.
8	Duplicates needed for administrative purposes for five to fifteen years.		X	2 yrs.	13 yrs.	15 yrs.
9	All other original District records, or instruments, books or papers that are considered public documents not included in Groups 1 through 8.	X		2 yrs.	1 yr.	3 yrs.
10	Duplicates and other documents not public records required to be maintained for administrative purposes.	X	X	2 yrs.	3 yrs.	5 yrs.
11	Duplicate records requiring retention for administrative purposes such as reference material for making up budgets, planning and programming.		X	3 yrs.		3
12	Reference files (copies of documents which duplicate the record copies filed elsewhere in the District; documents which require no action and are non-record; rough drafts, notes, feeder reports, and similar working papers accumulated in preparation of a communication, study or other document, and cards, listings, indexes and other papers used for controlling work).		X	1 yr.		1 yr.
13	Transitory files, including letters of transmittal (when not a public record), suspense copies when reply has been received, routine requests for information and publication, tracer letters, feeder reports, and other duplicate copies no longer needed.	X	X	3 mos.		3 mos.
14	Original documents disposable upon occurrence of an event or an action (i.e., audit, job completion, completion of contract, etc.) or upon obsolescence, supersession, revocation.	X		2 yrs.	3 yrs.	5 yrs.
15	Policy files and reference sets of publications.		X	I		I
16	Duplicates or non-record documents required for administrative needs but		X	I		I

APPROVED FEBRUARY 11, 2009

	destroyable on occurrence of an event or an action.					
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OP = Original or photographic copy.

ES = May be destroyed if stored in electronic media.

I = Indefinitely

BEAUMONT-CHERRY VALLEY WATER DISTRICT

MISCELLANEOUS
POLICIES & PROCEDURES MANUAL

Adopted on February 11, 2009

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BEAUMONT-CHERRY VALLEY WATER DISTRICT

MISCELLANEOUS POLICIES & PROCEDURES MANUAL

Adopted February 11, 2009

1. PURPOSE OF BOARD POLICIES

- A. **Purpose.** It is the intent of the Board of Directors of the District to maintain a Manual of Policies. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The Manual of Policies will serve as a resource for Directors, staff and members of the public in determining the manner in which matters of District business are to be conducted.
- B. **Supremacy.** If any policy or portion of a policy contained within the Manual of Policies is in conflict with rules, regulations or legislation having authority over District, said rules, regulations or legislation shall prevail.

2. ADOPTION, AMENDMENT OF POLICIES

- A. **Policy.** Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or the General Manager. The proposed adoption or amendment shall be initiated by a Director or the General Manager submitting a written draft of the proposed new or amended policy to the Board President and the General Manager by way of the District office, and requesting that the item be included for consideration on the agenda of the next appropriate regular meeting of the Board of Directors.
- B. **New Policy Procedure.** Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors.
- C. **Brown Act.** Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy(ies) shall be made available to each Director for review at least seventy-two (72) hours, per the Brown Act, prior to any meeting at which the policy(ies) are to be considered.

3. PUBLIC COMPLAINTS

- A. **Policy.** A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state or federal statute by which the individual has been adversely affected.
 - i. The Board of Directors of the District desires that public complaints be resolved logically and systematically.
 - ii. The process for resolving complaints shall be as follows:

- B. **Goal.** The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.
 - i. A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, state, or federal statute of which the individual has been adversely affected.
- C. **Policy.** The individual with a complaint shall first discuss the matter with the General Manager with the objective of resolving the matter informally. If the complaint is against the General Manager then the complaint will be heard by the Personnel Committee.

At the option of the General Manager or the Personnel Committee he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager's or the Personnel Committee's decision shall be memorialized in writing with a copy being provided to the plaintiff.
- D. **Board of Directors Consideration.** If the citizen filing the complaint is not satisfied with the disposition of the matter by the General Manager, they may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's decision. The Board may consider the matter at the next regular meeting, or call a special meeting. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of written documentation. The Board's final decision shall be memorialized in writing with the plaintiff being provided a copy.
- E. **No Deterrence.** This policy in no way prohibits or is intended to deter a member of the community or staff from appearing before the Board to verbally present a testimony, complaint, or statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

4. CLAIMS AGAINST THE DISTRICT

- A. **Policy.** The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.
- B. **Property (Land and Improvements) Damage Claims.** In the course of the District's operations damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to the private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.
 - i. When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing the time and date, and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

- ii. As soon as possible after information about the damage has been received, it shall be given to the appropriate Supervisor. The Supervisor, or his/her designee, shall investigate the property owner's allegations
 - iii. If the owner of damaged property informs a member of the Board of Directors, the information will be given to the General Manager. Directors should not independently investigate claims, but may go with staff to observe.
 - iv. Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the General Manager.
- C. **Work Order Conditions.** If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:
 - i. Property owner agrees by signature that the proposed repairs are appropriate and adequate;
 - ii. Property owner agrees to allow District personnel access to their property to perform the repair work;
 - iii. District personnel have the necessary tools, equipment, and expertise to perform the necessary work;
 - iv. Repair work can be accomplished within a reasonable amount of time; and,
 - v. Cost of material for the repairs will not exceed five-hundred dollars (\$500).
- D. **Claim Form.** If the cost of material for repairs is stated by claimant or estimated by staff to exceed five-hundred dollars (\$500), the owner will be asked to submit their claim in writing on a District claim form.
- E. **Minor Claim.** The General Manager shall review the damage claim and the proposed repair work. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed one-thousand-five-hundred dollars (\$1,500).
- F. **Major Claim.** If the cost of material for repairs is stated by claimant or estimated to exceed one thousand five hundred dollars (\$1,500), the claim will be submitted to the Board of Directors for its consideration. The Board will consider the claim during a closed session "anticipated litigation," of a regular or special meeting. Action to accept or reject the claim may be taken in open or closed session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.
- G. **Insurance (ACWA/JPIA) Process.** All claims shall be processed in accordance with ACWA-JPIA Guidelines.

- H. **Claim Requirements.** If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, California Government Code. Section 910 specifies that a claim needs to show all of the following:
- i. The name and post office address of the claimant.
 - ii. The post office address to which the person presenting the claim desires notices to be sent.
 - iii. The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted.
 - iv. A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim.
 - v. The name or names of the public employee or employees causing the injury, damage, or loss, if known.
 - vi. The amount claimed if it totals less than ten-thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten-thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.
 - vii. The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.
 - viii. If the filed letter/claim does not meet the requirements of the California Government Code §910 and §910.2, then a letter shall be sent to the claimant informing them of this fact.
- I. **Assistance.** District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, FAX, or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.
- J. **Account Adjustment Requests.** The General Manager, is authorized to adjust a customer's water service account when their bill reflects usage that is significantly greater than normal, due to accidental loss of water through broken pipes or when faucets are turned on in the owner's absence, etc. [or other type of abnormal account cost], subject to the following conditions:
- i. No greater than 50% percent of the water bill;
 - ii. The customer requests the account adjustment in writing;

- iii. A similar request has not been made within the past twelve (12) months; and,
- iv. The account shows no record of being delinquent for more than sixty (60) days during the past twenty-four (24) months.

5. **COPYING PUBLIC DOCUMENTS**

- A. **Policy.** Individuals requesting copies of public documents shall be charged a reasonable fee based upon the cost to produce the copy (\$.25 per sheet) to defray expenses associated with the copying process.
- B. **Availability.** Copies of agendas and other writings (except for privileged documents) distributed to a majority of the Board of Directors at open Board meetings shall be made available to the public. A limited quantity of such documents (based on normal audience attendance) shall be copied in advance of each meeting and made available to the public in attendance at no charge.

6. **DEVELOPMENT IMPROVEMENT STANDARDS**

- A. **Policy.** In order to provide a uniform and consistent method of regulating and guiding the design and preparation of plans for construction of water facilities; and, of insuring proper installation of all private works involving water, Improvement Standards, including Standard Details, shall be maintained by the District.
- B. **Goal.** The purpose of the Improvement Standards is to provide standards to be applied to water improvements and private works to be dedicated to the public and accepted by the District for operation and maintenance. This is necessary in order to provide for coordinated development of required facilities to be used by the public.
- C. **Practice.** It is recognized that it is not humanly possible to anticipate all situations that may arise or to prescribe standards applicable to every situation. Therefore, any items or situations not included in the District Specifications and Standards shall be designed and/or constructed in accordance with accepted engineering practice, the State of California "Standard Specifications" and "Highway Design Manual" and as required by the District Engineer.
- D. **Changes.** Proposed changes in the Improvement Standards shall be presented to the Board of Directors for their review and consideration. If the proposed change(s) is approved by the Board, staff shall incorporate said change(s) in the originals of said Standards, and shall annotate the date of said revision approval upon the documents.
- E. **Availability.** Copies of the current Improvement Standards shall be available at the District office and shall be available to interested parties upon request and payment of the cost of producing the requested copy.

7. **ENVIRONMENTAL REVIEW GUIDELINES**

- A. **Purposes.** These guidelines implement the California Environmental Quality Act of 1970 (CEQA) as amended and ensure that consideration is given to the environmental effects of projects that are subject to CEQA. An EIR, or environmental impact report, is a detailed statement prepared under CEQA describing and analyzing the significant environmental effects of a project and

discussing ways either to mitigate or avoid the effects. It is an information document which, when fully prepared in accordance with CEQA and these guidelines, will inform public decision makers and the general public of the significant environmental effects of projects proposed to be carried out or approved. The information in an EIR constitutes evidence that the District shall consider along with any other information that may be presented to the District. While CEQA requires that major consideration be given to preventing EIR damage, it is recognized that public agencies have obligations to balance other public objectives including economic and social factors in determining whether and how a project should be approved. Economic information may be included in an EIR or may be presented in whatever forms the District desires. The District retains its existing authority to balance environmental objectives with economic and social objectives and to weigh the various long term and short-term costs and benefits of a project in making the decision to approve or disapprove it.

- B. **General Implementing Procedures.** The regulations contained in Title 14, Division 6, Chapter 3 of the California Administrative Code are incorporated by reference as if set out in full and shall be applicable, except as modified herein, to these procedures. (14 Code of Cal. Regs. Section 5022).
- C. **Definitions.**
- i. "District" means the Beaumont-Cherry Valley Water District
 - ii. "Board" means the District's Board of Directors.
 - iii. "District staff" means the District's General Manager or other delegated District employee.
 - iv. "Lead Agency" means the public agency that has the principal responsibility for carrying out or approving a project.
 - v. "Responsible Agency" means the public agency that proposes to carry out or approve a project, for which the Lead Agency is preparing or has prepared an EIR.
 - vi. "Trustee Agency" means the state agency with legal jurisdiction over natural resources held in trust for the people of the state, and which are affected by a project.
 - vii. "Substantial evidence" means facts, fact-related reasonable assumptions and expert opinion.
 - viii. "Cumulative Impact" means two or more environmental effects which, when considered together, are considerable or which compound or increase other environmental impacts.
 - ix. Other definitions as found in 14 Code of Ca. Regs. Section 15350, et seq.
- D. **Scope of Applicability.** These Guidelines apply to all discretionary projects that are carried out, approved or financed by the District.
- E. **Statutory Exemptions.** The following activities are exempt from the requirements of CEQA and these Guidelines and consequently no environmental documents are required therefore.

- i. **Ministerial Projects.** Generally speaking, a ministerial project is one requiring approval by the District as a matter of law or the use of fixed standards or objective measurements without personal judgment. Examples of such projects include but are not limited to individual utility service connections and disconnections, agreements to install in-tract utility facilities to subdivisions, development of which has been approved by other appropriate governmental agencies, utility service connections and disconnection's to potential customers within such subdivision and the District's issuance of facility encroachment permits. (14 Code of Cal. Regs. Section 15369).
 - ii. **Determination.** The decision as to whether or not a proposed project is ministerial in nature, and thus outside the scope of this enactment, shall be made by the District Board on a case-by-case basis or as part of these Guidelines as set forth hereafter.
 - iii. **Emergency Projects.** The following emergency projects: (14 Code of Cal. Regs. Section 15269).
 - a. Projects to maintain, repair, restore, demolish, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.
 - b. Emergency repairs to public service facilities necessary to maintain service.
 - c. Specific actions necessary to prevent or mitigate an emergency.
 - iv. **Feasibility and Planning Studies.** A project involving only feasibility or planning studies for possible future actions that the District has not approved, adopted or funded, does not require the preparation of environmental documentation, but does require consideration of environmental factors. (14 Code Cal. Regs. Section 15252).
 - v. **Pipelines in Public Right of Ways.** A project of less than one mile in length within a public street or highway or any other public right of way for the installation of a new pipeline or the maintenance, repair, restoration, reconditioning, replacement, removal, or demolition of an existing pipeline. A pipeline includes subsurface facilities but does not include any surface facility related to the operation of the underground facility. (Public Resources Code, Division 13, Paragraph 21080.21).
- F. **Categorical Exemptions.** The Secretary of Resources, State of California has found that specific classes of projects do not have a significant effect on the environment and they are declared to be categorically exempt from the requirement for the preparation of environmental documents. A list of these exemption classes commonly found in District operations, along with the specific activities that the District has found to be within these categorical exemptions follows. The categorical exemptions listed herein are not intended to be, and are not to be construed to be a limitation of the exemption classes set forth in 14 Code Cal. Regs. Section 15300, et seq.

- i. **Class I: Existing Facilities.** Operation, repair, maintenance or minor alteration of all existing District facilities, structures, equipment or other property of every kind which activity involves negligible or no expansion or use beyond that previously existing, including, but not limited to:
 - a. treated water conveyance facilities and appurtenant structures;
 - b. water connection facilities, including meter boxes;
 - c. fire hydrants;
 - d. storage reservoirs;
 - e. pump stations;
 - f. treatment plants;
 - g. recreational facilities;
 - h. buildings; and,
 - i. dams.

- ii. **Class II: Replacement or Reconstruction.** Replacement or reconstruction of any existing District facilities, structures or other property where the new facility or structure will be located on the same site and have substantially the same purpose and capacity as the replaced or reconstructed facility or structure, including but not limited to:
 - a. treated water conveyance facilities and appurtenant structures;
 - b. water connection facilities, including meter boxes;
 - c. fire hydrants;
 - d. storage reservoirs;
 - e. pump stations;
 - f. buildings;
 - g. treatment plants;
 - h. recreational facilities, and
 - i. dams and appurtenant structures.
 - g. For the purpose of determining the extent of this class exemption for buried pipelines under the water conveyance facility category, the following shall apply:
 - (1) A replacement of a buried pipeline will be considered as categorically exempt under Class II if the replacement is within thirty (30) feet of the existing pipeline, the nominal inside diameter of the replacement pipe is no larger than the existing pipeline or eight-inch (8), whichever is greater, and no substantial clearing of mature trees or bushes is necessary.

- iii. **Class III. New Construction or Conversion of Small Structures.** Construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Examples of this exemption include but are not limited to:
 - a. Raw water conveyance facility appurtenances, including control and measuring structures.
 - b. Treated water conveyance facility appurtenances, including meter boxes, fire hydrants, blow offs and air release valves.

- c. Water conveyance facility appurtenances, including water meters, booster pumps, gate, ball and check made in the interior of the structure. Examples of this exemption include but are not limited to valves, blow offs, valve boxes, etc.
- iv. **Class IV: Minor Alterations to Land.** Minor alterations in the condition of land, water, and/or vegetation, which do not involve removal of mature, scenic trees, including but not limited to:
 - a. Small water diversion facilities;
 - b. Grading on land with a slope of less than ten percent (10%), except that grading shall not be exempt in a waterway, in any wetland, in an officially designated (by federal, state or local governmental action) scenic area, or in officially mapped areas of severe geologic hazard;
 - c. New gardening or landscaping but not including tree removal;
 - d. Filling of earth into previously excavated land with material compatible with the natural features of the site;
 - e. Minor alterations in land, water and vegetation on existing officially designated wildlife management areas or fish production facilities that result in improvement of habitat for fish and wildlife resources or greater fish production;
 - f. Minor temporary uses of land having negligible or no permanent effects on the environment;
 - g. Maintenance dredging where the spoil is deposited in a spoil area authorized by all applicable state and federal agencies.
- v. **Class V: Information Collection.** Basic data collection, research, experimental management and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource. These activities may be undertaken strictly for information-gathering purposes or as part of a study leading toward the undertaking of a project.
- vi. **Class VI: Inspection.** Inspection activities, including but not limited to inquiries into the performance of an operation and examination of the quality, health or safety of a project.
- vii. **Class VII: Accessory Structures.** The construction or placement of minor structures accessory to or appurtenant to existing commercial, industrial or institutional facilities, including small parking lots.
- viii. **Class VIII: Surplus Government Property Sales.** Sales of surplus government property except for parcels of land located in an area of statewide interest or potential area of critical concern as identified in 14 Code Cal. Ergs. Section 15206. However, if the surplus property to be sold is located in any of those areas even its sale is exempt if:
 - a. The property does not have significant values for wildlife habitat or other environmental purposes; and,

- b. Any of the following conditions exist:
 - (1) The property is of such size or shape that it is incapable of independent development or use, or
 - (2) The property to be sold would qualify for an exemption under any other class of categorical exemption in Section 6 of these Guidelines, or
 - (3) The use of the property and adjacent property has not changed since the time of purchase by the District.
- ix. **Class IX: Annexations of Existing Facilities and Lots for Exempt Facilities.** The following annexations:
 - a. Annexations to the District of areas containing existing public or private structures developed to the density allowed by the current zoning or pre-zoning of either the gaining or losing governmental agency whichever is more restrictive, provided, however, that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities.
 - b. Annexations of individual small parcels of the minimum size for facilities exempted by Class III, New Construction or Conversion of Small Structures.
- xx. **Class X: Changes in Organization of the District.** Changes in the organization or reorganization of the District where the changes do not modify the geographical area in which previously existing powers are exercised. Examples include but are not limited to:
 - a. Establishment of an improvement district;
 - b. Consolidation of two or more districts having identical powers;
 - c. Merger with a district lying entirely within the boundaries of the District.
- xxi. **Class XI: Small Hydroelectric Projects at Existing Facilities.** Installation of hydroelectric generating facilities in connection with existing dams, canals, and pipelines where:
 - a. The capacity of the generating facilities is five (5) megawatts or less;
 - b. Operation of the generating facilities will not change the flow regime in the affected stream, canal, or pipeline including but not limited to:
 - (1) Rate and volume of flow;
 - (2) Temperature;
 - (3) Amounts of dissolved oxygen to a degree that could adversely affect aquatic life, and;

- (4) Timing of releases.
- c. New power lines to connect the generating facilities to existing power lines will not exceed one mile in length if located on a new right of way and will not be located adjacent to a wild or scenic river;
- d. Repair or reconstruction of the diversion structure will not raise the normal maximum surface elevation of the impoundment;
- e. There will be no significant upstream or downstream passage of fish affected by the project;
- f. The discharge from the powerhouse will not be located more than three-hundred (300) feet from the toe of the diversion structure;
- g. The project will not cause violations of applicable state or federal water quality standards;
- h. The project will not entail any construction on or alteration of a site included in or eligible for inclusion in the National Register of Historic Places; and,
- i. Construction will not occur in the vicinity of any rare or endangered species.
- xii. **Class XII: Acquisition of Land for Wildlife Conservation.** Acquisition of lands for fish and wildlife conservation purposes, including preservation of fish and wildlife habitat and preserving access to public lands and waters where the purpose of the acquisition is to preserve the land in its natural condition.

8. ANNEXATION PROCEDURES

- A. **Policy.** Property located outside the District's boundaries must be annexed to the District prior to receiving service. In addition, service to the Property will be subject to the terms and conditions of a Will Serve Letter approved by the District's Board of Directors in conformance with Section 11. Annexation in itself will not create a vested right to water service.
- B. **Approval Requirements.** Before initiating Annexation Procedures, a Property Owner desiring to be annexed to the District must obtain a Will Serve Letter from the District in conformance with Section 11 (Will Serve Letters) in order to receive the District's acceptance of their annexation proposal.
- C. **Annexation Procedures.**
 - i. **Determine Suitability.** Property owners or project developers desiring annexation to the District and before requesting the required Will Serve Letter should first determine several factors regarding their property's suitability for water service.
 - a. Is the property presently not within the District's boundaries?
 - b. Is the property within the sphere of influence established for the District by the Local Agency Formation Commission (LAFCO)?

- c. Where are the District's existing water facilities relative to the property?
 - d. Is the excess capacity in the District's existing facilities adequate for the property's proposed development density?
 - e. Information regarding District annexation, sphere of influence, and the location of existing water facilities and available excess capacity will be provided by District staff upon request.
 - f. Determination of the property's suitability for development and/or connection to water service is the responsibility for the property owner, and his/her use of professional engineering and/or development consultants is encouraged.
- ii. **Application to LAFCO.** LAFCO has been established by the State Legislature to, among other duties, review and approve or disapprove proposals for annexation of territory to special districts. Approval by LAFCO of any annexation proposal is required before the District can approve the annexation and provide water service.
- a. To initiate the LAFCO application procedure, owners of the property proposed for annexation, or the registered voters residing within the area proposed for annexation, shall submit a petition (§56704, Ca. Gov. Code) to LAFCO. The contents of the petition, itemized below, shall conform to §56700 of the California Government Code.
 - b. With the petition, annexation proponents shall submit to LAFCO a map and legal description of the proposal. The contents of the map and legal description, itemized below, shall conform to LAFCO and the State Board of Equalization requirements.
 - c. Also with the petition, annexation proponents shall submit to LAFCO a completed application form and appropriate filing and environmental review fees.
- iii. **Application to District.** In addition to the required Will Serve Letter referenced in paragraph A of this Section 8, if annexation proponents desire to receive confirmation of District acceptance of their proposal prior to initiating the LAFCO application, the petition, map, legal description and LAFCO application form, discussed in Paragraph C above, should be submitted to the District office. A deposit of \$5,000 must also accompany said submittal to cover LAFCO's filing and environmental review fees, State Board of Equalization fees, and District processing costs. When the annexation process is complete or terminated, cost overruns will be billed to the applicant, and underruns will be refunded.
- a. The Board of Directors will consider the annexation proposal at a regularly scheduled meeting. Acceptance by the Board of the proposed annexation shall be formalized by the adoption of a resolution. Said resolution shall contain the following:

- (1) All of the information required in the petition, as itemized below, excepting provisions regarding signatories and signatures;
 - (2) The annexation map and legal description as attachments;
 - (3) Verification that the District desires to annex the subject territory;
 - (4) Authorization for the resolution to be submitted as an application for annexation approval by LAFCO; and,
 - (5) A request that LAFCO approve and authorize the District to conduct proceedings for the annexation without notice and hearing and without an election (only if the petition has been signed by all of the owners of land within the boundaries of the proposed annexation).
- iv. **District Approval of Annexation.** If LAFCO accepts the annexation proposal it will adopt a resolution and forward same to the District. After confirmation of LAFCO acceptance, and after the annexation proponent(s) tenders to the District applicable annexation fees (discussed below) and appropriate recording and State Board of Equalization fees, as determined by LAFCO, the District's Board of Directors, at a regularly scheduled meeting, will consider approval of the proposed annexation. Approval by the Board of the proposed annexation shall be formalized by the adoption of a resolution, and at all times shall be subject to the terms and conditions of the required Will Serve Letter referenced in Paragraph A of this Section 8.
- a. Said resolution shall contain the following provisions:
- (1) The annexed land shall be subject to the terms and conditions of the required Will Serve Letter referenced in Paragraph A in this Section 8.
 - (2) That a description of the annexed lands shall be attached to said resolution;
 - (3) The annexed land shall be subject to the District's policies, rules and regulations, charges made, and assessments levied pursuant to the provisions of the laws pertaining to water districts to pay for outstanding obligations of said district, and also shall be subject to all and any combination of assessments, tolls and charges as may exist at the adoption of the resolution and as thereafter may be established and/or levied by the County of Riverside and/or the District for any District purpose;
 - (4) The District shall be under no obligation to install a water system or any facilities in connection with the subject annexation and the owners of the land to be annexed shall install, as and when water service is desired, without cost, charge or obligation to the District, a complete water system as may be specified by the District, in accordance with plans and specifications approved by the District

Engineer in a manner meeting his/her approval, and shall convey, at no cost to the District, all of said water system, including rights of way over all parts thereof, to the District; and,

- (5) The project developers and/or owners of the annexed property, and their heirs, successors and assigns shall agree to abide by all Board policies, rules and regulations of the District presently established and as shall be established by the Board in the future.
- b. After adoption of said resolution of approval by the Board of Directors, it shall be sent to LAFCO along with necessary fees, for processing of State filings, local recordings, and filing with the State Board of Equalization.
- v. **Annexation Petition.** In accordance with §56700 of the California Government Code, the petition proposing annexation of property to the District shall do all of the following:
 - a. State that the proposal is made pursuant to said §56700;
 - b. State the nature of the proposal (i.e., annexation of property to District;
 - c. Include a description of the boundaries of the affected territory accompanied by a map showing the boundaries;
 - d. State any proposed terms and conditions including but not limited to those contained in the required Will Serve Letter referenced in Paragraph A of this Section 8;
 - e. Explain the reason for the proposal (e.g., to receive water service);
 - f. State whether the petition is signed by registered voters or owners of land;
 - g. Designate no more than three persons as chief petitioners, including their names and mailing addresses;
 - h. Request that proceedings be taken for the proposal pursuant to said §56700; and,
 - i. State whether the proposal is consistent with the sphere of influence designated by LAFCO for the District.
- vi. **Descriptions and Maps.** In accordance with State Board of Equalization and District requirements, annexation descriptions and maps shall conform to the following conditions:
 - a. All documents must be capable of producing a readable photographic image;
 - b. Every description must be self-sufficient within itself and without the necessity of reference to any extraneous document, with references to deeds of record used only as a secondary reference;

- c. When writing a metes and bounds description of a contiguous annexation, all details of the contiguous portion(s) of the boundary may be omitted, with the points of departure from the existing boundary clearly established;
- d. A specific parcel description in sectionalized land is permissible without a metes and bounds description of the perimeter boundary;
- e. A parcel description making reference only to a subdivision or a lot within a subdivision is not acceptable, unless all dimensions needed to plot the boundaries are given on an accompanying plat, and the relationship of lot lines with street rights of way must be clearly indicated;
- f. Every map must clearly indicate all existing streets, roads and highways within and adjacent to the lands to be annexed, together with the current names of these thoroughfares;
- g. Every map shall be a scale and a north point;
- h. The point of beginning of the legal description must be shown on the map;
- i. The boundaries of the lands to be annexed must be distinctively shown on the map without obliterating any essential geographic or political features;
- vii. **Maps.** All maps must be professionally drawn or copies (rough sketches of maps or plats will not be accepted); and,
 - a. All descriptions must be prepared by a surveyor or civil engineer licensed in the State of California, and his/her stamp and signature shall be affixed to said description.
- viii. **Review.** In addition to LAFCO filing, environmental review, State filing, recording, State Board of Equalization and any other applicable non-District fees, an annexation fee shall be paid to the District prior to adoption by the Board of Directors of the resolution approving any annexation. Said annexation fee shall be in an amount established by the District's Board of Directors from time to time.

9. DEVELOPER REQUIREMENTS

- A. **Goal.** The District's goal is for its service facilities to have a maximum useful life, to reduce overall maintenance costs and to provide dependable service to existing and future customers. Toward that end, and to ensure orderly development and the use of high-quality materials, proper installation and acceptable project management, developers of residential, commercial, industrial or other type projects shall obtain approval from the District prior to:
 - i. Construction of associated water service facilities which they proposed to connect to the District's system; or,
 - ii. Relocation of existing District facilities.

- iii. "Project" shall be defined as the proposed construction of any development involving the District's water system and/or alterations to provide additional capacity in existing facilities in order to obtain water service.
- B. **Process.** The developer initiates a request for project approval by submitting, to the District Engineer plans for the proposed improvements. The initial plan submittal shall be prepared by a registered civil engineer. The District Engineer shall review the project plans and related information to insure their conformance with the Improvement Standards, District policies, good engineering judgment and the best interests of the District.
- C. **Board of Director Approval.** The project shall be submitted by the District Engineer to the Board of Directors for approval consideration when the following have been accomplished:
 - i. The improvement plans satisfy the requirements of the Improvement Standards and the District Engineer;
 - ii. The developer and project-property owner have executed a development agreement as prepared by the District Engineer and Legal Counsel; and,
 - iii. The project site has been annexed to the District.
- D. **Review.** Upon written request from the project developer and/or project engineer, the Board will review the requirements specified by the District Engineer for the involved improvement plans, development agreement, or other related items, to determine if they are in keeping with the Improvement Standards, District policies, and/or the best interests of the District. If the subject of the request involves general engineering judgment, the Board may request an impartial opinion of another professional engineer (one who is not involved with the project or its principals).
- E. **Execution.** Upon approval of the project by the Board of Directors, the President of the Board shall be authorized to execute the development agreement on behalf of the District, and the District Engineer shall be authorized to affix his/her signature of approval on the project's improvement plans.
- F. **Duration.** Approval of a project by the Board of Directors is valid for one year. If significant construction of the project has not commenced by the end of one year from the date of approval, or if construction commences and then is halted for more than one year, project approval shall expire.
- G. **Developer's Responsibility.** The Developer is responsible for compliance with the regulations and implementation of these requirements. This includes responsibility for the preparation and content of the plans and specifications, construction of the facilities, and fulfillment of the terms of the Conveyance Agreement. The Developer is responsible for overseeing and directing the Developer's engineer and contractor. The District or its employees shall not act as, nor shall the Developer rely upon same to act as, an agent or protectorate of the Developer.
- H. **Plans and Specifications.** The plans and specifications must be prepared by a civil engineer registered in the state of California. These documents will be

reviewed by District staff for compliance and must be approved by the District's engineer.

- i. **Facility Design.** Design of the facilities will be governed by District regulations. The District's Engineer will determine broad design concepts. District system master plans will be consulted. The Developer's design engineer shall employ sound design using current standards to achieve a reliable, long-lasting facility with operational flexibility. The plans and specifications shall include all applicable District standard specifications and details.
- ii. **Environmental Requirements.** The Developer is responsible for preparing environmental documents per the California Environmental Quality Act (CEQA). Approved environmental documents must be delivered to the District's engineer for review prior to the signing of the Improvement Plans.
- iii. **Improvement Plans.** The improvement plans must incorporate the following:
 - a. Plan sheet size: 24" x 36", inked on Mylar (or Mylar second original).
 - b. Minimum printing size: 1/8" (for CAD drawings: 1/10").
 - c. Elevation data: USGS (stated on plans).
 - d. Plan Cover Sheet with signature blocks and a 200-scale map of the area or subdivision.
 - e. Plan view: minimum scale of 50' per inch.
 - f. Profile: horizontal scale same as plan view and a minimum vertical scale of 10' per inch.
 - g. Profile and vertical alignment data, including all other utilities and structures.
 - h. All applicable property and easement lines.
 - i. Limits of pipeline material, size, and class.
 - j. All other improvements, existing or proposed, affecting the water facilities.
 - k. Details of fittings and joint configurations.
 - l. All appropriate District standard details.
 - m. All other necessary details and instructions.
 - n. Quality: Plans must be microfilmable and scanable such that reproductions, full-sized and reduced, are easily readable. Provide sharp contrast between line work and background.

- iv. **Standard Specifications and Details.** The District has prepared Standard Specifications and Details governing construction of the water system.
 - a. These Standards are administered in accordance with District regulations. They include Special Conditions and Technical Provisions and are augmented by Standard Details. They are available to engineers and suppliers working with the District at an appropriate fee.
 - b. All system expansions must comply with District Standard Specifications and Details. Project specifications must include all applicable Standards. The Developer is responsible for preparation of the remaining contract documents such as Bid Forms and General Conditions and any Special Conditions or Technical Provisions required for the project that are not included in the District Standards.
 - c. Items not included in the District Standard Specifications or Details must be designed by the Developer's engineer and plans and specifications prepared for the District's engineer's approval.
 - d. District Standard Specifications and Details may not be revised without a written request and prior District approval.
 - e. The Developer shall provide prospective bidders, contractors, and subcontractors with copies of the Standard Specifications and Details and shall not rely on the District to provide copies.
 - f. District Standard Specifications and Details will require periodic revisions to assure use of the most current and acceptable construction materials and methods and changes in construction law and regulations. Updates will be administered according to District regulations. The most current revisions will apply.
- I. **Construction.** The facilities called for in the approved plans and specifications must be constructed by a contractor with a valid California Class C license. The Developer's engineer shall act as a project manager during construction to ensure compliance with the plans and specifications and shall be available to provide technical assistance when required. The Developer shall identify, in writing, the project manager if different then the Developer's design engineer.
 - i. **Construction Management.** The Developer must maintain control over their contractor's activities by providing effective construction management. To help ensure proper control of the work and materials, compliance with applicable laws, and acceptable prosecution and progress, the Developer shall include in the General Conditions of the construction contract or shall otherwise provide for or ensure that the Developer's contractor will:
 - a. Designate in writing his authorized field representative on a current basis. (Copies to be sent to the District's Engineer).
 - b. Comply with field surveys and construction staking provided by the Developer or Developer's Engineer.

- c. Cooperate with District forces on and off the job site.
- d. The developers will indeed cooperate with District forces as for hours/days allowed to work.
- e. Maintain a set of plans and specifications at the job site for use by the District's engineer and/or inspector.
- f. Observe all applicable laws including, but not limited to, hours of labor, equal opportunity, contractor's licensing, vehicle code, worker's compensation, air pollution, water pollution, use of pesticides, Clean Air and Water acts, protection of underground infrastructure, payment of taxes, permits and licenses, and patent infringements.
- g. Observe and practice all applicable safety regulations and laws.
- h. Provide for and maintain public convenience and public safety.
- i. Provide for and practice safe and legal use of explosives.
- j. Provide for and practice fire prevention measures.
- k. Salvage District facilities from the job as directed by the District's Engineer, and protect and deliver same to the District's maintenance yard.
- l. Remove promptly from the work site all work or materials having been rejected or deemed unauthorized or unsuitable by the District's Engineer.
- m. Dismiss and remove from the job site employees of the contractor or subcontractors who, in the opinion of the District's Engineer, are incompetent, intemperate, unsafe, abusive, threatening, or otherwise unsatisfactory.
- n. Suspend work due to unfavorable weather, unsafe act or acts, or other conditions as directed by the District's Engineer.
- o. Cease all construction operations at the location of the discovery of surface or subsurface cultural resources and secure the services of a qualified archeologist to make recommendations to the State Historical Preservation Officer and comply with further directions of the State Officer or the District's Engineer.
- ii. **Submittals.** All materials and equipment not in conformance with the District-approved plans and specifications that are delivered to the work site and all work incorporating such nonconforming materials and equipment will be rejected. Preapproval of materials and equipment through the submittal process may avoid delays in the work.
- iii. **Requirements.** The Developer shall provide or perform, or cause the Developer's contractor to provide or perform, the following for all submittals:

- a. Coordinate submittals so that related items are provided in groups. (Uncoordinated submittals will be returned without consideration.)
 - b. Describe in writing any variations from the specifications.
 - c. Review submittals for legibility, accuracy, completeness, and compliance with the specifications.
 - d. Route through Developer's Engineer for comments.
 - e. Indicate Developer's Contractor and Engineer's approval on each copy of individual submittals.
 - f. Provide at least two conforming copies (three copies if one is to be returned).
 - g. Allow at least thirty (30) days for review by the District's Engineer.
 - h. Prohibit work incorporating materials or equipment requiring approved submittals until a favorable review from the District's Engineer has been received.
- iii. **Inspection.** Each phase of the work, as defined in the technical provisions of the standard specifications, must pass inspection before commencing work on the next phase. The Developer shall cause the Developer's contractor to comply with the following:
 - a. Notify the District two working days prior to the start or restart of any construction that might affect or deal directly with the water system facilities.
 - b. Cooperate with the District during inspection activities including, but not limited to, furnishing facilities, labor, material, or equipment reasonably needed to perform safe and convenient inspections and tests.
 - c. Ensure that each phase of work, as identified in the technical provisions of the specification, passes inspection prior to attempting the next phase of work.

(Note: Failure to pass inspection may cause rejection of subsequent phases of work.)
- iv. **Clearing and Grubbing.** The Developer must dictate to the contractor provisions governing the clearing and grubbing phase of the work. The Developer shall include in the technical provisions of the construction contract, or shall otherwise provide for and ensure that the Developer's contractor will:
 - a. Remove all stumps and roots left by the clearing operation if within ten feet of a District facility or within the work area, whichever is greater.
 - b. Backfill and properly compact to the original ground elevation, prior to starting work in the area, all depressions created by the removal of the stumps and roots.

- c. Dispose of all debris within the work area resulting from the clearing, grubbing, or demolition work.
- v. **Measurement and Payment.** Each section of the Technical Provisions in the District Standard Specifications includes a subsection governing measurement and payment to the contractor. Use of these subsections by the Developer is optional. The Developer is responsible for making all measurements for payment and making all payments to the contractor for the work.

10. **DEVELOPMENT AGREEMENTS**

- A. **Policy.** Prior to the Board of Directors considering a private development project for approval, a development agreement specifying the terms and conditions of said approval, prepared by the General Manager, District's Engineer, and Legal Counsel, shall be executed by the project's developer(s) and property owner(s) (see Policy #12).
- B. **Requirements.** The development agreement shall contain the following information:
 - i. Name(s) of developer and/or project sponsor(s), and owner(s) of subject property;
 - ii. Assessor's parcel number of subject property;
 - iii. Type and purpose of project (e.g., residential, commercial, industrial, etc.); and,
 - iv. A graphic description of the project attached to the agreement as "Exhibit A."
- C. **Standard.** The following shall be used as standard terms and conditions of the development agreement:
 - i. **STANDARDS FOR WATER SYSTEM:** Plans have, at no cost to District, been designed and prepared for the on-site and off-site water system which includes Developer's obligation to accomplish the following:
 - a. Construct the water service system in conformance with the approved plans therefore; and,
 - b. Obtain an encroachment permit from the Department of Public Works of the City of Beaumont and/or County and comply with all requirements thereof, including trench restoration and street resurfacing requirements for any portion of the project situated within existing or proposed future [city or county] right of way.
 - ii. **ACCEPTANCE OF PLANS AND SPECIFICATIONS:** The completed plans as described above for the water system have been prepared in conformance with District Improvement Standards and the requirements of the District's Engineer and are in a form acceptable to same.

- iii. REVISION OF PLANS: Any changes in such accepted plans shall require written approval of Developer and the District's Engineer.
- iv. RIGHTS OF WAY: Owners will provide to District, at no cost to District and in a form acceptable to the District's Engineer and Legal Counsel appropriate easements and rights of way for the maintenance, repair, and replacement of all water system facilities not within existing public rights of way, public utility easements, and/or water service easements.
- v. CONSTRUCTION: Developer shall, without expense to District, construct the water service system pursuant to the accepted plans or any approved modification thereof. Developer shall provide in any contract for construction of the water service system that any contractor's materials supplier's guarantees thereunder, including a one-year warranty on the completed improvements, shall inure to the benefit of District after the works constructed thereunder have been conveyed to District as provided for below. Developer shall also provide in any contract for construction of the water service system that the contractor's public liability and property damage insurance shall be extended to cover Developer and District and their agents, officers and employees as additional insured with: liability and bodily injury limits of not less than one-million dollars (\$1,000,000) for each occurrence and two-million dollars (\$2,000,000) aggregate; and, property damage coverage of not less than one-hundred million dollars (\$100,000,000) each occurrence and one-million dollars (\$1,000,000) aggregate. General liability insurance policies having combined single limits damage combined of liability shall carry limits for bodily injury and property damage combined at one-million dollars (\$1,000,000) each occurrence and one-million dollars (\$1,000,000) aggregate.
- vi. PAYMENT OF PREVAILING WAGES: Developer has been advised that the State of California (State) Attorney General has opined that, in certain circumstances, construction of facilities for provision of public utility service, with the understanding and agreement that said facilities will be turned over to District for ownership, operation and maintenance at the conclusion of construction, may be subject to the prevailing wage laws of the State. Developer has determined that, at this time, said opinion of the Attorney General does not affect the wages paid by Developer to laborers employed on said facilities constructed pursuant to this agreement. Developer agrees, however, that should it be determined that the prevailing wage laws of the State (Labor Code §1770, et seq.) apply to the work performed in accordance with this agreement, then Developer shall defend and hold District harmless from any liability, claims, damages, or costs in any way associated with said determination by the State and Developer shall, as further consideration of District entering into this agreement, take all necessary and appropriate action, including payment of back wages, and any associated penalties which may be required, due to enforcement of the prevailing wage laws in connection with construction of the water service system. Developer agrees that District has not represented or in any way advised Developer in connection with this matter except to advise Developer of his potential liability and Developer does not in any way rely upon any opinion or information of District in making his determination in connection with the payment or nonpayment of such wages for the work performed under this agreement. The obligation of Developer to, if required, pay prevailing wages for the work performed in accordance with this agreement shall be a continuing obligation and shall bind the heirs, successors and assigns of Developer and District's

obligation to provide operation and maintenance on the facilities to be turned over to District, and to provide water service therein, shall be dependent upon Developer's continuing compliance with this provision.

- vii. **INSPECTION OF CONSTRUCTION:** The District's Engineer or his/her agent(s) shall inspect the construction of the water service system to assure that the works are installed in accordance with the accepted plans. Said inspection shall be funded by an inspection fee paid by Developer as specified in District's Improvement Standards. Construction of the water service system shall not commence until said inspection fee is paid. The District's Engineer shall notify Developer as to any deviation or failure to construct pursuant to the accepted plans as soon as such deviation or failure is brought to his/her attention, and Developer shall correct such deviation or failure.
- viii. **HOLD HARMLESS:** District is not, by inspection of the construction or installation of the water service system, representing Developer or providing a substitute for inspection and control of the work by Developer. Any inspections and observations of the work by District are for the sole purpose of providing notice of stage and character of the work. Any failure of District to note variances in the work from the plans does not excuse or exempt Developer from complying with all terms of the plans. The fact that District inspects the construction of work and notifies Developer of deviations or failures to construct them pursuant to the accepted plans shall not be deemed to constitute a guarantee by District that the works have been built in accordance with the accepted plans. During construction and prior to conveyance thereof to and acceptance thereof by District, Developer shall hold District harmless against any and all claims, demands and charges by third parties arising out of alleged deviations or failures to construct pursuant to the accepted plans.
- ix. **CONVEYANCE:** Within ninety (90) days after completion of construction of the water service system in accordance with the accepted plans therefore and District's Improvement Standards:
 - a. Developer and Owners shall convey title of the completed works to District without cost and free and clear of all liens and encumbrances, by appropriate conveying documents, acceptable in form to the District's Engineer;
 - b. Developer shall provide District with one set of 24"x 36" reproducible "as built" drawings of the completed project on matte mylar (5 mil minimum);
 - c. Owners shall provide easements as specified in 6050.3.4, above;
 - d. Developer shall furnish to District a bond, irrevocable letter of credit, cash deposit, or other form of surety meeting District's approval in the amount of 125%, and 20 of the cost of the water service system, as estimated by the Project Engineer, [name and address of developer's engineer], protecting District against any failure of the work due to natural phenomenon or catastrophe, faulty materials, poor workmanship, or defective equipment within a period of one year after acceptance of the water service system by the District's Board of Directors. Said bond or irrevocable letter

of credit shall name Developer as Principal and District as Obligee;
and,

- e. District shall accept conveyance of title of the completed water service system by resolution and include it as part of its system, and shall thereafter operate and maintain said system.

D. DEVELOPER'S RESPONSIBILITIES AFTER CONVEYANCE: After District's acceptance of the water service system, Developer and Owners shall have no obligation for the operation, maintenance, repair or replacement thereof, except that to the extent Developer and/or Owners retain ownership of any parcel to which service from such works is available, they shall pay the same rates and charges levied by District from time to time as any other property owner.

- i. APPLICATION FOR SERVICE: The water service system shall not be operated, other than for testing purposes, until the said system is conveyed to District and formally accepted by District as specified above, and proper applications for service having been filed with District accepted.
- ii. OBLIGATION FOR PIPELINE AND/OR FACILITIES: District shall be under no obligation to provide additional facilities in order to serve the Project. Upon acceptance of the facilities by District, it shall become the sole property of District and shall be used and operated as District's sole discretion.
- iii. RATES AND CHARGES FOR SERVICE: All service made available by District to users within the Project shall be at the established rates and charges as fixed by District's Board of Directors from time to time.
- iv. NOTICES: Notices or requests from any party to this agreement to the remaining parties thereof shall be in writing and delivered or mailed, postage prepaid, to the following addresses:

Beaumont-Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223-2258
Attention: _____, General Manager

[DEVELOPER'S NAME]
[ADDRESS]
[CITY, STATE ZIP]

- v. SUCCESSORS AND ASSIGNS: This Agreement shall be binding upon and inure to the benefit of the successors and assigns of all parties. Developer and Owners shall not assign any of their rights, duties or obligations under this Agreement without the prior written consent of District, which consent shall not be unreasonably withheld.
- vi. DISTRICT POWERS: Nothing herein contained shall be deemed to limit, restrict, or modify any right, duty, or obligation given, granted, or imposed upon District by the laws of the State of California now in effect, or hereafter adopted, not to limit or restrict the power or authority of District, including the enactment of any rules, regulations, policies, resolutions or ordinances, and in the event that any part of provisions herein contained in this agreement or incorporated herein, be found to be

illegal or unconstitutional by a court of competent jurisdiction, such findings shall not affect the remaining parts, portions, or provisions hereof.

- vii. **ATTORNEY FEES:** Should any party have to be required to institute legal action to either compel performance of this agreement or recover damages for nonperformance, the prevailing party(s) shall be entitled to reasonable attorney's fees, cost of suit, and all other expenses of litigation incurred in connection therewith.
- viii. **TERMINATION:** This Agreement shall terminate and be of no further force and effect at District's discretion if District determines that construction of the water service system has not commenced within twelve (12) months from the date of this agreement, and Developer has not submitted the plans and specifications for reacceptance as provided for above.
- E. **Applicability.** Any inapplicable portions of the foregoing standard terms and conditions may be deleted by, or upon approval of the General Manager or Legal Counsel, to accommodate project-specific situations. When warranted, additional conditions and requirements may be added to the standard terms and conditions by, or upon approval of, the General Manager or Legal Counsel, to accommodate project-specific situations. The project developer and/or property owner may appeal to the Board of Directors any agreement terms or conditions or requirements proposed by District

11. **WILL SERVE LETTERS**

- A. **Policy.** All Will Serve Letters issued by the District shall be subject to the review and approval of the District's Board of Directors.
- B. If annexation proponents desire to receive the District's support for their proposal, the terms and conditions of a Will Serve Letter approved by the District's Board of Directors must be incorporated in the Annexation Application including compliance with those other requirements set forth in Section 8 (Annexation).
- C. The District reserves the right to impose terms and conditions in Will Serve Letters that take into account water availability issues, conservation issues and the District's existing facilities, all of which impact the District's ability to provide service to the subject property and maintain the District's ability to meet existing water demands.

12. **WATER SUPPLY ASSESSMENT REPORTS (SB 210) AND WRITTEN VERIFICATION REPORTS (SB 610)**

- A. **Policy.** All Water Supply Assessment Reports and Written Verification Reports shall be subject to the review and approval of the District's Board of Directors.
- B. The District reserves the right to impose terms and conditions on Water Supply Assessment Reports and Written Verification Reports that take into account water availability issues, conservation issues, and the District's existing facilities, all of which impact the District's ability to provide service to the subject property and maintain the District's ability to meet existing water demands.

MEMORANDUM

Date: March 18, 2009
From: Dr. Blair Ball, President
To: Board of Directors
Subject: Annual Policy Review

The Grand Jury recommended in its latest report that, Policy Manual be reviewed annually by key management personnel, including policies on discrimination and harassment procedures as well as the proper filing and handling of complaints.

Recommendation: That the Board of Directors establish a specific month (March of every year) to review the Policy Manual to comply with the Grand Jury recommendation and that a report be provided to the Board of Directors at the next regular meeting (April of every year)

RESOLUTION 2009-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT CHERRY VALLEY WATER DISTRICT ("DISTRICT") REGARDING EMPLOYER PICK-UP

WHEREAS, the Beaumont Cherry Valley Water District has the authority to implement the provisions of section 414(h) (2) of the Internal Revenue Code (IRC); and

WHEREAS, the Board of Administration of the Public Employees' Retirement System adopted its resolution regarding section 414(h)(2) IRC on September 18, 1985; and

WHEREAS, the Internal Revenue Service has stated in December 1985, that the implementation of the provisions of section 414(h)(2) IRC pursuant to the Resolution of the Board of Administration would satisfy the legal requirements of section 414(h)(2) IRC; and

WHEREAS, the Beaumont Cherry Valley Water District has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to its employees who are members of the Public Employees' Retirement System:

NOW, THEREFORE, BE IT RESOLVED:

I. That the Beaumont Cherry Valley Water District will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to California Government Code section 20691 to the Public Employees' Retirement System on behalf of its employees who are members of the Public Employees Retirement System. "Employee contributions" shall mean those contributions to the Public Employees' Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts pursuant to California Government Code section 20691.

II. That the contributions made by the Beaumont Cherry Valley Water District to the Public Employees' Retirement System, although designated as employee contributions, are being paid by the Beaumont Cherry Valley Water District in lieu of contributions by the employees who are members of the Public Employees' Retirement System.

III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the Beaumont Cherry Valley Water District to the Public Employees' Retirement System.

IV. That the Beaumont Cherry Valley Water District shall pay to the Public Employees' Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.

V. That the amount of the contributions designated as employee contributions and paid by the Beaumont Cherry Valley Water District to the Public Employees' Retirement System on behalf of an employee shall be the entire contribution required of the employee by the Public Employees' Retirement Law (California Government Code sections 20000, et seq.).

VI. That the contributions designated as employee contributions made by Beaumont Cherry Valley Water District to the Public Employees' Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Public Employees' Retirement System.

ADOPTED, SIGNED AND APPROVED this 18th Day of March, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ryan Woll
Secretary
Beaumont Cherry Valley Water District
and the Board of Directors thereof

Dr. Blair Ball
President
Beaumont Cherry Valley Water District
and the Board of Directors thereof



P.O. Box 942709
Sacramento, CA 94229-2709
888 CalPERS (or 888-225-7377)
Telecommunications Device for the Deaf
No Voice (916) 795-3240
www.calpers.ca.gov

Date: October 3, 2008
Reference No.:
Circular Letter No.: 200-049-08
Distribution: VI, XII, XVI
Special:

Circular Letter

**TO: PUBLIC AGENCIES, COUNTY SUPERINTENDENT OF SCHOOLS,
SCHOOL DISTRICTS**

**SUBJECT: EMPLOYER "PICK-UP" - REVENUE RULING 2006-43
DECEMBER 31, 2008 DEADLINE FOR ACTION**

ATTENTION: FINANCE DIRECTORS, HUMAN RESOURCE DIRECTORS

This Circular Letter is being sent to advise employers of Revenue Ruling 2006-43 concerning the pick-up of employee contributions to California Public Employees Retirement System (CalPERS), and of actions that an employer may be required to take before December 31, 2008 to ensure compliance with pick-up requirements.

BACKGROUND AND PURPOSE

Internal Revenue Code (IRC) Section 414(h)(2) allows public agencies and school employers to designate required employee contributions as being "picked-up" by the employer and treated as employer contributions for tax purposes. The effect of a pick-up is to defer tax on employee contribution amounts until the member retires and receives retirement benefits, or separates from employment and takes a refund of contributions. Absent the 414(h)(2) provision applicable to governmental plans, employee contributions to a defined benefit pension plan qualified under Section 401(a) would automatically be after-tax contributions (e.g. taxable income to the employee at the time the contribution was made).

Since the early 1980s, CalPERS has taken steps to ensure that contracting agency and school employers have adopted and submitted to CalPERS appropriate written evidence of pick-ups prior to reporting tax-deferred member contributions to CalPERS. This Circular Letter is being sent as a reminder of the federal tax reporting requirements, to encourage each contracting agency and school employer who reports tax-deferred member contributions to review their documents and, if necessary, adopt conforming documentation prior to the deadline set by Revenue Ruling 2006-43. To view the ruling, [visit CalPERS online](#).

REVENUE RULING 2006-43

Revenue Ruling 2006-43 provides, in general, that an employee contribution will not be treated as "picked-up" under IRC 414(h)(2) unless:

- (1) The employer specifies that the contributions, although designated as employee contributions, are being paid by the employer (this action must be memorialized in writing), and
- (2) The employer does not permit participating employees to opt out of the pick-up or to receive the contributed amounts directly instead of having them paid by the employer to the plan.

Revenue Ruling 2006-43 allows employers who do not have written evidence of a pick-up, but their actions show that they intended to establish and carry out a pick-up, to be treated as meeting the requirements of 414(h)(2) for past pre-tax contributions if the employer takes formal action in writing prior to December 31, 2008 with respect to future picked-up contributions. If formal action is not taken prior to December 31, 2008, only contributions taken after the written documentation is in place may be treated as picked-up.

WRITTEN DOCUMENTATION

Many of you offer a pick-up of employee contributions under a resolution approved by the IRS in a private letter ruling issued to CalPERS on December 6, 1985, (PLR 8609084). If your agency has adopted the approved resolution to implement 414(h)(2) pick-ups, you may continue to rely on that ruling and need not adopt a new resolution. This approved form, which is Sample E---Resolution for Employer Pick-up can be viewed at [CalPERS online](#). If you have not previously sent a copy of the resolution to us, or if you did not complete Sample E, but have other written documentation, please send a copy of your document or resolution to us immediately.

After 1985, CalPERS provided additional pick-up resolutions for adoption by contracting agencies that distinguishes whether the pick-up was to be actually paid by the employer or by the employee. When an employer pays the employee contributions, it is referred to as Employer Paid Member Contributions (EPMC). The employer may also report the value of EPMC as special compensation. Contracting agencies that adopted any of these resolutions were requested to submit the resolutions to CalPERS. Samples of Resolutions A through D can be viewed at [CalPERS online](#). You may continue to rely on these resolutions but you should review them and validate that the resolution covers all of the employees whose contributions are reported as tax-deferred. If you have not previously sent a copy of the resolution to us, please do so immediately.

CALPERS NEW BUSINESS ENVIRONMENT

CalPERS is in the process of building and installing a new business reporting system. One of the design features will enhance CalPERS ability to maintain accurate and up to date information about contracting agency and school employer pick-ups. As a way of ensuring that our system will accurately record your agency's pick-up provision, CalPERS requires all affected agencies to provide a copy of their existing or future pick-up resolutions or other written documentation. This will ensure ongoing compliance with federal tax reporting requirements. The new system will validate that you have documentation on file with CalPERS before accepting tax-deferred member contributions. If documentation is not on file, your records will be rejected and will be held until the appropriate documentation is received.

CONCLUSION

If you are submitting tax-deferred contributions on behalf of your members, we request that you review your files for documentary evidence authorizing such employer pick-up of employee contributions. If you do not have evidence, please take steps to have your governing board adopt an appropriate resolution prior to December 31, 2008.

Please send a copy of your pick-up documentation to:

CalPERS
Employer Services Division
Compensation Review Unit
P.O. Box 942709
Sacramento CA 94229-2709

If you have any questions, please call the Employer Contact Center at **888 CalPERS** or **(888 225-7377)**.

Lori McGartland, Chief
Employer Services Division

Visit the CalPERS website at www.calpers.ca.gov (2008 Circular Letters) for more information on the following:

- 1 - [Revenue Ruling 2006-43](#)
- 2 - [Sample Resolution E](#)
- 3 - [Sample Resolutions A - D](#)



Employer Services Division

P.O. Box 942709

Sacramento, CA 94229-2709

Telecommunications Device for the Deaf - (916) 795-3240

(888) 225-7377 FAX (916) 795-4166

October 24, 2008

**SUBJECT: TAX DEFERRED MEMBER CONTRIBUTIONS AND
REVENUE RULING 2006-43**

As noted in Circular Letter 200-049-08 dated October 3, 2008, the Internal Revenue Service has issued Revenue Ruling 2006-43 concerning the "pick-up" of employee contributions, and actions that an employer may be required to take before December 31, 2008 to ensure compliance with "pick-up" requirements. You are receiving this additional letter because our payroll records indicate that your payroll includes tax-deferred member contributions ("pick-ups"), but we do not have a copy of the "pick-up" resolution in our files.

CalPERS is taking steps to ensure that contracting agency and school employers adopt and submit appropriate written documentation of "pick-ups" prior to reporting tax-deferred employee contributions to CalPERS.

In addition, CalPERS is in the process of building and installing a new business reporting system and we are seeking to obtain up to date information about contracting agency and school employer "pick-ups". As a way of ensuring that our system will accurately record your agency's "pick-up" resolution and to ensure ongoing compliance with CalPERS' regulations and federal tax reporting requirements, we request that you review your files for documentary evidence authorizing employer "pick-up" of employee contributions. The new system will validate that you have documentation on file with CalPERS before accepting tax-deferred member contributions. If documentation is not on file, your records will be rejected and will be held until the appropriate documentation is received. If you do not have documentary evidence of the authorization for employer "pick-ups", we request that you take steps to have your governing board adopt an appropriate resolution by December 31, 2008. To view sample resolutions, visit CalPERS online.

Please send a copy of your "pick-up" authorization documentation to:

CalPERS
Employer Services Division
Compensation Review Unit
P.O. Box 942709
Sacramento CA 94229-2709

If you have any questions, please call our Employer Contact Center at **888 CalPERS** or **(888 225-7377)**.

Marion Montez, Section Manager
Compensation & Employer Review Units



City of Beaumont

550 E. 6th Street
Beaumont, CA 92223
(951) 769-8520
FAX (951) 769-8526

Email: cityhall@ci.beaumont.ca.us
www.ci.beaumont.ca.us

February 12, 2009

Mr Tony Lara
Asst. General Manager
Beaumont Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223

Subject: **Water line relocation at Noble Creek Bridge and Oak Valley Parkway- East**

Dear Mr Lara;

Thank you for your response to our letter dated February 4, 2009 regarding the water line relocation.

In a follow up meeting with you and our staff today, we agreed that the District would provide the material for the relocation of water lines. The District also authorized the City to complete the work on the District's behalf at the cost of \$ 141,119.50 which represents labor and equipment costs of the lowest bidders only. The City obtained competitive proposals as requested by the District and copies of these three proposals are attached for your records.

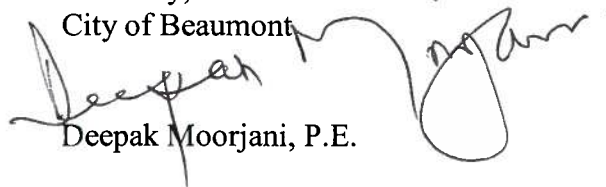
The City will award the job to the lowest responsible bidder. The lowest bidder is Hillcrest Contracting for \$72,397.00 that includes the Upper Area # 1 and Powell Contractors for the Bridge area # 2 for \$ 68,722.50.

Our Inspectors will be available on a full time basis along with our surveyors during the entire process of relocating the water line. A complete set of " As Builts" will be provided to the District after the relocation project is complete.

We would like the District to inform us of the expected delivery of the material at site so that we could get the contractor to begin the job of relocating the water lines.

Please do not hesitate to call if you need any further information or clarification.

Sincerely,
City of Beaumont



Deepak Moorjani, P.E.

Encl: 1. Scope of work and 3 proposals from contractors



City of Beaumont

550 E. 6th Street
Beaumont, CA 92223
(951) 769-8520
FAX (951) 769-8526

Email: cityhall@ci.beaumont.ca.us
www.ci.beaumont.ca.us

February 12, 2009

Mr Tony Lara
Asst. General Manager
Beaumont Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223

Subject: **Water line relocation at Noble Creek Bridge and Oak Valley Parkway- East**

Dear Mr Lara;


As discussed with you, we estimated that our inspection, surveying and engineers will be required for a total of 68 man hours. This shall include the preparation of "AS BUILTS" as required by you.

Please do not hesitate to call if you need any further information or clarification.

Sincerely,
City of Beaumont

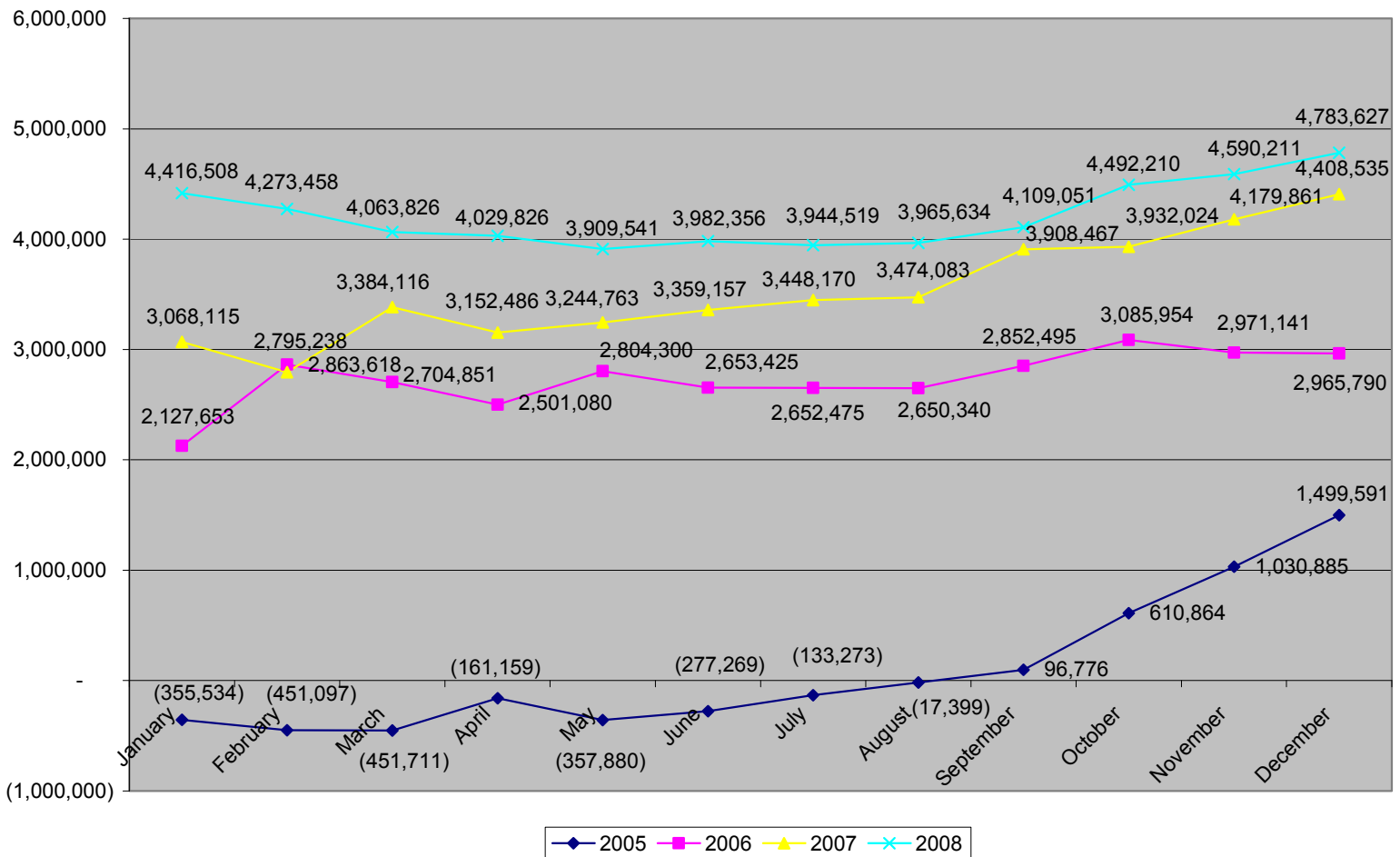
Deepak Moorjani, P.E.

MEMORANDUM

TO: BOARD OF DIRECTORS
FROM: JULIE J. SALINAS, BUSINESS MANAGER 
SUBJECT: GENERAL FUNDS ACTIVITY
DATE: 3/2/2009
CC: ANTHONY L. LARA, ASST. G.M.

As requested by Director Woll.

General Fund Balance



MEMORANDUM

February 18, 2009

TO: Tony Lara, Interim General Manager
Board of Directors, BCVWD

FROM: Joe Reichenberger
District Engineer

SUBJECT: Trespass Incident Reported to the Board by Ms. Bingham

Members of the Board of Directors and Tony Lara:

In the minutes of the January 31, 2009, Budget and Finance Workshop, it states:

"On another item, Judy Bingham informed the Board on an incident where Parsons Engineering and Wildermuth Environmental trespassed her property. Staff indicated that any company doing research for the District has to obtain special permits to enter the property and inform the property owner in advance."

Because this involves consultants employed by the District, as District Engineer, I requested an explanation from Parsons Staff on this issue. I did not address Wildermuth since the firm is employed by Watermaster, STWMA and others and I am not sure under whose direction they were taking or if it was even the same incident referenced above and described below.

Background

The individual from Parsons involved in the incident was Mr. John Moeur, a staff scientist with Parsons, who was doing a biological/habitat survey of Cooper's Creek in the vicinity of the City of Beaumont's Wastewater Treatment Plant. This work was required by the State Water Resources Control Board and the US. Fish and Wildlife Service as part of the additional environmental work required for the State Revolving Fund Loan for the Recycled Water Project. The District needed to address the issue of flow reduction in Cooper's Creek.

Description of the Incident

The incident occurred on **October 25, 2007** based on Mr. Moeur's book of field notes. This was more than **15 months prior** to Ms. Bingham's report of the incident to the Board. The events, according to Mr. Moeur, transpired as follows, based on his field notes and recollection.

Mr. Moeur did go westward along the road south of the nursery with the explicit purpose of asking permission to go in that way to observe Cooper's Creek. A man, working on the nursery grounds, was the first person he came to. Mr. Moeur stopped and asked permission from the worker. The worker informed John that he was already trespassing by being on the road into the nursery and must leave immediately. Mr. Moeur acknowledged his command, turned around and immediately drove out.

After leaving the nursery property John turned south on Viele Avenue/Minnesota Avenue, then west, then north again on Bolo Court. Bolo Court ends at Cooper's Creek. No fence

or other barricade existed at this northern end of the residential road, merely the edge of the creek itself. John parked the car and went down into the creek to look both upstream and down, making certain not to encroach from the west onto what appeared to be the nursery property. John stated that as he walked up out of the creek bottom, two ladies questioned him. They had seen the car parked above the creek. John recalled they asked if the car belonged to him. They asked his business and why he was down in the creek. They were not confrontational. Neither of them instructed John to leave, nor was any mention made of private property either where the car was parked or where John had been in the creek bottom. They seemed only inquisitive and curious. Mr. Moeur had the feeling they resided in the first house south of the creek bank on the west side of Bolo Court. No other exchange occurred with these ladies.

Summary

Although Mr. Moeur did enter private property – apparently Ms. Bingham’s, he did so with the intent of asking permission. When he was not able to get permission he left and entered Cooper’s Creek through another way – by an apparent, public road. In as much as nothing transpired on Ms. Bingham’s property, and the entry was for a legitimate purpose, the District is curious why this issue was brought up now – so long after the incident occurred?

If this was not the incident that Ms. Bingham referred to in her statement to the Board, then, I can tell you that it was not a Parsons employee, because they have not been involved in fieldwork associated with the recycled water environmental work or any other project in that area since late 2007.

It has always been the District’s policy, which is passed on to their consultants that individuals are not to enter private property without permission. To the extent possible they will try to get permission in advance; but this is not always possible. In that case they will make contact with the Owner. If the Owner does not grant permission, the consultant will leave. John Moeur followed District policy in this incident.



San Gorgonio Pass Water Agency

A California State Water Project Contractor
1210 Beaumont Avenue • Beaumont, CA 92223
Phone (951) 845-2577 • Fax (951) 845-0281

President:
John Jeter

February 26, 2009

Vice President:
Ted Haring

Mr. Chuck Butcher, General Manager
Beaumont Cherry Valley Water District
560 Magnolia Avenue
Beaumont, CA 92223

RECEIVED
FEB 27 2009

Treasurer:
Dave Dysart

BY:-----

Directors:
Bill Dickson
Ray Morris
Barbara Voigt
Carl Workman

Dear Mr. Butcher:

Enclosed please find a copy of San Gorgonio Pass Water Agency Resolution Number 2009-03, setting wholesale water rates. This resolution was passed unanimously by the Board of Directors at its meeting on February 17, 2009.

General Manager
& Chief Engineer
Jeff Davis, PE

According to the resolution, your rate for wholesale water purchased from the Agency is \$277 per acre-foot, as of February 17. On July 1, the rate will increase to \$317. Your February invoice will reflect this change.

Legal Counsel:
McCormick, Kidman
& Behrens

Please do not hesitate to contact me if you have any questions regarding the Agency's wholesale water rate.

Very truly yours,



Jeff Davis

Enclosure

Importing Water To The Pass Area

RESOLUTION NO. 2009-3

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN GORGONIO PASS WATER AGENCY ESTABLISHING WHOLESALE WATER RATES

WHEREAS, the SAN GORGONIO PASS WATER AGENCY (Agency) is a State Water Project (SWP) Contractor authorized to acquire or contract to acquire waterworks, waters, and/or water rights, including, but not limited to, water from the State of California from the SWP, and to provide, sell, and deliver that water under the control of the Agency to cities and other territory, persons, corporations or private agencies within the Agency for use within the service area of said Agency. (Agency Law, Water Code Appendix §101-15, hereinafter referred to as the "Agency Act".)

WHEREAS, The San Gorgonio Pass Water Agency's mission is "to import supplemental water and to protect and enhance local water supplies for use by present and future water users and to sell imported water to local water districts within the service area of the San Gorgonio Pass Water Agency. The San Gorgonio Pass Water Agency promotes water conservation, education and efficient use of our water resources. The Agency's goal is to maximize the quality, quantity and reliability of available water in the most financially responsible and environmentally sensitive manner."

WHEREAS, the Board of Directors (Board) is authorized to fix the rates at which water should be sold and to establish different rates for different classes or conditions of service. (Agency Act, §101-16.) So far as practicable, the Board shall fix a rate or rates for the Agency's water that will result in revenues, which will pay the operating expenses of the agency, provide for repairs and depreciation of works, provide a reasonable surplus for improvements, extensions, and enlargements, pay the interest on any bonded debt, and provide a sinking or other fund for the payment of the principal of such debt as it may become due. (Agency Act, §101-25; Draft Water Rate Study, February 2, 2009, (hereinafter, "Study"), p. 2.)

WHEREAS, the Agency entered into a contract with the Department of Water Resources (DWR) in 1962 to bring supplemental water to the Agency service area from the State Water Project ("SWP"). The Agency's current SWP Table A Amount is 17,300 acre-feet per year (AFY). (Study, p. 4.)

WHEREAS, the Legislature allocated water from the SWP to the Agency, intending that highest priority be given to eliminating groundwater overdraft conditions within any agency or district receiving the water. (Agency Act, §101-15.5.)

WHEREAS, in 2004, the Beaumont Storage Unit (BSU), one of the major groundwater basins in the Agency service area, was determined by the Riverside County Superior Court to be in overdraft. (Study, p. 4.)

WHEREAS, despite having a SWP Table A Amount of 17,300 AFY, in 2005, DWR projected the Agency's long-term reliability of water supply delivery from the SWP

to be 77 percent of its 17,300 AFY Table A Amount, which equates to less than 13,500 AFY. Subsequent changes in climate conditions, and shortages in rainfall and snowmelt have combined with cutbacks in SWP water deliveries due to environmental court challenges and the ecological crises in the Delta to further reduce the current long-term delivery reliability of the Agency's SWP water supply to an even greater amount.

WHEREAS, SGPWA Ordinance No. 8 mandates that the Agency, at a minimum, shall establish and charge rates for: "The delivery of SGPWA Water sufficient to cover SGPWA's variable costs (including off-aqueduct costs) for delivery of SGPWA Water, internal SGPWA costs and other amounts as determined by the SGPWA Board of Directors reasonably related to the cost of delivery." Cost of delivery means the costs related to securing water commensurate with the Agency's SWP Table A Amount, currently set at 17,300 AFY, and any other sources of water that the Agency Board deems necessary and prudent. Cost of delivery includes operations, administrative overhead, SBVMWD pass-through, dry year transfer costs, rate stabilization surplus reserves, new water purchase surplus reserve contributions, and DWR imported water purchase.

WHEREAS, the existing revenues from water rates are insufficient to cover all of the related costs of delivery, including, meeting the needs of the Agency to purchase new water, funding Agency operations, and establishing a surplus for repairs, improvements, extensions, and enlargements, which will benefit all existing users within the Agency's service area.

WHEREAS, the Agency has directed the preparation of a water rate study, which sets forth the costs of providing service and delivery and the anticipated sources of revenues available to cover those costs, and the Agency has distributed the draft water rate study to the retail water purveyors within the Agency's service area.

WHEREAS, the California Environmental Quality Act ("CEQA") is set forth in Sections 21000 to 21178 of the Public Resources Code.

WHEREAS, CEQA sets forth certain types of activities that are not subject to review under CEQA.

WHEREAS, Section 21080(b)(8) of the Public Resources Code states that "the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds are for the purpose of (A) meeting operating expenses, including employee wage rates and fringe benefits, (B) purchasing or leasing supplies, equipment, or materials, (C) meeting financial reserve needs and requirements, (D) obtaining funds for capital projects necessary to maintain service within existing service areas, or (E) obtaining funds necessary to maintain those intracity transfers as are authorized by city charter" is not subject to CEQA.

WHEREAS, Section 15273(a) of the CEQA State Guidelines states that "CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies which the public agency finds

are for the purpose of: (1) Meeting operating expenses, including employee wage rates and fringe benefits, (2) Purchasing or leasing supplies, equipment, or materials, (3) Meeting financial reserve needs and requirements, (4) Obtaining funds for capital projects, necessary to maintain service within existing service areas, or (5) Obtaining funds necessary to maintain such intra-city transfers as are authorized by city charter.”

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Geronio Pass Water Agency that it hereby makes the following findings and determinations:

- 1) The Agency’s Board has carefully reviewed and considered the Draft Water Rate Study dated February 2, 2009 (“Study”), the Kennedy/Jenks Memorandum dated July 16, 2008, on the probable cost of water transfers (“July 16th Memorandum”), and the Kennedy/Jenks Consultants Memorandum dated January 2, 2009, on water reliability (“January 2nd Memorandum”); and has considered the public and Board comments, and the oral and written presentation by the Agency’s staff and consultants made at the February 2, 2009, public Board meeting, as well as any written public comments.
- 2) The Board adopts the Findings, attached as Exhibit “A,” determines that the record for the establishment of the wholesale water rates contains substantial evidence to support the Findings; and further finds that the conclusions reached in the Study are supported by substantial evidence.
- 3) The Board further determines that the conclusions contained in the July 16th Memorandum and in the January 2nd Memorandum are supported by substantial evidence, and adopts the conclusions in each memorandum, including the recommendation to utilize 63 percent as the projected average annual SWP Table A delivery reliability. This percentage equates to less than 11,000 AFY of the Agency’s current SWP Table A Amount.
- 4) Based upon substantial evidence before the Board, it is determined that the Agency will need to acquire at least 10,000 AFY of additional SWP supplies to repair annual SWP delivery reliability that the agency has already lost to date, and it is further determined that the costs associated with the acquisition of 10,000 AFY of additional water supplies through the current expiration date of the Agency’s SWP water supply contract with DWR is approximately \$40 million depending upon a variety of market forces.
- 5) Based upon substantial evidence presented to the Board, it is determined that it is in the best interest of the retail water purveyors and the residents within the Agency’s service area to have long term reliability of wholesale water and to maintain a stable water rate. Based upon substantial evidence, it is further determined that the set of water rates the Board is enacting by this Resolution will be sufficient to fund Agency operations, to purchase additional water to repair the lost reliability of SWP water, to replenish groundwater basins within

the Agency's service area, and to obtain a reasonable surplus for repairs, improvements, extensions, and enlargements of the Agency's existing system.

- 6) The wholesale water rate applicable to all water sold by the Agency to retail water purveyors within the Agency's jurisdiction downstream of Cherry Valley Pump Station (CVPS) shall be a uniform rate of \$277 per acre-foot, as provided in Agency Resolution # 2008-6, adopted April 21, 2008, which shall become effective immediately.
- 7) In order to offset expected energy cost increases from DWR and low expected sales, the wholesale water rates will increase for Fiscal Year 2009-2010 from \$277 per acre-foot to a uniform rate per acre-foot charged to retail purveyors downstream of CVPS in the amount of \$317 per acre-foot effective July 1, 2009.
- 8) The wholesale water rate applicable to all water sold by the Agency to retail water purveyors within the Agency's jurisdiction upstream of CVPS will be \$8 less than the rates set for water sold to retail water purveyors downstream of Cherry Valley Pump Station.
- 9) New water purchased by the Agency using the revenues from water rates paid by areas overlying overdrafted groundwater basins will be given pro-rata priority to purchase new water according to their contribution into the surplus reserve for the purchase of new water. If after all purveyors with new water priorities have been given an opportunity to exercise their priorities, the Agency will offer any remaining new water for sale to any other purveyor within the Agency's service area. The Agency finds that this new water priority policy is consistent with the policy set forth in Agency Ordinance No. 8 (i.e. "SGPWA sale of water and dedication of Return Flows resulting from use of SGPWA water to eliminate overdraft in SGPWA groundwater basins provides the highest priority that is reasonably available to eliminate overdraft conditions.").
- 10) As more fully set forth in the Findings, attached as Exhibit "A", the Board is adopting the wholesale water rates in order to meet the Agency's operating expenses, purchase materials (water) and meet the Agency's reserve needs. Therefore, the Board finds and determines based upon substantial evidence that the establishment of the wholesale water rates are exempt from CEQA, pursuant to Section 21080(b)(8) of the Public Resources Code and Section 15273(a) of the State CEQA Guidelines because the establishment of the water rates is for the purpose of meeting operating expenses, purchasing materials (water) and meeting the Agency's reserve needs.
- 11) The Agency only sells water to retail water purveyors and does not sell water to landowners; therefore, the wholesale water rates adopted by this Resolution do not involve a property-related service, and the requirements of Proposition 218 and Government Code section 53750, et. seq., do not apply.

- 12) This Resolution shall become effective immediately ("effective date"), and the wholesale water rates provided herein shall apply to all water delivered from the effective date and thereafter until such time as the rates are changed by action of the Board. It is the intent of the Board that the wholesale water rates established herein shall continue for a minimum of five (5) years from and after the effective date (2008-2009 to 2012-2013).
- 13) If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution or its application to any person or entity is held or decided to be invalid, inoperative or unenforceable for any reason by any court of competent jurisdiction, such reason shall not have the effect of rendering any other provision(s) invalid, inoperative or unenforceable. Provided, however, that if the water rate(s) established by this Resolution is declared invalid, or is otherwise struck down, the water rate in effect prior to the effective date of this Resolution shall be restored, revived, and brought to full force and effect.
- 14) The Secretary of the Agency is hereby directed to mail copies of this Resolution to every retail water purveyor that purchases water from the Agency.

The foregoing resolution was duly passed at a regular meeting of the Board of Directors of the San Geronio Pass Water Agency on February 17, 2009 by the following roll call vote:

Ayes:	Haring, Voigt, Morris, Workman, Dysart, Dickson and Jeter
Noes:	None
Abstain:	None
Absent:	None

I certify that this is a true, full and correct copy Resolution 2009-03, approved by the Board of Directors of the San Geronio Pass Water Agency at its meeting held on February 17, 2009.



Jeffrey Davis
Secretary of the Board