



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA  
MEETING OF THE PERSONNEL COMMITTEE  
Wednesday, July 26<sup>th</sup>, 2017 at 5:30 p.m.  
560 Magnolia Avenue, Beaumont, CA 92223**

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**CALL TO ORDER**

**PUBLIC INPUT**

**PUBLIC COMMENT:** At this time, any person may address the Finance and Audit Committee on matters within its jurisdiction which are not on the agenda. However, any non-agenda matters that require action will be referred to staff for a report and possible action at a subsequent meeting. To provide comments on specific agenda items, please complete a Request to Address the Committee form and provide the completed form to the Committee President prior to the committee meeting. Please limit your comments to three minutes. Sharing or passing time to another speaker is not permitted.

**ACTION ITEMS**

1. Adjustments to the Agenda
2. Personnel Committee
  - a) Approval of April 12, 2017 Meeting minutes\*\*(pages 3-4)
  - b) Employee Survey Update\*\*(pages 5-6)
  - c) Employee MOU Renewal Status and Any Proposed Changes
  - d) District Policy Manual – Discussion\*\*(pages 7-133)
3. Action List for Future Meetings
4. Next Meeting Date:

**ADJOURNMENT**

\*\* Information included in the agenda packet

**AVAILABILITY OF AGENDA MATERIALS** - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Finance and Audit Committee in connection with a matter subject to discussion or consideration at a meeting of the Finance and Audit Committee are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office") If such writings are distributed to members of the Committee less than 72 hours prior to the meeting, they will be available from the District Office at the same time as they are distributed to Committee Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available from the District Office in the Board Room of the District's Office.

**REVISIONS TO THE AGENDA** -In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the Finance and Audit Committee Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560

Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Finance and Audit Committee Meeting.

**REQUIREMENTS RE: DISABLED ACCESS** - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at [info@bcvwd.org](mailto:info@bcvwd.org) or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA  
MINUTES OF THE PERSONNEL COMMITTEE MEETING  
Wednesday, April 12<sup>th</sup>, 2017 at 5:30 p.m.  
560 Magnolia Avenue, Beaumont, CA 92223**

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**CALL TO ORDER**

*Director Covington called the meeting to order at 5:03 p.m., 560 Magnolia Avenue, Beaumont, California.*

*Present at this meeting were Directors Covington, Ramirez, Hoffman and Director Diaz, General Manager: Eric Fraser and Senior Finance & Administrative Analyst: William Clayton. Legal Counsel James Markman. Also present at this meeting were representatives of the Beaumont-Cherry Valley Water District (BCVWD) Employee Association: Eric Dahlstrom, Julian Herrera Jr. and Alma Frausto.*

*Public that registered their attendance: Fran Flanders, Barbara Brown, and Patsy Reeley.*

**PUBLIC INPUT**

*Ms. Judy Bingham shared her concerns regarding the approval of "Will Serve Letters" by the BCVWD Board members. She went on to cite California Code 815.3c. She also shared her disapproval of removing BCVWD's General Manager Eric Fraser from his position.*

**ACTION ITEMS**

1. Adjustments to the Agenda

*There were no changes to the Agenda.*

2. Personnel Committee

- a) Approval of February 22, 2017 Meeting minutes.\*\*(pages 3-4)

*The Committee accepted the minutes of the February 22, 2017 Personnel Committee minutes.*

- b) Employee Survey Results.

*Director Covington gave a background overview of the decision to conduct a District wide employee survey. He provided copies of the survey results with the public. The survey was comprised of twenty (20) questions; fifteen (15) questions submitted by the Employee Association and five (5) by the Personnel Committee. He stated that the survey was provided to twenty-six (26) eligible employees, of which twenty-three (23) employees participated. He also shared that the survey results were put on the Regular Board meeting agenda.*

*Director Ramirez thanked staff for helping with putting the survey together. He explained that Survey Monkey was used, which was tamper proof and transparent. He stated that the reason for conducting the survey was to make sure the District was doing the best job possible to take care of the*

*employees, who work very hard to provide clean water to the public. He went on to share the survey results and asked for any feedback from the Employee Association members. He shared that it was the Board's responsibility to get this done.*

*Employee Association member, Eric Dahlstrom, shared his concern regarding the District only having one backhoe.*

*Mr. Kincaid, BCVWD's part time contracted staff member, shared that the District is in a very strong position and that is due to the hard work from management and staff members.*

- c) Status of MOU negotiations Between BCVWD and Employee's Association\*\*(pages 5-18)

*Director Covington shared that the reason for putting this item on the agenda was to keep the communication open. He stated that the intentions of the Personnel Committee was not to impede any processes between management and the Employee Association, but rather to keep communication and dialogue open and transparent.*

- d) Salary Survey Update

*William Clayton, Sr. Finance & Administrative Analyst, gave an update of the Compensation Study Request For Proposal, which was sent to ten (10) firms, of which five (5) had responded to participate.*

### 3. Action List for Future Meetings

- Employee Survey Results.
- Current MOU Status Update Review.

*Director Covington made the announcements above and requested to add both items to the next Personnel Committee meeting agenda.*

### 4. Next Meeting Date: July 12, 2017 at 5:30 p.m.

## **ADJOURNMENT**

*Director Covington adjourned the meeting at 6:05 p.m.*

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John Covington, Chairman to the  
Personnel Committee of the  
Beaumont-Cherry Valley Water District

\*\* Information included in the agenda packet



**Beaumont-Cherry Valley Water District  
Personnel Committee Meeting  
July 26<sup>th</sup>, 2017**

**DATE:** July 18<sup>th</sup>, 2017  
**TO:** Personnel Committee  
**FROM:** Yolanda Rodriguez, Director of Finance & Administrative Services  
**SUBJECT:** Employee Salary Survey Update

**Recommendation**

No Recommendation.

**Background**

Staff identified the need to obtain the services of a qualified consultant to provide a Compensation Study. Terms in the current Memorandum of Understanding (MOU) requires the District to conduct a compensation salary survey prior to the expiration of the MOU agreement. The MOU went into effect on March 9, 2016 and expires on December 31, 2017. On May 18, 2017 the Board of Directors approved the execution of the contract with Koff & Associates for the development of a Compensation Study.

A table of the consultant's Scope of Work and proposed Timeline is set forth in Table 1, hereafter:

Table 1

Total Compensation Study	Proposed Timeline Week #
Meeting with the Study Project Team and Management Staff for Review of Process, Products and Documents Required	Week 1
List of Comparator Agencies, Benchmark Classifications, and Benefits to be Collected	Week 1
Data from Comparators	Week 6
Analysis and Preliminary Review of Data	Week 8
Draft Compensation Findings/Additional Analysis/Study Project Team Meetings	Week 10
Analysis of Internal Relationships and Alignment	Week 11
Compensation Structure and Implementation Plan	Week 12
Final Report and Guidelines for Implementation	Week 13
Formal Appeals Support	As Needed
Final Presentation	As Scheduled: Sept. 5, 2017



As of July 18, 2017, Koff & Associates were in the process of conducting the labor market agency recommendations. Once those recommendations are finalized, they will be sent to BCVWD (District) staff for review and comments; once the review and comments are completed by the District staff, Koff & Associates will proceed with the data collection and review of the District's employee classification.

**Fiscal Impact**

There is a \$19,890 fiscal impact to the District.

Report prepared by: Yolanda Rodriguez, Director of Finance & Administrative Services

**BEAUMONT-CHERRY VALLEY WATER DISTRICT**

**PART 1**

**PERSONNEL  
POLICIES & PROCEDURES MANUAL**

**Adopted March 18, 2009 by Resolution 2009-05  
Amended April 28, 2011 by Resolution 2011-04  
Amended May 8, 2013 by Resolution 2013-02  
Amended July 8, 2015 by Resolution 2015-03**

**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.

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## **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 provisions of this Manual will apply to all District employment. In the event a specific provision of this Manual is contrary to a term or terms of a Memorandum of Understanding (MOU) or a written employment agreement, the MOU or written employment agreement will prevail. Such MOU or employment agreement and any amendment must be in writing and duly adopted by action of the District Board at a properly noticed public meeting.

## **3. EQUAL OPPORTUNITY**

The District is an equal opportunity employer. The District will not unlawfully discriminate against qualified applicants or employees with respect to any terms or conditions of employment based on race, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), sexual orientation, gender identity, age (40 and over), religion and religious creed, physical or mental disability, legally protected medical condition (including ARC or HIV positive, cancer and genetic characteristics), marital status, citizenship status, military service status, or other basis protected by law.

When necessary, the District will reasonably accommodate employees and applicants with disabilities if the person is otherwise qualified to safely perform all of the essential functions of the position. The District will also provide reasonable accommodation for pregnancy, childbirth or related medical conditions if requested by the employee upon advice and medical certification of her health care provider. Reasonable accommodation may include a temporary transfer to a less strenuous or hazardous position, if requested, supported by proper medical certification and otherwise qualifying as reasonable accommodation.

The District is also committed to providing a workplace that is free of unlawful harassment, including sexual harassment. Please see the policies on Harassment and Sexual Harassment in this Manual. Complaints alleging discrimination or any other violation of this Equal Opportunity Policy may be made according to the complaint process in the Sexual Harassment Policy. The District prohibits retaliation against employees for making a complaint, opposing unlawful discrimination and harassment or cooperating in an investigation. Complaints of retaliation may be made according to the complaint procedure in the Sexual Harassment Policy.

#### 4. AFFIRMATIVE ACTION

Please see Equal Opportunity Policy in this Manual.

#### 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 or his/her designee.
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 subject to legal counsel recommendation.

#### 6. HARASSMENT

- A. The District is committed to providing a work environment for its employees that is free of unlawful harassment. The District prohibits sexual harassment (see Section 7, "SEXUAL HARRASSMENT") 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 unlawful 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, Retaliation for having reported or threatened to report harassment.
- D. **Complaint Process:** If any employee of the District believes that he/she has been harassed, the employee should provide a written complaint to the supervisor, Department Director, Director of Finance and Administrative Services, or the General Manager as soon as possible after the incident. The complaint should include details of the incident(s), dates and times, name(s) of the individual(s) involved, together with the name(s) of any witness(es).

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).

- i. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager.
  - ii. While written complaints are strongly encouraged, the District will investigate all complaints, including those that are not written or that are anonymous. However, the ability to investigate and remedy unwritten or anonymous complaints may be compromised if insufficient information is available for the investigation.
  - iii. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair and proper investigation.
- 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. The complainant will be advised once the investigation is complete and will be provided with a summary of the results of the investigation, including whether corrective action was taken and the general nature of that action. The complainant will not be entitled to a copy of the confidential investigation report or the specific details of corrective action, consistent with employee privacy and the confidentiality of personnel matters. Others involved in the investigation may also be advised once the investigation is complete and provided with a summary of other information appropriate to their involvement.

## 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. The District is committed to providing a workplace that is free of unlawful discrimination and harassment. In keeping with this policy, the District is committed to providing a workplace that is free of sexual harassment (including harassment based on

gender, pregnancy, childbirth or related medical conditions). The District strictly prohibits and will not tolerate harassment of employees by officers, managers, supervisors or co-workers. Similarly, the District will not tolerate harassment by its employees of non-employees with whom District employees have a business, service or professional relationship. The District will seek to protect employees from harassment by non-employees in the workplace or in work related situations.

- 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 by an individual is used as a term or condition of employment.
  - ii. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an 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 works 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 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 supervisor within whose department 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. Complaints of harassment in employment should be reported in writing 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.

- i. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager.
- 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. While written complaints are strongly encouraged, the District will investigate all complaints, including those that are not written or that are anonymous. However, the ability to investigate and remedy unwritten or anonymous complaints may be compromised if insufficient information is available for the investigation.
- iv. An employee may file a formal or informal confidential complaint without fear of reprisal.
- v. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair and proper investigation.

E. **Complaint Response Process.** Any supervisory employee who receives a formal sexual harassment complaint shall at all times maintain strict confidentiality and shall personally deliver said complaint immediately and directly to the Department Director 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.
- v. 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. The complainant will be advised once the investigation is complete and will be provided with a summary of the results of the investigation, including whether corrective action was taken and the general nature of that action. The complainant will not be entitled to a copy of the confidential investigation report or the specific details of corrective action, consistent with employee privacy and confidential personnel matters. Others involved in the investigation may also be advised once the investigation is complete and provided with a summary of other information appropriate to their involvement.

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

## 8. EMPLOYEE STATUS

A. **At Will.** All employment at the District is "at will." This means that either the employee or the District may end the employment relationship at any time, with or without advance notice and with or without cause. Provided, however, that discipline, grievance, layoff and other similar procedures in an MOU or written employment agreement will apply while in force, but are not intended to alter the at-will nature of the employment relationship. The at will nature of the employment relationship can only be changed by a clear and unambiguous intent to alter the at will nature of employment made in a MOU or written employment agreement approved by the District Board and signed by or on half of the employee involved. Any reference in this Manual to discipline is not intended to change the at will nature of the employment relationship or to restrict either the employee's or the District's options under the "at will" employment policy.

- B. **Regular Full Time Employee.** A "Regular" employee is one who has been hired to fill a regular position in any job classification and has completed his/her introductory period except as otherwise required by law.
- C. **Introductory Employee.** All newly hired employees serve an introductory period. The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The District uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the District may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.  
All new (Including rehired) employees work on an introductory basis for the first six (6) months after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If the District determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended one or more times.

Upon satisfactory completion of the introductory period, full-time employees enter the "regular" employment classification. Successful completion of the introductory period does not guarantee employment for any specific duration or change the at-will status of regular employment.

- D. **Temporary Employee.** A temporary employee is defined as anyone hired for a period of six (6) months or less. 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.

**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 or when other factors make part-time employment advantageous. He/she also works standby as discussed in Section 19, ("WORK HOURS, OVERTIME AND STANDBY PROGRAM").

- i. A temporary or part-time employee will not be eligible for fringe benefits including 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. Following the Healthy Workplace Healthy Family Act of 2014 (AB 1522), a temporary or part-time employee will accrue paid sick leave as of the first day of employment at a rate of one (1) hour for every thirty (30) hours worked provided that the employee has worked for 30 or more days within a year from the beginning of employment. The temporary or part-time employee will be eligible to take the paid sick leave after the 90<sup>th</sup> day of employment. The employee shall be limited to an annual accrued sick leave limit of twenty-four (24) hours annually.

## 9. COMPENSATION

- A. **Compensation at Hiring.** This policy shall apply to all District employees:



**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. All candidates, whether internal or external, shall be evaluated equally with the most qualified candidate being selected for the position. Permanent employees elevated in classification shall serve a six (6) month introductory period in their newly acquired position. Permanent status will be dependent on the job performance evaluation which will occur at the end of the introductory period.
- D. **Performing Work Out of Classification.** Employees required to work a normal shift in a temporary classification higher than their current classification will be paid a shift differential 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 twelve-month intervals for all employees, based on anniversary date.

## 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. Employee responses are to be filed within 30 calendar days, unless an extension for unusual circumstances is granted by the General Manager.
- C. **Discretion.** Unscheduled performance evaluations may be made at the discretion of the General Manager in for specific purposes such as the development of performance improvement plans.

## 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 format to be utilized by the Board prior to the formal performance review session. Board of Directors shall be encouraged to prepare input prior to the formal review.
- 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 receive 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 regular full time employees health insurance coverage through the Public Employees Retirement System (PERS) for all eligible employees and their eligible 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 regular 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 the 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 of or greater than a \$25 value.

**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 and letters of recommendation.

**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.** Except where an alternative work schedule has been implemented by the General Manager and the Board of Directors, A normal work day is defined as eight (8) hours of work plus an unpaid one-half (1/2) hour lunch break followed by fifteen and one-half (15 1/2) 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 12:00 A.M. Sunday and ending the following Saturday at 11:59 P.M.
- D. **Alternative Work Week.** Alternative work schedules such as 4/10 may be implemented for the betterment of the District as determined by the General Manager and the Board by providing notice to the affected employee(s).

- E. **Overtime.** The District’s policy is to comply with all applicable wage and hour laws and regulations. Non-exempt employees will receive overtime as required by the Federal Fair Labor Standards Act of 1938 (FLSA). Under the FLSA, overtime is paid at the rate of time and one half of the regular rate of pay for all hours actually worked in excess of 40 hours in a workweek. State law rules involving daily overtime after eight (8) hours and double time do not apply to public agencies such as the District. All overtime is to be approved in advance by the employee’s supervisor and failure to secure prior approval may be considered a violation of District policy. Employees are required to accurately record all hours worked, neither over reporting nor under reporting. No supervisor may authorize or direct an employee to work “off the clock” or “off the books.” If a non-exempt employee is asked or directed by any supervisor or manager to work hours without accurately recording them, the employee shall notify the General Manager as soon as possible.
- F. **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. Any additional calls for service received during the initial compensated two hour minimum call-out will not receive any additional compensation.
  - ii. **Rotation.** The Director of Operations will establish the number of individuals eligible for Standby and provide an equitable rotation schedule.
  - iii. **Training.** Employees new to the standby program will be supported by a Production Department employee for all telemetry system alarms. Employees assigned as trainees providing standby services will be compensated at a flat rate of fifty dollars (\$50) per standby period. 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 in conjunction with the Production Supervisor and will be reviewed by the Director of Operations and/or 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 Department Director. 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 Department Director. 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. Possess working 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, or if extensive overtime will be necessary to perform the repairs, the Field Superintendent and/or Department Director shall be contacted. If these individuals cannot be reached the Director of Engineering or General Manager 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.

## 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 when a reduction in the workforce is implemented.
- 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 otherwise separated from employment.
- 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. **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.
- E. **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.

## 20. REDUCTION IN FORCE

- A. **Reduction in Force.** When it becomes necessary to reduce the workforce as a result of lack of work, lack of funds, economic conditions, reorganization, or in the interests of

efficiency or similar reasons, the District may initiate an involuntary employment termination without cause under the District's "at will" employment policy. When implementing a reduction in force, the General Manager may consider any criteria that is business related and that is not prohibited by law. The reduction may be referenced as "layoff," but this will not change the basic policy of "at will" employment.

- B. **Demotion or Transfer in Lieu.** At the discretion of the General Manager, employees may be demoted or transferred to a different classification in lieu of termination or layoff where the employee possess the minimum qualifications for the new position or classification and can immediately perform the functions of the job.
- C. **Layoff and Recall under MOU.** Where specific procedures for layoff and recall are provided in an MOU, the MOU procedures will be followed for a reduction in force involving employees covered by the MOU. Unless otherwise expressly provided in the MOU, discipline and review procedures, if any, will not apply to the reduction in force or layoff.
- D. **Re-Employment List.** Where required under the terms of an MOU, the District will maintain a re-employment list for each classification from which a covered employee was laid off. Former employees will be recalled from the list to a vacancy in their former classification based on their length of continuous service with the District, as determined under this Manual. A former employee not eligible for recall from a re-employment list may apply for any vacancy with the District.
- E. **List Removal.** An individual will be removed from a re-employment list under the circumstances listed below. It is the responsibility of the individual to maintain a current U.S. Mail address on file with District where the individual can receive and respond to notices on a timely basis. The District is not responsible for misdirected recall notices or failure of delivery. Removal will occur:
  - i. After six (6) months from the date of termination;
  - ii. If the individual declines recall or fails to respond to a notice of recall within five (5) work days of the date of mailing;
  - iii. If the individual accepts other employment with the District at the same or higher rate of pay; or
  - iv. If the individual notifies the District that he or she is no longer available for recall as a result of accepting other employment or for other reasons.
- F. **Service Records.** Previous regular employees who return to work within six (6) months of a reduction in force or layoff will have their former length of continuous service restored (less the period not employed as a result of the reduction in force or layoff). Previous regular employees called back on a part-time basis will be credited with additional service on an hour-for-hour basis.



## 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:
- 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's 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 introductory 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 to the extent permitted by law.

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 drugs or alcohol.

**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. The applicant if the 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.
- viii. Medical inquiries are only made after a conditional offer of employment has been made and after all non-medical contingencies have been removed (except as otherwise allowed by law). Medical examinations will only be required where all applicants in the same job category are subject to the examination. Any contrary provision of this Manual notwithstanding, medical inquiries and examinations will only be conducted in conformance with applicable law, including the Americans with Disabilities Act and the California Fair Employment and Housing Act.

## 24. SICK LEAVE

- A. **Application.** This policy shall apply to introductory 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. Such evidence may include but is not limited to certification from a licensed physician.
- 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.** The beneficiary specified in the previous paragraph 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.
  - iv. 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.
  - v. 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 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 efforts.

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

**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 work 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 actions.

**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 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. 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. Attendance to such conferences must be approved by the Board.
- B. **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.
  - vi. Expenses must not exceed those in current Reimbursement Policy
- C. **Guests/ Spouse.** The District will only pay for and/or reimburse employees for that portion of expenses that relate to the employee.
- D. **Alcohol.** The District will not reimburse expenses for alcoholic beverages of any kind or for any reason.
- E. **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

Subject to budget limitations and General Manager approval, the District will pay for and/or reimburse employees for state, federal or county recognized certificate and registration programs that are job related. The District will also pay for and/or reimburse employees for job related continuing education courses or renewal fees associated with these certificates or registration programs.

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. Water Treatment Operator - Department of Public Health
- b. Water Distribution Operator - Department of Public Health
- c. Backflow Prevention Device Tester -County of Riverside
- d. Professional Engineering Registration-State of CA
- e. Certified Public Accountant Registration-State of CA

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. 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.
  - v. 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. 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.

F. **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 District 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. Upon termination, the employee shall return all District property.
  - iv. These disciplinary action procedures and any other provided in this manual are not intended to change the at-will nature of the employment relationship with the District. Either an employee or the District may end the employment relationship at any time with or without cause and with or without prior notice. The District reserves the right to terminate the employment relationship, to demote or to otherwise take disciplinary and corrective action without resort to these disciplinary procedures. Nothing in these procedures or in this Manual is intended to create a property interest in employment with the District.

**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 efficient 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 IT Manager or General Manager upon request, and the IT Manager or General Manager 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. 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 IT Director or General Manager.
- 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.
- E. **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.
- F. **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. Contrary terms of this procedure notwithstanding, closed sessions will only be conducted in compliance with requirements of applicable law, including California's open meeting law, the Brown Act.

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 antidrug 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 driver's 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 breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results through 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 results 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 positions shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees to 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 whole reasonably conclude 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 of 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 and/or personnel necessity leave) 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 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: 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, Has a gross vehicle weight rating of twenty-six-thousand-one (26,001) or more pounds; or, Is designed to transport sixteen (16) or more passengers, including the driver; or, 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 <sup>1</sup>	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) <sup>2</sup>	15 ng/ml
Cocaine Metabolite <sup>3</sup>	150 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates Morphine	300 ng/ml
Codeine	300 ng/ml
Amphetamines	
Amphetamine	500 ng/ml
Methamphetamine <sup>4</sup>	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.

- 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, Department Director 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.** Utility truck, dump truck, pick-up, backhoe loader, front-end loader, dowsler etc.

## 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 's 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.

**D. 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.

**E. 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 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 specimen.

**F. 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 in 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.

**G. 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 that reliability of the results.

**H. 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.

**BEAUMONT-CHERRY VALLEY WATER DISTRICT**

**PART II**

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

**Adopted on March 18, 2009 by Resolution 2009-05**

**Amended April 28, 2011 by Resolution 2011-04**

**Amended May 8, 2013 by Resolution 2013-02**

**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.

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## 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 a staff member recommended by 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 follows:
  - 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.** Staff 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 polices, 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.** Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:
  - i. 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:
- a. Temporarily suspend these rules in whole or in part;

- iii. 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 Directors of District credit cards for these purposes is not permitted unless approved by Article 14E.
  - i. Staff as assigned by 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 assigned staff member, 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 be entitled to receive a “per diem” for each day of service to the District. The “per diem” amount 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 accepted 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 Financial Officer will report to the General Manager and will be available to respond to financial questions concerning the District when called upon by board members.

The Financial office 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**

**PART III**

**OPERATIONS  
POLICIES & PROCEDURES MANUAL**

Adopted March 18, 2009 by Resolution 2009-05

Amended April 28, 2011 by Resolution 2011-04

Amended May 8, 2013 by Resolution 2013-02

**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.

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## 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-hundredfifty 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 dependent 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 IT 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 Superintendent 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 IT Manger or 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 Department Director.
  
- F. **Compliance.** The Operations Superintendent 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 General Manager or designee 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 Superintendent 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 Superintendent, 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 Superintendent, 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 Superintendent, or other responsible managing employee.
- xviii. Any damage to scaffolds, false work, shoring or other supporting structures shall be immediately reported to the Foreman or Field Operations Superintendent, 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. Wheelbarrows shall not be used with handles in an upright position.
- xxiv. Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.
- xxv. 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.
- xxvi. Only authorized persons shall operate machinery or equipment.
- xxvii. Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.
- xxviii. 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.
- xxix. Where appropriate, lock-out procedures shall be used.
- xxx. 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.
- xxxi. Air hoses shall not be disconnected at compressors until hose line has been bled.
- xxxii. All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.
- xxxiii. Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.
- xxxiv. 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.

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 and Approval.** The proposed annual budget as reviewed and amended by the Finance Committee shall be presented to the Board for approval prior to the start of the fiscal year.

## 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

<b>Fixed Asset</b>	<b>Useful Life (years)</b>
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

Refer to the current resolution as approved by the Board of Directors.

## 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. EMPLOYMENT OF 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:
- i. Procedure. Consultation Contracts will be advertised for bid in at least one local newspaper of general circulation. 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 necessarily on cost of services.

## 12. EMPLOYMENT OF OUTSIDE CONTRACTORS

- 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.** Contractors for construction and other similar activities (not professional services) will be selected by the General Manager and approved by the Board of Directors. The General Manager and/or Board of Directors shall make their selection on the basis of the lowest responsible bidder after a thorough evaluation of bids.

## 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 deposit in the amount of \$1,000, 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. Additional deposit may be needed if additional work is required.
  - 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 Director of Finance and Administration shall review and approve credit card transactions by the General Manager cardholder. The General Manager shall review and approve credit card transactions by the Director of Finance and Administration.

## 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. For items with a salvage value of greater than \$500, the Board of Directors shall take 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.

## 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, micro photographed, 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
- viii. **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



**BEAUMONT-CHERRY VALLEY WATER DISTRICT**

**PART IV**

**MISCELLANEOUS  
POLICIES & PROCEDURES MANUAL**

Adopted on March 18, 2009 by Resolution 2009-05

Amended April 28, 2011 by Resolution 2011-04

Amended May 8, 2013 by Resolution 2013-02

**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.

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## 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 (As Amended by Resolution 2013-02)

- A. **Policy.** All claims against the District must comply with the California Tort Claim Act, Government Code Section 810, et seq. The failure of a claimant to comply with all provisions of the Tort Claims Act shall be grounds for denial of the claim. All claims must contain the information required by Government Code Sections 910 and 910.2.
- B. This chapter is enacted pursuant to Section 935 of the California Government Code.
- C. **Claims Required.** All claims against the district for money or damages not otherwise governed by the Act or another state law (hereinafter "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to

which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this chapter.

- D. **Form of Claim.** All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless verified by every member of that class as required by this section. In addition, all claims shall contain the information required by California Government Code Section 910.
- E. **Claim Prerequisite to Suit.** In accordance with California Government Code Section 935(b), all claims shall be presented as provided in this chapter and acted upon by the Board of Directors of the District prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of California Government Code Section 900 et seq.
- F. **Suit.** Any action brought against the district upon any claim or demand shall conform to the requirements of Sections 940 through 949 of the California Government Code. Any action brought against any employee of the district shall conform to the requirements of Sections 950 and 951 of the California Government Code.
- G. **Shorter Statutes of Limitation Apply.** Any action brought against the District upon any claim or action governed by a shorter statute of limitations under any laws of the State of California than those prescribed by California Government Code Sections 900 et seq. shall be governed by the shorter statute of limitations that applies to that particular claim or action. All claimants shall be required to satisfy the shorter statute of limitations in pursuing any action against the District.
- H. **General Process.** Upon receipt of a claim, copies shall be sent to the District's General Manager who will forward copies to the District's General Counsel and other individuals as appropriate. After proper examination and investigation, the claim and pertinent information shall be submitted to the Board of Directors for action on the claim. The Board of Directors may approve payment of the claim, compromise all or part of the claim, defer action to a later time or date, request additional information, deny the claim, and/or refer the claim to the District's legal counsel or insurance carrier for further action.
- 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.
- 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. DISTRICT STANDARDS FOR THE FURNISHING OF MATERIALS AND CONSTRUCTION OF WATER AND RECYCLED WATER FACILITIES AND PREPARATION OF WATER SYSTEM PLANS (DISTRICT SPECIFICATIONS)

- 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, District Specifications, including Standard Details, shall be maintained by the District.
- B. **Goal.** The purpose of the District Specifications 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 District Specifications 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 District Specifications 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 environmental 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;
    - i. wells;
    - j. dam
  - 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. wells;
- i. recreational facilities, and
- j. dams and appurtenant structures.
- k. 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

- 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. Annexation in itself will not create a vested right to water service.
- B. **ANNEXATION Requirements.** Annexation procedures are contained in the Districts Rules and Regulations for Water and Recycled Water Service.

## 9. CONSTRUCTION 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 in accordance with the Districts Rules and Regulations for Water and Recycled Water Service and construction projects in accordance with the District Standards for the Furnishing of Materials and Construction of Water and Recycled Water Facilities and Preparation of Water System Plans. Such standards and regulations may be modified from time to time by the Board.