

RESOLUTION 2022-28

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

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 the Policy and Procedures Manual based on advice given by the District's legal counsel and human resources; and

WHEREAS, the Board of Directors has reviewed and considered the said policy revisions to the BCVWD Policy and Procedures Manual Part I attached as Exhibit A, 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:

The BCVWD Policies and Procedures Manual Sections:

| | |
|------------------------------|------------------------------------------|
| Part 1 Personnel, Section 19 | Work Hours, Overtime and Standby Program |
| Part 1 Personnel, Section 24 | Sick Leave |
| Part 1 Personnel, Section 34 | Occupational Certification Assistance |

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

| | |
|------|------------------------------------------|
| 3055 | Work Hours, Overtime and Standby Program |
| 3085 | Sick Leave |
| 3135 | Occupational Certification and Education |

ADOPTED this 14th day of September, 2022, by the following vote:

AYES: Covington, Slawson, Hoffman

NOES:

ABSTAIN:

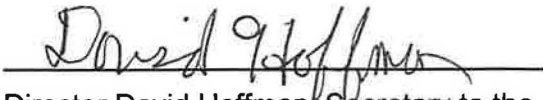
ABSENT: Ramirez, Williams

Signatures on next page

ATTEST:



Director Lona Williams, President of the Board of Directors of the
Beaumont-Cherry Valley Water District



Director David Hoffman, Secretary to the Board of Directors of the
Beaumont-Cherry Valley Water District

Attachments – Exhibit A: Policies 3055, 3085, 3155

EXHIBIT A

POLICY TITLE: WORK HOURS, OVERTIME, AND STANDBY PROGRAM
POLICY NUMBER: 3055

3055.1 **Application.** This policy shall apply to all non-exempt (“hourly”) employees.

3055.2 **Workday.** Except where an alternative work schedule has been implemented by the General Manager and the Board of Directors, a normal workday is defined as 8 hours of work plus an unpaid one-half hour lunch break followed by 15 ½ hours of rest for all employees except clerical classifications. Clerical employees’ normal workday shall consist of 8 hours of work and a ½ hour unpaid lunch period followed by 15 hours of rest unless an Alternative Work Week is adopted.

3055.3 **Alternative Work Week.** Alternative work schedules and Alternate Work Weeks such as a “4/10” schedule 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).

3055.4 **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 (See Policy 3025.2 for the definition of the workweek). State law rules involving daily overtime after 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. Only actual hours worked shall be counted toward hours worked in a day or in a workweek for the purposes of calculating overtime. 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 Human Resources or the General Manager as soon as possible.

3055.5 **Standby Program.** A “standby day” for purposes of calculating standby compensation shall be the period of time when an employee has been assigned to be available for purposes of handling emergency situations arising at times other than normally scheduled working hours and not as an extension of a regularly scheduled shift. For more information, refer to the Memorandum of Understanding between Beaumont-Cherry Valley Water District and Beaumont-Cherry Valley Water District Employee Association (MOU), Articles 12-14. 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.

1. **Scheduling and Compensation.** A regular standby period will be for a one-week duration from Thursday at 7:30 a.m. to Thursday at 7:30 a.m. This includes nights, weekends, and holidays. The employee providing standby services will be compensated at a flat rate of \$40 per day for the primary on-call employee, and \$30 per day for the standby helper plus overtime pay of time and one-half for the actual call-out, with a two-hour minimum paid as reporting time. 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 unless actual time work exceeds two hours, in which case time will be paid according to hours actually worked.

2. **Rotation.** The Director of Operations, or his/her designee, will establish the number of individuals eligible for Standby and provide an equitable rotation schedule.
3. **Training.** Employees new to the standby program will be supported by a Production Department employee for all Supervisory Control and Data Acquisition (SCADA) system alarms. The progress of the employees in training shall be regularly evaluated, and at the end of the six-month Introductory Period (Policy 3000.3), or sooner as determined by the supervisor, should be considered able to respond to Supervisory Control and Data Acquisition (SCADA) system alarms.
4. **Schedule.** The schedule for standby will be posted for a period of at least 3 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.
5. **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.
6. **Participation Criteria.** An employee interested in the standby program must meet the following minimum requirements:
 - a. Must complete training requirements as outlined in section 3055.5.3 above.
 - b. Possess a Certificate of Competency as a Water Distribution Operation I or Water Treatment Operator I (California Department of Health Services), and possess a valid California Driver's License.
 - c. Primary On-Call Staff must be a Senior Water Utility Worker, experienced Water Utility Worker II, or a member of Production Staff. Helpers are eligible to support the Primary On-Call Staff after 6 months of employment, or sooner as determined by the employee's supervisor.
 - d. Be able to travel from their residence to the District Main Office within approximately 15 minutes.
 - e. Possess working knowledge of the methods, equipment, materials, and terminology used in the operation and maintenance of the water distribution system.
 - f. Ability to maintain accurate records and make reports.
 - g. Ability to understand and follow oral and written directions of a technical nature.
 - h. Ability to maintain harmonious working relations with others.

7. **Program Operation Guidelines.** The standby employee is responsible for responding to 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 Senior Water Utility Worker or an experienced 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 Water Utility Superintendent and/or Department Director shall be contacted. If these individuals cannot be reached the Director of Engineering or General Manager shall be contacted.

8. **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.

POLICY TITLE: SICK LEAVE
POLICY NUMBER: 3085

3085.1 **Application.** This policy shall apply to employees in all classifications who work at least 30 days within a year in accordance with the Healthy Workplaces, Healthy Families Act of 2014 (AB 1522).

3085.2 **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.

3085.3 **Accrual.** Employees shall accumulate sick leave at the rate of 1 day per month. A temporary or part-time employee will accrue sick leave at the rate of 1 hour for every 30 hours worked.

3085.4 There is no waiting period before new hires are eligible to use accrued sick leave.

3085.5 **Use.** Each employee may use accrued sick leave as kin care leave, to care for sick 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, spouses, registered domestic partners, grandparents, grandchildren, and siblings.

1. A "child" means a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom an employee stands *in loco parentis*, regardless of age or dependency status.
2. A "parent" means a biological, foster, or adoptive parent, a stepparent, legal guardian, or person who stood *in loco parentis* when the employee was a minor child. Mothers-in-law and fathers-in-law are also considered "parents" for the purposes of this definition.
3. The term "spouse" applies only to an individual to whom the employee is legally married.
4. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
5. A sibling includes any person with whom the employee shares a biological, foster, adoptive, or step parent.
6. Any other definition of "family member" that in the future the Legislature deems covered by paid sick leave law.

3085.6 An employee may also use sick leave to seek relief or services as a victim of domestic violence, sexual assault, or stalking, as described under Labor Code sections 230(c) and 230.1(a).

3085.7 **Notice.** In order to receive compensation while on sick leave, the employee shall notify a supervisor prior to the time for beginning the regular workday, or as soon thereafter as practical.

3085.8 **Evidence.** If absence from duty by reason of illness occurs, satisfactory evidence may be required by the employee's immediate supervisor or Human Resources. Such evidence may include but is not limited to a medical certification from a licensed physician.

3085.9 Retaliation against employees for use of sick leave is prohibited.

3085.10 **Buy-Back.**

1. **Incentive Plan A.** An employee not using any sick leave for 12 consecutive months may convert his/her accrued sick hours to cash at a rate of half (.5) times his/her regular hourly rate. Sick hours may be "cashed out" at the employee's request no more than 2 times per calendar year. Employees must maintain a balance of at least 40 hours of sick leave.
2. **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 Incentive Plan A above. The beneficiary shall be the individual indicated on the employee's Life Insurance Beneficiary Form.

POLICY TITLE: OCCUPATIONAL CERTIFICATION AND EDUCATION
POLICY NUMBER: 3135

3135.1 Employees of the District are encouraged to pursue educational opportunities which are related to their present work, which will prepare them for foreseeable future opportunities within the District, or which will prepare them for future career advancement.

3135.2 The employee's supervisor is responsible for working with the employee to determine appropriate training and professional development topics and establishing training goals with the employee.

3135.3 To be eligible for reimbursement or payment of costs, the employee must receive advance approval for the class(es), course, certification, license, or renewal from his or her supervisor or department head. The employee is responsible for providing documentation of expenses and satisfactory completion of the course of study to the supervisor. Reimbursement or payment of costs will be subject to budget availability and approval.

3135.4 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. This does not include Class "C" driver's licenses.

3135.5 Examples of Certificates/Licenses that may be compensated for upon approval of the employee's Department Head and the General Manager are listed below.

1. Water Treatment Operator-Department of Public Health
2. Water Distribution Operator-Department of Public Health
3. Backflow Prevention Device Tester-County of Riverside
4. Cross-Connection Control Program Specialist
5. Class "A" or "B" Driver's License-Department of Transportation
6. Professional Engineering Registration-State of CA
7. Certified Public Accountant Registration-State of CA

3135.6 Other direct occupational programs related to an employee job classification may qualify if approved by the General Manager on a case-by-case basis.

3135.7 Wages will be paid for attendance at after-hours classes or courses if the course is required for the employee's classification and if the employee is directed by his/her supervisor to attend the course outside of regular working hours. Wages will be paid in accordance with Policies 3005 Compensation and 3055 Work Hours, Overtime and Standby Program.

3135.8 Employees are not eligible for reimbursement for class(es), course(s), certification(s), or educational programs which do not result in a passing grade, score, certification, etc.

3135.9 Employees are not eligible for reimbursement for class(es), course(s), certification(s), or educational programs which were obtained prior to employment with the District.

3135.10 **Incentive Pay.** Employees may be eligible for Incentive Pay in accordance with the Memorandum of Understanding with the Employee Association, or by an employment agreement with the District.