

RESOLUTION 2021-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL: PART I: PERSONNEL

WHEREAS, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

WHEREAS, upon review and discussion, the Personnel Committee of the Board of Directors has recommended revisions to Part I of the Policy and Procedures Manual based on advice given by the District's legal counsel and human resources consultant; and

WHEREAS, the Board of Directors has reviewed and considered the said policy revisions and additions to the BCVWD Policy and Procedures Manual Part I attached as Exhibit A, and finds the policies relevant and acceptable, and deems it to be in the best interests of the District that the following actions be taken,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District as follows:

1. The BCVWD Policies and Procedures Manual, Part I Sections:

Policy Title	Former Section	New Number
Affirmative Action	4	---
Definitions	1	1000
Contractual Provisions	2	1005
Equal Opportunity	3	2000
Access to Personnel Records	5	2010
Harassment	6	2015
Sexual Harassment	7	2020

are hereby replaced in entirety with the policies attached hereto as Exhibit A

2. The BCVWD Policies and Procedures Manual Part I is hereby amended to include new sections:

1010	Policy Manual
2025	Whistleblower Protection

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Signatures on next page

ADOPTED this 14th day of April, 2021, by the following vote:

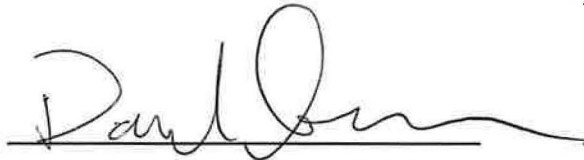
AYES: Covington, Hoffman, Ramirez, Slawson. Williams

NOES:

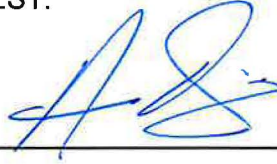
ABSTAIN:

ABSENT:

ATTEST:



Director Daniel Slawson, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment:

Exhibit A: Policies

1000	Definitions
1005	Contractual Provisions
1010	Policy Manual
2000	Equal Opportunity
2010	Access to Personnel Records
2015	Harassment
2020	Sexual Harassment
2025	Whistleblower Protection

EXHIBIT A

BEAUMONT-CHERRY VALLEY WATER DISTRICT

GENERAL

POLICY TITLE: **DEFINITIONS**

POLICY NUMBER: **1000**

1000.1 **District.** The Beaumont-Cherry Valley Water District shall hereinafter be referred to as "District."

1000.2 **Designee(s).** 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.

1000.3 **Employee.** See Policy 3000.

1000.4 **Board of Directors.** The Board of Directors are an elected body and therefore not considered employees of the District. The Board of Directors may be referred to as "the Board" herein. Section 4000 of this Manual defines the roles, responsibilities, and powers of the Board of Directors.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

GENERAL

POLICY TITLE: **CONTRACTUAL PROVISIONS**

POLICY NUMBER: **1005**

1005.1 **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 and any amendment must be in writing and duly adopted by action of the District Board at a properly noticed public meeting.

POLICY TITLE: POLICY MANUAL

POLICY NUMBER: 1010

1010.1 A manual of District policies shall be maintained by the Human Resources Department.

1010.2 The Policy Manual will be available to all employees and members of the public in accordance with the Public Records Act and under applicable law.

1010.3 Revisions to the Policy Manual are subject to approval by the Board of Directors.

1. The Table of Contents, Title Pages, Page Numbering, and Dividers are exempt from Board approval.
2. Changes of format, font, spacing, and corrections of typographical (typo) errors are exempt from board approval.

1015.4 Upon hire, employees will receive a copy of the Policy Manual and sign an acknowledgement of receipt.

1015.5 Individual District departments and employees may maintain additional department or desk manuals separately from the Policy Manual. Adoption or revision of these internal documents are not subject to Board approval.

1015.6 The Policy Manual will be written with clarity, precision, and inclusion. The Policy Manual will be written using APA (American Psychological Association) style and grammar guidelines to increase the ease of reading comprehension.

1. The Policy Manual will use a standardized format and numbering system.
2. The Policy Manual will use the singular "they" as a generic third-person pronoun.
3. The Policy Manual will use the serial comma, also known as the Oxford comma.
4. Law, Government Code, etc. will be cited via parenthetical citations.
5. Policies may cite other policies within the text to provide context via parenthetical citations.
6. Abbreviations must be defined upon first use for each individual policy. Terms defined under the Definitions policy (Policy 1000) need not be defined in subsequent policies. For example, "District" is always defined as "Beaumont-Cherry Valley Water District" (Policy 1000.1).
7. Numbers will be listed as numerals only, not spelled alphabetically. For example, "5," "\$5,000," and "120" are all acceptable.

1015.7 **Reservation of Rights.** As circumstances change, the District may revise, supplement, or rescind policies or portions 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.

POLICY TITLE: EQUAL OPPORTUNITY

POLICY NUMBER: 2000

2000.1 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, gender identity, gender expression, 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), genetic information, marital status, citizenship status, military or veteran status, or other basis protected by law.

2000.2 The District will reasonably accommodate employees and applicants with disabilities if the person is otherwise qualified to safely perform all 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 their 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.

2000.3 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 (Policies 2015 and 2020). 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 (Policy 2020). 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 (Policy 2020).

2000.4 The District complies with all applicable federal and state laws and regulations relating to nondiscrimination in employment and housing.

POLICY TITLE: ACCESS TO PERSONNEL RECORDS

POLICY NUMBER: 2010

2010.1 Employee files are confidential and are to be treated as such. Access to employee files is limited to the following:

1. The Employee. Current or former employees may inspect their own personnel file in the presence of the General Manager or their designee (Labor Code 1198.5). To inspect their own personnel file, an employee may request a Personnel Records Request Form from Human Resources or from their supervisor.
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:
 - a. Administrative Department staff, such as Human Resources personnel, as they need access in the course of their normal duties.
 - b. Management considering an employee for promotion, transfers into their departments, or disciplinary action.
 - c. Members of the Personnel Committee of the Board as it pertains to the Policy Manual subject to legal counsel recommendation.

2010.2 Hard-copy personnel files may not be removed from the Human Resources Department.

2010.3 Representatives of government or law enforcement agencies, in the course of their duties, may be allowed to access file information as permitted by District Policy, Federal, State, or Local Law.

2010.4 Occasionally, portions of a personnel file may be subject to disclosure under a Public Records Act request, either in redacted or unredacted form. In no event will information be disclosed if it constitutes an unwarranted invasion into personal privacy.

POLICY TITLE: HARASSMENT

POLICY NUMBER: 2015

2015.1 The District is committed to providing a work environment for its employees that is free of unlawful harassment. The District prohibits sexual harassment (Policy 2020) as well as harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, age, sex, gender, gender identity, gender expression, sexual orientation, veteran or military status, or any other basis protected by federal, state or local law, ordinance, or regulation (collectively "protected status"). 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.

2015.2 **Reporting.** Employees are encouraged to immediately report any incident of unlawful harassment to either their supervisor, Human Resources, or to the General Manager so that complaints can be quickly and fairly resolved.

2015.3 Harassment because of any protected status is prohibited, including, but not limited to the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures;
3. 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.

2015.4 This policy applies to all employees, interns, volunteers, third parties, and agents of the employer, including supervisory and non-supervisory employees, and it applies to all phases of employment. It also applies to protect employees in the workplace from unwelcome conduct by non-employees, and all reasonable actions will be taken to protect employees from the actions of contractors, suppliers, clients, and others.

2015.5 Bullying, abusive conduct, and other forms of disruptive behavior are considered harassment under this policy.

2015.6 **Complaint Process.** If any employee of the District believes they have been harassed, the employee should provide a written complaint to their supervisor, Department Director, Director of Finance and Administrative Services, the Human Resources Department, or the General Manager as soon as possible after the incident. The complaint should include the details of the incident(s), dates and times, name(s) of the individual(s) involved, together with the name(s) of any witness(es).

2015.7 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). At the discretion of the General Manager, an outside firm or consultant may be retained to conduct an objective investigation.

1. 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, or to the parties named above.
2. 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.
3. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.

2015.8 **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.

2015.9 **Retaliation Prohibited.** The District prohibits retaliation of any kind against any employee who has complained about harassment, opposed harassment, or participated in a harassment investigation.

POLICY TITLE: SEXUAL HARASSMENT

POLICY NUMBER: 2020

2020.1 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 or 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.

2020.2 **Definition.** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct by an individual is used as a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual.
3. 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.
4. Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, comments, or graphic commentaries on the person's body; sexually degrading works to describe the person, or propositions of a sexual nature.
5. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures.
6. 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.
7. Direct or indirect threats or suggestions of sexual relations or sexual contact are made.
8. Retaliation for having reported or threatened to report harassment.

2020.3 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.

1. 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 Human Resources during new hire orientation.
2. An annual bulletin shall be prepared distributed, and signed by all employees informing them of the District's sexual harassment policy. The Human Resources department is responsible for the communication and tracking of the annual bulletin.
3. Within 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.

2020.4 **Training.** All supervisors and Directors shall attend two hours of sexual harassment prevention training every two years. All other employees shall attend one hour of sexual harassment prevention training every two years. The training shall be conducted in accordance with the Department of Fair Employment and Housing regulations and shall include a component on harassment based on gender, gender identity, gender expression, and sexual orientation, as well as abusive conduct.

2020.5 **Complaint Process.** Any employee who believes they are the victim of sexual harassment should notify the other employee that such behavior is offensive and ask them 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, and/or Human Resources Personnel. If the complaint is directed against the General Manager, the complaint shall be filed with the Personnel Committee of the Board of Directors.

1. 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.
2. The complaint should include details of the incident, names of individuals involved, and names of any witnesses.
3. A formal complaint is made in writing. Said form should be submitted by the employee to any supervisory employee, preferably 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.

4. An employee may file a formal or informal confidential complaint without fear of reprisal.
5. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.

2020.6 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 Human Resources, the General Manager, or the General Manager's designee..

1. Within 72 hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall commence and be conducted by Human Resources, the General Manager, or the General Manager's designee, regarding the alleged harassment.
2. The investigation shall include a written statement from the alleged harasser.
3. A written record of any investigation of an alleged sexual harassment shall be maintained. Findings will be sent to the General Manager, or their designee. The General Manager, or their designee, shall immediately inform, in total confidentiality, the Personnel Committee of the Board of Directors.
4. All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.
5. The person initiating the complaint has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.
6. All parties concerned will be advised of the results of the investigation to the extent permitted by District policy and applicable law.

2020.7 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.

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

2. Action taken to remedy a sexual harassment situation shall be done in a manner 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.
3. Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

POLICY TITLE: WHISTLEBLOWER PROTECTION

POLICY NUMBER: 2025

2025.1 The District is committed to the highest standards of financial reporting and lawful and ethical behavior. Protecting the integrity of the District is of paramount importance. Additionally, the District is committed to full compliance with all state and federal statutes, rules, and regulations by all employees and members of the Board of Directors.

2025.2 The purpose of this policy is to encourage and enable Board members, employees, temporary employees, consultants, vendors, and others affiliated with the District to report any action or suspected action taken within the District that is illegal, fraudulent, or in violation of any adopted policy of the District, to a source within the District before turning to outside parties for resolution.

2025.3 **Definition.** A "Whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing, or inquiry, where the employee has reasonable cause to believe that the information discloses violations of state or federal statute, violation or noncompliance with a local, state, or federal rule or regulation, or unsafe working conditions or work practices in the employee's employment or place of employment. A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

2025.4 This policy applies to any matter which is related to the District's business and does not relate to private acts of an individual not connected to the business of the District. This policy is intended to supplement but not replace the District's other related policies such as harassment and discrimination (Policies 2000, 2005, 2015, and 2020), any grievance procedure, or to any applicable state and federal laws governing whistleblowing.

2025.5 Board members and employees are prohibited from taking an adverse action against another employee who has engaged in protected activity.

2025.6 **Protected employees.** An employee, or a person acting on behalf of the employee, who reports or is about to report, or is perceived to have reported or be about to report, verbally or in writing, a violation or suspected violation of this policy, unless the employee knows the report is false. Additionally, employees are protected when the employee is requested by the District or any agency or officer thereof, to participate in an investigation, hearing, or inquiry held by the District, agency, or official, are protected under this policy.

2025.7 **Retaliation Prohibited.** No District Board member or employee may take the following actions against any other employee or Board member because the latter employee or Board member in good faith engaged in certain kinds of protected activity:

1. Terminate, demote, suspend, or take other similar adverse employment action.
2. Threaten, or otherwise discriminate against an employee regarding the employee's compensation,

- terms, conditions of employment, work location assignment, or privileges.
3. Subject to coercion or disciplinary action.

2025.8 To protect the District's integrity and the public's trust, the District may take official action to enforce and punish violations of standards of this policy.

2025.9 **Protected Activity.**

1. Disclosure of information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate.
2. Refusal to participate in an activity that would result in violation of a state or federal statute, or a violation of noncompliance with local, state, or federal rule or regulation.
3. Filing a complaint for investigation with the California Office of the Controller's Whistleblower Program, the District Attorney, the Grand Jury, Cal/OSHA, or any other agency or District department or person with authority to receive or process whistleblower complaints alleging:
 - a. Improper governmental activity
 - b. Misuse of funds
 - c. Deficiencies in quality and delivery of services
 - d. Wasteful or inefficient practices
 - e. Unlawful activity in connection with a District contract
 - f. Abuse of authority
 - g. Specified or substantial danger to public health or safety
 - h. Use of a District office, position, or resource for personal gain
 - i. Any other similar type of complaint
4. This protection extends to those whose allegations that are made in good faith but prove to be mistaken.
5. The District reserves the right to discipline employees who make bad faith, knowingly false, or vexatious complaints, reports, or inquiries or who otherwise abuse this policy.
6. Complaints or concerns expressed to co-workers who do not have the authority to act on whistleblower complaints are not protected activity under this policy.

2028.10 **Reporting.**

1. All persons who witness or experience improper activity of the type enumerated by this policy shall report the activity in order to facilitate early, effective, and impartial investigation and intervention by the District.
2. Any whistleblower who believes they are being retaliated against must contact the Human Resources department, the General Manager, or the General Manager's designee immediately.
3. Matters reported internally will be investigated by the General Manager or their designee. The District will provide a full report on matters raised under this policy to the Board of Directors.
4. Complaints, reports, or inquiries may be made under this policy on a confidential or anonymous basis. The report should provide sufficient information and specific facts. The District will conduct a prompt and objective review and investigation of the allegation.