

# EMPLOYEE HANDBOOK



Frazier Park Public Utility District

(FPPUD)

Revised 2023

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## **GENERAL PROVISIONS**

### **INTRODUCTORY STATEMENT**

This employee handbook contains an overview of the policies and practices of Frazier Park Public Utility District (the “District”) and is intended to explain the terms and conditions of employment of all full- and part-time employees. It is designed to give you a ready reference to answer many of your questions regarding your employment with us. We intend for this handbook to offer two-way communication: what you can expect from us, and what we expect from you. This handbook and its policies apply to all employees, with some policies explicitly limited to non-exempt employees.

This handbook summarizes the policies and practices in effect at the time of publication and is only a summary of the benefits, policies, and regulations of the District. This handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here. The General Manager will be happy to answer any questions you may have.

Written employment contracts between the District and some individuals may supersede some of the provisions of this handbook.

This handbook shall not be construed as creating any kind of employment contract between you and the District.

### **RIGHT TO REVISE**

The District reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and must be approved by the Board of Directors. No oral statements or representations can in any way alter the provisions of this handbook.

Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

### **AT-WILL EMPLOYMENT STATUS**

Unless otherwise provided in a written employment contract approved by the Board of Directors, District personnel are employed on an at-will basis. Employment at-will means that the

employment relationship may be terminated, with or without cause and with or without advance notice at any time by the employee or the District. Nothing in this handbook shall limit the right to terminate at-will employment.

No manager, supervisor, or employee of the District has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the Board of Directors of the District has the authority to make any such agreement, which is binding only if it is in writing.

This handbook sets forth the entire agreement between you and the District as to the duration of employment and the circumstances under which employment may be terminated. Nothing in this handbook or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

Nothing in this at-will statement is intended to interfere with an employee's rights to communicate or work with others toward altering the terms and conditions of his or her employment.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The District is an equal opportunity employer and makes employment decisions on the basis of merit. We want to have the best available persons in every job. District policy prohibits unlawful discrimination based on race, color, creed, gender (including gender identity and gender expression), religion (all aspects of religious beliefs, observance or practice, including religious dress or grooming practices), marital status, registered domestic partner status, age, national origin, ancestry, physical or mental disability, medical condition (including cancer, a record or history of cancer, and genetic characteristics), sex (including pregnancy, childbirth, breastfeeding, or related medical condition), reproductive health decisions, genetic information, sexual orientation, military and veteran status or any other consideration made unlawful by federal, state, or local laws. It also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics. Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

All such discrimination is unlawful.

The District is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in District operations. The District prohibits unlawful discrimination against any job applicant, employee, or unpaid intern by any employee of the District, including supervisors and coworkers.

If you believe you have been subjected to any form of unlawful discrimination, submit a written complaint to the General Manager. If the circumstances warrant, a complaint may be submitted to the President of the Board of Directors. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The District will immediately undertake an effective, thorough, and objective investigation and attempt to resolve the situation.

If the District determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future discrimination. The District will not retaliate against you for filing a complaint and will not knowingly permit retaliation by management, employees or your coworkers.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the General Manager to discuss the need for an accommodation. The District will engage in an interactive process with the employee to identify possible accommodations, if any, which will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact the General Manager to discuss the need for an accommodation.

## **ANTI-HARASSMENT**

The District is committed to providing a work environment free of harassment, disrespectful, or other unprofessional conduct. District policy prohibits conduct that is disrespectful, unprofessional, or harassing based on sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity and gender expression), national origin, ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, military and veteran status, or any other basis protected by federal, state, or local law, ordinance, or regulation. It also prohibits harassment, disrespectful, or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has, or is perceived as having, any of those characteristics. All such conduct violates District policy.

The District's anti-harassment policy applies to all persons involved in the operation of the District and prohibits harassment, disrespectful, or unprofessional conduct by any employee of the



District including supervisors and managers, as well as vendors, customers, independent contractors, and any other persons. Applicants, employees, unpaid interns, volunteers, and independent contractors are all protected from harassment.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs, or unwanted sexual advances, invitations, or comments;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement, or interfering with work because of sex, race, or any other protected basis;
- Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law, or by District policy.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by any sexual desire.

If you believe that you have been the subject of harassment or other prohibited conduct, bring your complaint to the General Manager, as soon as possible after the incident. If the General Manager is involved in the conduct, your complaint should be brought to the President of the Board of Directors, in writing. You will be asked to provide details of the incident or incidents, names of individuals involved, and names of any witnesses. The District will immediately undertake an effective, thorough, and objective investigation of the allegations.

If the District determines that harassment or other prohibited conduct has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined by the District to be responsible for harassment or other prohibited conduct will be subject to appropriate disciplinary action up to, and including, termination. A District representative will advise all parties concerned of the results of the investigation. The District will not retaliate against you for filing a complaint and will not tolerate or permit retaliation by management, employees, or co-workers.

The District encourages all individuals to report any incidents of harassment or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved. You also should be aware that the Federal Equal Employment Opportunity Commission

and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book or can be found by visiting the agency websites at [www.dfeh.ca.gov](http://www.dfeh.ca.gov) and [www.eeoc.gov](http://www.eeoc.gov).

## **OPEN DOOR POLICY**

Suggestions for improving the District are always welcome. At some time, you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your good-faith complaints, questions, and suggestions also are of concern to the District. We ask you to first discuss your concerns with your supervisor, following these steps:

- Within a week of the occurrence, bring the situation to the attention of your immediate supervisor, who will then investigate and provide a solution or explanation.
- If the problem persists, you may present it to the General Manager, who will investigate and provide a solution or explanation. While a written complaint will assist us in investigating your concerns, it is not required that you put your complaint in writing. If you need assistance with your complaint, or you prefer to make a complaint in person, contact the General Manager. We encourage you to bring the matter to the General Manager as soon as possible after you believe that your immediate supervisor has failed to resolve it.

This procedure, which we believe is important for both you and the District, cannot guarantee that every problem will be resolved to your satisfaction. However, the District values your observations and you should feel free to raise issues of concern, in good faith, without the fear of retaliation. If the nature of the complaint involves the District General Manager, the employee should report the concern to the President of the Board of Directors.

# **HIRING**

## **APPOINTMENT/HIRING OF EMPLOYEES**

The General Manager is an exempt employee of the District and is appointed by the Board of Directors to manage the affairs of the District at the direction of the Board. The General Manager has full authority to employ and discharge employees and assign duties in accordance with the “at-will” policy described above.

## **JOB DUTIES**

Upon hiring, your job responsibilities and the performance standards expected of you will be explained to you. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of your department or the District. Your cooperation and assistance in performing such additional work is expected.

The District reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

## **PHYSICAL EXAMINATION AND DRUG TESTING**

All offers of employment with the District are contingent upon successful completion of a background check, physical examination and drug screen. Once an employment offer has been made, prior to beginning work, every person conditionally offered employment by the District shall take a job-related physical examination by a District authorized physician to determine whether the applicant is capable of safely performing the essential functions of the position he or she has been offered.

In addition, all employees in positions which involve public safety or whose actions could endanger the health and safety of others will be required to undergo a pre-employment drug test.

## **WATER CERTIFICATION**

Certain positions require the attainment of California certification for water treatment or water distribution. Some employees will be hired with the understanding that they have one year from the date of hire to obtain such certification. Once obtained, the certification must be maintained.

The District will reimburse employees for the costs associated with obtaining and maintaining these certifications.

## **EMPLOYEE CLASSIFICATIONS**

**Regular Employees:** Regular employees are those who are hired to work on a regular schedule. Regular employees may be classified as full-time or part-time.

**Full-Time Employees:** Regular full-time employees are those who are scheduled for, and do, work 40 hours per week and are not temporary employees. Regular full-time employees are eligible for most employee benefits described in this handbook.

**Part-Time Employees:** Part-time employees are those who are scheduled for, and do, work fewer than 40 hours per week, but not fewer than 20 hours. Part-time employees are only eligible for certain benefits.

**Temporary Employees:** Temporary employees are those employed for short-term assignments. Short-term assignments generally are periods of three months or fewer; however, such assignments may be extended. Temporary employees are not eligible for employee benefits, except those mandated by applicable law.

**Exempt Employees:** Exempt employees are exempt from the overtime provisions of the Federal Fair Labor Standards Act. If you are an exempt employee, you will be so advised by the District.

**Non-Exempt Employees:** Non-exempt employees are those who are covered by the overtime provisions of the Federal Fair Labor Standards Act. Unless you are advised otherwise, you are a non-exempt employee.

**Change in Employment Status:** The District may change the employment classification of any employee at any time based on the nature of the employment assignment.

## **INTEGRATION PROVISION**

The District certainly hopes that employees and the District will find the employment relationship rewarding, satisfying, and mutually beneficial. It is nevertheless clear that employment relationships are not always successful or mutually satisfactory. It is important to note that no job, title, status or assignment creates a right to employment for a specified duration or a guarantee of employment for any specific length of time.

All employment relationships, regardless of classification, are at the mutual consent of the employee and the District. Accordingly, either the employee or the District can terminate the employment relationship at will, at any time, either with or without cause or advance notice. Moreover, no one in the organization, other than the District president with the approval of the full Board, has the authority or legal ability to modify the at-will nature of the employment relationship. The District president can do so only if it is done specifically and unequivocally in a written agreement that is signed both by the District president and the employee. This represents an integrated agreement with respect to the at-will nature of the employment relationship.

## LEAVES OF ABSENCE

### SICK LEAVE

As of July 1, 2015, California law provides for mandatory paid sick leave under the Healthy Workplaces, Healthy Families Act (the "Act"). This paid sick leave policy is intended to comply with the requirements of the Act.

Employees cannot be discriminated or retaliated against for requesting or using accrued paid sick time.

If you have any questions about paid sick leave, please contact the General Manager.

### ELIGIBLE EMPLOYEES

Beginning July 1, 2015, all employees who have worked in California for the same employer for 30 or more days within a year from the start of their employment will be entitled to paid sick time.

**However, employees are not eligible to take paid sick time until they have worked for the District for 90 days from their date of hire.**

### SICK PAY AMOUNT

Eligible employees earn sick leave at the rate of 1.25 hours of paid sick time for every week (whether 4/10 hour days, 5/8 hour days, or 4/8 hour days) of employment. At a minimum, employees will earn at least three days or 30 hours of paid sick time every 12 months.

You will need to meet the 90 day employment requirement before taking any leave.

Exempt employees are presumed to work 40 hours per workweek for purposes of sick time accrual. If their normal workweek is less than 40 hours, accrual will be based on their normal workweek.

### CAP ON ACCRUAL

Employees may not accrue more than 80 hours or eight regularly-scheduled workdays of paid sick leave, whichever is greater, at any given time. Employees who reach the applicable cap will cease to accrue further paid sick leave hours until paid sick leave is used, at which point the employee will continue to accrue additional paid sick leave up to the cap. Paid sick leave not used in a year otherwise carries over from year to year.

## **QUALIFYING REASONS FOR PAID SICK LEAVE**

Paid sick time can be used for the following reasons:

- Diagnosis, care, or treatment of an existing health condition for an employee or covered family member, as defined below.
- Preventive care for an employee or an employee's covered family member.
- For certain, specified purposes when the employee is a victim of domestic violence, sexual assault, or stalking.

For purposes of paid sick leave, a covered family member includes:

- A child defined as a biological, foster, or adopted child; a stepchild; or a legal ward, regardless of the age or dependency status of the child. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.
- A "parent" defined as a biological, foster, or adoptive parent; a stepparent; or a legal guardian of an employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if he or she is not your legal parent.
- A spouse.
- A registered domestic partner.
- A grandparent.
- A grandchild.
- A sibling.
- Or other designated person (the employee may select one designated person per each 12 month period).

## **USE OF PAID SICK LEAVE**

If the need for paid sick leave is foreseeable, employees shall provide advance oral or written notification to the General Manager. If the need for paid sick leave is not foreseeable, employees shall provide notice to the General Manager as soon as practicable.

An employee's use of paid sick time may run concurrently with other leaves under local, state, or federal law.

## **INCREMENTAL USE**

Paid sick leave can be used in one hour increments.

## **PAID SICK LEAVE AND WORKERS' COMPENSATION BENEFITS**

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy, or other prescribed appointments will not be paid as time worked. If you have accrued and unused paid sick leave, the additional absences from work will be paid with the use of paid sick leave.

If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may choose to substitute vacation for further absences from work, related to your illness or injury.

## **VACATION**

Full-time employees are entitled to accrue:

Date of employment = 5 days per year, accrued at a rate of 1.9230 hours per pay period.

Start of second year of employment = 10 days per year, accrued at a rate of 3.8461 hours per pay period.

Start of fifth year of employment = 15 days per year, accrued at a rate of 5.7692 hours per pay period.

Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment. Temporary and part-time employees do not accrue paid vacation.

Vacation can accrue up to two times the annual allotment ("accrual cap"). Once the accrual cap is reached, no additional vacation can be accrued until earned vacation time is used.



Employees become eligible to take accrued vacation after six months of active service as work schedules permit. Vacation requests must be made in writing to the General Manager two weeks in advance. The General Manager will make final determinations and must approve your vacation schedule in advance. Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements.

An employee whose employment terminates will be paid for accrued and unused vacation/sick days.

### **CASHING OUT OF VACATION/SICK TIME**

Although the District encourages all employees to utilize their vacation time for rest and relaxation, an employee may, at their request, cash-out accrued vacation/sick time only once per calendar year (unless approved by the General Manager). Employees may elect to receive cash-in-lieu of vacation/sick time under the following conditions:

- The employee has at least six months of active service with the District.
- The employee has not requested to cash-out vacation at any other time during the calendar year (January 1 to December 31). Employees may cash-out accrued vacation/sick time only once per calendar year unless approved by the General Manager. Employees may only cash out time during scheduled payroll pay periods.
- The employee must maintain a balance of at least 40 hours of accrued sick time after the cash-out.
- There is no minimum amount of vacation/sick time that an employee may cash-out.

### **REQUIRED USE OF VACATION BEFORE UNPAID LEAVE**

You are required to take accrued and unused vacation before taking unpaid leave, or having unpaid absences. For eligible employees, Family and Medical Leave (under both state and federal law) is included in this requirement, unless the absence is pregnancy-related or the leave is FMLA-related and you are receiving wage replacement through a disability benefit plan (regardless of whether the plan is employer-provided or mandatory under state or federal law, such as state disability insurance).

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) or because of a disability that qualifies you for State Disability Insurance (SDI) benefits, please contact the General Manager to discuss coordination of your benefits.

District recognizes that employees may have a family medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of their available sick/personal time. To address this need, all eligible employees will be allowed to donate accrued paid sick or personal leave hours from their unused balance to their co-workers in need of additional paid time off, in accordance with the policy outlined below. This policy is strictly voluntary.

## **ELIGIBILITY**

Employees must be employed with the District for a minimum of one year to be eligible to donate and/or receive donated sick/personal time.

## **GUIDELINES**

Employees who would like to make a request to receive donated sick/personal time from their co-workers must have a situation that meets the following criteria:

**Medical emergency**, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined as a spouse, domestic partner child or parent.

**Major disaster**, defined as a disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the president pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to a family member of the employee that requires the employee to be absent from work.

## **DONATION OF SICK/PERSONAL TIME**

- The donation of sick/personal time is strictly voluntary.
- Recipient identity will not be disclosed to donating employees without the recipient's approval.
- The donation of sick/personal time is on an hourly basis, without regard to the dollar value of the donated or used leave.
- The minimum number of sick/personal hours that an eligible employee may donate is 4 hours per calendar year; the maximum is 40 hours or no more than 50 percent of the employee's current balance.

- Employees cannot borrow against future sick/personal time to donate.
- Employees who are currently on an approved leave of absence cannot donate sick/personal time.

## **REQUESTING DONATED SICK/PERSONAL TIME**

Employees who would like to request donated sick/personal time are required to complete a Donation of Sick/Personal Time Request Form and submit it to the General Manager.

Requests for donations of sick/personal time must be approved by the General Manager.

If the recipient employee has available sick/personal time in his or her balance, this time will be used prior to any donated sick/personal time. Donated sick/personal time may only be used for time off related to the approved request.

Employees who receive donated sick/personal time may receive no more than 480 hours (12 weeks) within a rolling 12-month period.

Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family and Medical Leave Act.

## **LEAVES OF ABSENCE**

The District provides (1) family care, medical, and military family leave for up to 12 or 26 weeks per year, depending on the reason, see section II(D), in accordance with California's Family Rights Act ("CFRA"); (2) pregnancy leave for up to four months in accordance with the California Fair Employment and Housing Act ("FEHA"); (3) disability leave as required to reasonably accommodate employees with a workplace injury or a qualified disability under the Americans with Disabilities Act ("ADA") or the FEHA; and (4) leave for other legally required absences as set forth below. Employees having any questions regarding this policy should contact the General Manager.

## **CALIFORNIA CFRA LEAVE POLICY**

The California Family Rights Act (CFRA) provides eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave employees may use under this policy is twelve (12) weeks within a 12-month period. For more information regarding leave under this policy, employees should contact the General Manager.

## **A. Eligibility**

To be eligible for CFRA leave, employees must:

1. Have worked at least twelve (12) months for the District in the preceding seven years (limited exceptions apply to the seven-year requirement).
2. Have worked at least 1,250 hours for the District over the twelve (12) months preceding the date the leave would commence.

All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility.

## **B. Conditions Triggering Leave**

CFRA leave may be taken for any of the following reasons:

1. To care for or bond with a newborn child.
2. To care for or bond with a child placed with the employee and/or the employee's registered domestic partner for adoption or foster care.
3. To care for an immediate family member (employee's spouse, parent, registered domestic partner, child or registered domestic partner's child of any age, sibling, grandparent or grandchild) or designated person with whom the employee is related by blood or has a close association with that is equivalent to a family relationship (the employee may select 1 designated person per 12-month period) with a serious health condition.
4. Because of the employee's serious health condition that makes the employee unable to perform his or her job (with the exception of pregnancy, which is covered under Pregnancy Disability Leave and does not run concurrently with CFRA).
5. A qualifying military exigency related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child (of any age) or parent in the United States armed forces, as specified in Section 3302.2 of the Unemployment Insurance Code.

## **C. Definitions**

A "serious health condition" is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider, and either prevents the employee from performing the functions of his or her job or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing-treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider, or one visit to a health care provider and a continuing regimen of care; an incapacity caused by a chronic condition or permanent or long-term conditions; or absences due to multiple treatments. Other situations may also meet the definition of “continuing treatment.”

#### **D. The 12-Month Measurement Period**

Provided all the conditions of this policy are met, an employee may take a maximum of 12 weeks of leave for qualified purposes in a rolling 12-month period measured backwards from the date the employee's leave commences.

#### **E. Intermittent or Reduced-Schedule Leave**

Eligible employees may take CFRA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member. Intermittent leave to bond with a new child must be taken in two-week increments, with a shorter duration allowed on two occasions.

Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt The District's operations. Intermittent leave is permitted in intervals of at least one hour or at the same intervals as provided in the District's sick leave or vacation policy, whichever increments are smaller.

#### **F. Interaction with Paid Leave**

Depending on the purpose of the leave request, employees may choose (or the District may require employees) to use accrued paid leave (such as sick leave or vacation) concurrently with some or all of the CFRA leave. To use paid leave concurrently with CFRA leave, eligible employees must comply with the District's normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice).

Employee paid-leave accruals (vacation, sick leave) will continue while paid leave is used during periods of CFRA absence and in accordance with those individual policies.

Employee paid-leave accruals will not continue during unpaid periods of CFRA absence or when only disability payments are being received.

## **G. Maintenance of Health Benefits**

If employees and/or their families participate in the District's group health plan, the District will maintain coverage during CFRA leave on the same terms as if employees had continued to work. If applicable, employees must make arrangements to pay their share of health plan premiums while on unpaid leave. In some instances, the District may recover premiums it paid to maintain health coverage or other benefits for employees and/or their families. Use of CFRA leave will not result in the loss of any employment benefit that accrued prior to the start of leave under this policy. Employees should consult the applicable plan document for information regarding eligibility, coverage and benefits.

## **H. Procedures**

When seeking leave under this policy, employees must provide the following to the General Manager:

1. Thirty (30) days' notice of the need to take CFRA leave if the need for leave is foreseeable, or notice as soon as practicable in the case of unforeseeable leave and in compliance with the District's normal call-in procedures, absent unusual circumstances.
2. Medical certification supporting the need for leave due to a serious health condition affecting the requesting employee or an immediate family member within fifteen (15) calendar days of the District's request for the certification (additional time may be permitted in some circumstances). Failure to do so may result in delay of the commencement of leave or denial of a leave request. Second or third medical opinions may also be required when allowed.
3. Periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.
4. A return-to-work release before returning to work if the leave was due to the employee's serious health condition.

## **I. Employer Responsibilities**

To the extent required by law, the District will inform employees whether they are eligible for leave under CFRA. Should employees be eligible for CFRA leave, the District will provide them with a notice that specifies any additional information required, as well as their rights and responsibilities. The District will also inform employees if leave will be designated as CFRA-protected and, to the extent possible, note the amount of leave counted against employees' leave entitlement. If employees are not eligible for CFRA leave, the District will provide a reason for the ineligibility.

## **J. Job Restoration**

Upon returning from CFRA leave, employees will typically be restored to their original position or to an equivalent position with equivalent pay, benefits and other employment terms and conditions. An employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave.

## **K. Failure to Return After CFRA Leave**

If an employee fails to return to work as scheduled after CFRA leave or if an employee exceeds the 12-week CFRA entitlement, the employee will be subject to the District's other applicable leave of absence, accommodation and attendance policies. This may result in termination if the employee has no other District-provided leave available that applies to the continued absence. Likewise, following the conclusion of the CFRA leave, the District's obligation to maintain the employee's group health plan.

## **PREGNANCY DISABILITY LEAVE**

Employers with five or more employees are required provide pregnancy disability leave ("PDL"). PDL provides for up to four months of unpaid leave for disability caused by an employee's pregnancy, childbirth, or related medical condition.

Any female employee planning to take PDL should advise the General Manager as early as possible. The individual should make an appointment with the General Manager to discuss the following conditions:

- **DURATION OF LEAVE:** Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months. Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.
- **REASONABLE ACCOMMODATION:** The District will reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy.
- **NOTIFICATION TO DISTRICT RE START OF LEAVE:** Employees who need to take pregnancy disability must inform the District when a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable, employees must provide reasonable advance notice at least 30 days before the pregnancy

disability leave or transfer is to begin. Employees must consult with the General Manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the employee's health care provider. If 30 days' advance notice is not possible, notice must be given as soon as practical. Failure to give reasonable advance notice may result in delay of leave, reasonable accommodation, or transfer.

Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide the District with a written certification from a health care provider for need of PDL, reasonable accommodation, or transfer. The certification must be returned within 15 calendar days. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation, or transfer. The certification indicating the need for disability leave should contain:

- A statement that the employee needs to take pregnancy disability leave because she is disabled by pregnancy, childbirth, or related medical condition;
- The date on which the employee became disabled due to pregnancy;
- The probable duration of the period or periods of disability; and
- If the employee needs a reasonable accommodation or transfer, a medical certification is sufficient if it contains all of the following: a description of the requested reasonable accommodation or transfer; a statement that describes the medical advisability of the reasonable accommodation or transfer because of pregnancy; and the date on which the need for reasonable accommodation or transfer became/will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

Leave returns will be allowed only when the employee's physician sends a release.

An employee will be allowed to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation or personal time (if otherwise eligible to take the time) during a pregnancy disability leave.

Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. If intermittent leave or leave on a reduced work schedule is medically advisable the employee may, in some instances, be required to transfer temporarily to an available alternative position that meets the employee's needs. The alternative position need not consist of equivalent duties, but must have the equivalent rate of pay and benefits. The employee must be qualified for the position. The position must better accommodate the employee's leave requirements than her regular job. Transfer to an alternative position can include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.



Upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave.

In some instances, an employer can recover from an employee premiums paid to maintain health coverage if the employee fails to return following pregnancy disability leave. PDL may impact other benefits or a seniority date. Please contact the General Manager for more information.

## **PERSONAL LEAVE**

A personal leave of absence without pay may be granted at the discretion of the General Manager. Requests for personal leave should be limited to unusual circumstances requiring an absence of longer than two weeks. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay. In granting or denying request for personal leave, the General Manager may take into account the reasons for the requested leave, the length of time requested, the ability to find qualified temporary replacement, and similar considerations. Personal leaves are unpaid.

## **OTHER EMPLOYMENT WHILE ON LEAVE FROM DISTRICT**

Employees are prohibited from pursuing, or engaging in, outside employment (including self-employment) while on any type of approved absence or leave from the District, paid or unpaid. Violation of this policy may subject the employee to disciplinary action up to, and including, termination.

## **BEREAVEMENT LEAVE**

The District allows employees up to five days leave (three days of which will be paid) in the event of the death of the employee's current spouse, registered domestic partner, child, parent, brother, sister, grandparent, or grandchild; or mother-, father-, sister-, brother-, son-, or daughter-in-law. An employee with such a death in the family may take up to three consecutive

scheduled workdays off with the approval of the District. The General Manager may approve additional unpaid time off.

## **DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING LEAVE AND ACCOMMODATION**

Employees who are victims of domestic violence, sexual assault, and stalking are eligible for unpaid leave. While the leave is generally unpaid, employees can use their paid sick time under California's Healthy Workplaces, Healthy Families Act for the purposes described below.

You may request leave if you are involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure your health, safety, or welfare, or that of your child. Please provide reasonable advance notice of the need for leave unless advance notice is not feasible. Contact the General Manager.

Employees who are victims of domestic violence, sexual assault, or stalking and need a reasonable accommodation for their safety at work should contact the General Manager to discuss the need for an accommodation. If you are requesting such a reasonable accommodation, you will need to submit a written statement signed by you, or by an individual acting on your behalf, certifying that the accommodation is for the purpose of your safety at work.

For reasonable accommodation requests, the District will also require certification demonstrating that you are the victim of domestic violence, sexual assault, or stalking. Any of the forms of certification described above for leave purposes will suffice. The District may request recertification every six months from the date of the previous certification. You should notify the District if an approved accommodation is no longer needed.

The District will engage in an interactive process with the employee to identify possible accommodations, if any, that are effective and will make reasonable accommodations unless an undue hardship will result.

The District will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave or accommodation under these provisions.

## **VICTIMS OF CRIME LEAVE**

An employee who is themselves a victim, or who is the family member of a victim, of certain serious crimes may take time off from work to attend judicial proceedings related to the crime or to attend proceedings involving rights of the victim.

A family member of a crime victim may be eligible to take this leave if he/she is the crime victim's spouse, parent, child, or sibling. Other family members may also be covered, depending on the purpose of the leave.

The absence from work must be in order to attend judicial proceedings or proceedings involving rights of the victim. Only certain crimes are covered. You must provide reasonable advance notice of your need for leave and documentation related to the proceeding may be required. If advance notice is not possible, you must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings or proceedings involving victim rights will be unpaid.

For more information regarding this leave (including whether you are covered, when and what type of documentation is required, and which type of paid time off can be used), please contact the General Manager.

## **JURY DUTY AND WITNESS LEAVE**

The District encourages employees to serve on jury duty when called. Non-exempt employees receive full pay while serving up to three days of jury duty. Exempt employees will receive full salary unless they are absent for a full week and perform no work. You should notify the General Manager of the need for time off for jury duty as soon as a notice or summons from the court is received. You may be requested to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule.

## **VOLUNTEER CIVIL SERVICE PERSONNEL**

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer, or emergency rescue personnel. Employees who perform emergency duty as a volunteer firefighter, reserve peace officer, or emergency rescue personnel may also take up to a total of fourteen days unpaid leave time per calendar year to engage in required fire, law enforcement, or emergency rescue training. Please alert the General Manager that you may have to take time off for emergency duty or emergency duty training. When taking time off for emergency duty, please alert the General Manager before doing so when possible.

## **MILITARY AND MILITARY SPOUSE LEAVE**

Employees who wish to serve in the military and take military leave should contact the General Manager for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Employees who work more than 20 hours per week and have a spouse in the Armed Forces, National Guard, or Reserves who have been deployed during a period of military conflict are eligible for up to 10 unpaid days off when their spouse is on leave from (not returning from) military deployment.

Employees must request this leave in writing to the General Manager within two business days of receiving official notice that their spouse will be on leave. Employees requesting this leave are required to attach to the leave request written documentation certifying the spouse will be on leave from deployment.

## **SCHOOL ACTIVITIES**

Employees are encouraged to participate in the school activities of their child(ren). The absence is subject to all of the following conditions:

- Parents, guardians, or grandparents having custody of one or more children in kindergarten through twelfth grades may take time off for a school activity;
- The time off for school activity participation cannot exceed eight hours in any calendar month, or a total of 40 hours each school year;
- Employees planning to take time off for school visitations must provide as much advance notice as possible to the General Manager;
- If both parents are employed by the District, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by the General Manager;
- Employees must use vacation leave in order to receive compensation for this time off;
- Employees who do not have vacation leave available will take the time off without pay; and
- The District may require documentation from the school verifying that the employee participated in a school activity on the day of the absence for that purpose.

## **SCHOOL APPEARANCES INVOLVING SUSPENSION**

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should inform the General

Manager as soon as possible before leaving work. No discriminatory action will be taken against an employee who takes time off for this purpose.

### **TIME OFF FOR VOTING**

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give the General Manager at least two days' notice.

# **BENEFITS**

## **BENEFITS OVERVIEW**

The District is committed to providing the following benefits for eligible employees. Benefit eligibility may be dependent upon your employee classification (full-time versus part-time, for example) and on length of continuous employment at the District. Benefit eligibility requirements may also be imposed by the plans themselves.

Upon becoming eligible for certain employee benefit plans, you will receive Summary Plan Descriptions which describe the benefits in greater detail. If there are any discrepancies between the benefit summaries herein and the official plan documents, the provisions of the official plan documents will control. For information regarding employee benefits and to answer any questions you may have, contact the General Manager.

The District reserves the right to modify, amend, or terminate benefits and to modify or amend benefit eligibility requirements at any time and for any reason, subject to any legal restrictions.

The District currently maintains group health insurance policies, which include health, dental, and vision. The District pays the premium for full-time, regular employees after completion of 60 days of service and to the eligible dependents of such employees.

## **HOLIDAYS**

All regular, full-time employees and all part-time employees are entitled to their normal day's pay at their normal hourly rate for the following holidays subject to the conditions set forth below:

- January 1 (New Year's Day)
- Third Monday in February (President's Day)
- Last Monday in May (Memorial Day)
- July 4th (Independence Day)
- First Monday in September (Labor Day)
- Fourth Thursday and Friday in November (Thanksgiving Day and the Friday after)
- December 25 (Christmas Day)
- 1 floating holiday (to be taken with General Manager's approval)

Temporary employees are not eligible for holiday pay.

When a holiday falls on a Friday/Saturday, it will be observed the preceding Thursday. When a holiday falls on a Sunday, it will be observed the following Monday. However, the District may grant another day off in lieu of closing. Holiday observance will be announced in advance.

To be eligible for holiday pay, you must be regularly scheduled to work on the day on which the holiday is observed and must work your regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by the General Manager or the absence is otherwise protected by law. If you are required to work on a paid scheduled holiday you will receive an extra day's pay at straight time or, with the General Manager's approval, be allowed to take one day off instead.

If a holiday falls during an approved vacation period, you will be paid for the holiday and will not be charged with a vacation day for the day the holiday is observed. Employees on leaves of absence for any reason at the time of the holiday observance are ineligible for holiday pay.

## **PAID FAMILY LEAVE**

Employees may be eligible for Paid Family Leave (PFL) wage replacement benefits, which are funded through payroll deductions and coordinated through the Employment Development Department. PFL provides limited compensation for up to six weeks after an unpaid, seven-day waiting period when an employee needs to take leave from work to care for a parent, parent-in-law, child, spouse, registered domestic partner, grandparent, grandchild, or sibling who is seriously ill, or for a working parent who wants time to bond with his or her newborn, foster child, or newly adopted child. The PFL program does not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement benefit.

## **WORKERS' COMPENSATION**

The District, in accordance with state law, provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax free, to replace lost wages; and
- Assistance to help qualified injured employees return to suitable employment.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to the General Manager;
- Seek medical treatment and follow-up care if required;
- Complete a written Employee's Claim for Workers' Compensation Benefits (DWC Form 1) and return it to the General Manager; and
- Provide the District with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the District's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the District's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

The law requires the District to notify the workers' compensation insurance carrier of any concerns of false or fraudulent claims.



# **MANAGEMENT**

## **EMPLOYEE PROPERTY**

An employee's personal property, including but not limited to lockers, packages, purses, and backpacks, may be inspected upon reasonable suspicion of the unauthorized possession of District property, possession of weapons or firearms, or abuse of the District's drug and alcohol policy. The inspections can occur at any time, with or without advance notice, by the General Manager.

## **NAMES AND ADDRESSES POLICY**

The District is required by law to keep current all employees' names and addresses. Employees are responsible for notifying the District in the event of a name or address change.

## **PERFORMANCE EVALUATIONS**

Each employee will receive periodic performance reviews. Evaluations are usually held annually but can be held periodically throughout the year at the discretion of the General Manager. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude, and your attitude toward others. The performance evaluations are intended to make you aware of your progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the District and depend upon many factors in addition to performance. After the review, you will be required to sign the evaluation report simply to acknowledge that it has been presented to you, that you have had the opportunity to discuss it, and that you are aware of its contents.

## **PERSONNEL RECORDS**

You have a right to inspect or receive a copy of the personnel records that the District maintains relating to your performance or to any grievance concerning you. Certain documents may be

excluded or redacted from your personnel file by law, and there are legal limitations on the number of requests that can be made.

Any request to inspect or copy personnel records must be made in writing to the General Manager. You can obtain a form for making such a written request from the General Manager.

You may designate a representative to conduct the inspection of the records or receive a copy of the records. However, any designated representative must be authorized by you in writing to inspect or receive a copy of the records. The District may take reasonable steps to verify the identity of any representative you have designated in writing to inspect or receive a copy of your personnel records.

The personnel records may be made available to you either at the place where you work or at a mutually agreeable location (with no loss of compensation for going to that location to inspect or copy the records). The records will be made available no later than 30 calendar days from the date the District receives your written request to inspect or copy your personnel records (unless you/your representative and the District mutually agree in writing to a date beyond 30 calendar days but no later than 35 calendar days from receipt of the written request).

If you request a copy of the contents of your file, you will be charged the actual cost of copying.

Disclosure of personnel information to outside sources, other than your designated representative, will be limited. However, the District will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

## **DISTRICT PROPERTY**

### **PUBLIC RECORDS ACT**

As a public agency, all but very few documents, files, and records of the District are public records and available for inspection by the public under the Public Records Act. This includes, but is not limited to, emails, correspondence, text messages, day planners, and calendars. Questions about whether or not particular items are public records or not should be directed to the General Manager.

### **TECHNOLOGY AND SECURITY**

The District provides various Technology Resources to authorized employees to assist them in performing their job duties for the District. Each employee has a responsibility to use the District's Technology Resources in a manner that increases productivity, enhances the District's public image, and is respectful of other employees. Failure to follow the District's policies regarding Technology Resources may lead to disciplinary measures, up to and including termination of employment. District employees are reminded that, in addition to the requirements of this policy, all usage of Technology Resources is also subject to District's "District Property; Confidential and Personal Information" policy.

#### **I. Technology Resources Definition**

Technology Resources consist of all electronic media and storage devices, software, and means of electronic communication including any of the following: personal computers and workstations; laptop computers; mini and mainframe computers; tablets; computer hardware such as disk drives, tape drives, external hard drives and flash/thumb drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet or cloud storage accounts; electronic mail; telephones; mobile phones; personal organizers and other handheld devices; pagers; voicemail systems; and instant messaging systems.

#### **II. Authorization**

Access to the District's Technology Resources is within the sole discretion of the District. Generally, employees are given access to the District's various technologies based on their job functions. Only employees whose job performance will benefit from the use of the District's Technology Resources are authorized to access and use the necessary technology. Additionally,

employees must successfully complete District-approved training before they are authorized to access and use the District's Technology Resources.

### **III. Use**

The District's Technology Resources are to be used by employees during working time only for the purpose of conducting District business. Employees may, however, use the District's Technology Resources for the following incidental non-work related uses during nonworking time as long as such use does not interfere with the employee's duties, is not done for pecuniary gain, and does not violate any District policy:

1. To use the telephone system or personal cell phone for brief and necessary calls;
2. To send and receive necessary and occasional communications;
3. To prepare and store incidental data (such as personal calendars, personal address lists, and similar incidental data) in a reasonable manner; and
4. To access the Internet and personal social media sites for brief personal searches and inquiries during meals, breaks, or other nonworking time, provided that employees adhere to all other usage policies.

The District assumes no liability for loss, damage, destruction, alteration, receipt, transmission, disclosure, or misuse of any personal data or communications transmitted over or stored on the District's Technology Resources. The District accepts no responsibility or liability for the loss or non-delivery of any personal electronic mail or voicemail communications or any personal data stored on any District property. The District strongly discourages employees from storing any personal data on any of the District's Technology Resources.

### **IV. Improper Use**

#### **A. Prohibition against Harassing, Discriminatory and Defamatory Use**

The District is aware that employees use electronic mail for correspondence that is less formal than written memoranda. Employees must take care, however, not to let informality degenerate into improper use. As set forth more fully in the District's "Equal Employment Opportunity Policy" and its "Policy Against Harassment and Discrimination," the District does not tolerate discrimination or harassment based on race, color, religion, religious creed (including religious dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity (including transgender identity), gender expression and sex stereotyping, national origin, ancestry, citizenship, age, physical or mental disability, legally protected medical condition, or information (including

genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, engaging in protected communications regarding employee wages, requesting a reasonable accommodation on the basis of disability or bona fide religious belief or practice, or any other status protected by applicable laws. Under no circumstances shall employees use the District's Technology Resources to transmit, receive, or store any information that is discriminatory, harassing, defamatory, obscene, indecent, threatening, or that otherwise could adversely affect any individual, group, or entity (*e.g.*, sexually explicit or racial messages, slurs, jokes, or cartoons).

#### **B. Prohibition against Violating Copyright Laws**

Employees shall not use the District's Technology Resources to copy, retrieve, forward, or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's reference.

#### **C. Other Prohibited Uses**

Employees shall not use the District's Technology Resources for any illegal purpose, violation of any District policy, for pecuniary gain, or in any way that discloses trade secrets or other confidential or proprietary information of the District, business partners, vendors, or customers.

#### **V. District Access to Technology Resources**

All messages sent and received, including personal messages, and all data and information stored on the District's Technology Resources (including on its electronic mail system, voicemail system, or computer systems) are District property regardless of the content. As such, the District reserves the right to access all of its Technology Resources including its computers, voicemail, and electronic mail systems, at any time, in its sole discretion. No employee, other than the District's General Manager, has authority to waive, vary or amend the District's right to access its Technology Resources.

#### **A. No Reasonable Expectation of Privacy**

On occasion, the District may need to access its Technology Resources including computer files, electronic mail messages, and voicemail messages. Employees should understand, therefore, that they have no right of privacy with respect to any messages or information created, collected, or maintained on the District's Technology Resources, including personal information or messages. The District may, at its discretion, inspect all files or messages on its Technology Resources at any time for any reason. The District may also monitor its Technology Resources at

any time in order to confirm compliance with its policies, for purposes of legal proceedings, to investigate misconduct, to locate information, or for any other business purpose.

### B. Passwords

Certain of the District's Technology Resources can be accessed only by entering a password or using login credentials. Passwords and login credentials are intended to prevent unauthorized access to information. Passwords and login credentials do not confer any right of privacy upon any employee of the District. Thus, even though employees may maintain passwords or be provided with login credentials for accessing Technology Resources, employees must not expect that any information maintained on Technology Resources, including electronic mail and voicemail messages, are private. Employees are expected to maintain their passwords and login credentials as confidential. Employees must not share passwords, or forward login credentials unless authorized by the General Manager and must not access coworkers' systems without express authorization.

### C. Data Collection

The best way for employees to ensure the privacy of personal information is not to store or transmit it on the District's Technology Resources. So that employees understand the extent to which information is collected and stored, examples of information currently maintained by the District are provided below. The District may, however, in its sole discretion, and at any time, alter the amount and type of information that it retains.

1. Telephone Use and Voicemail: Records are kept of all calls made from and to a given telephone extension. Although voicemail is password-protected, the General Manager can listen to voicemail messages and also reset the password.
2. Electronic Mail: Electronic mail is backed up and archived. Although electronic mail is password-protected, the General Manager can read electronic mail and also reset the password.
3. Desktop Facsimile Use: Copies of all facsimile transmissions are maintained in the current phone system.
4. Document Use: Each document stored on District computers has a history that shows which users have accessed the document for any purpose.
5. Internet Use: Internet sites visited, the number of times visited, and the total time connected to each site are recorded and periodically monitored.

#### **D. Deleted Information**

Deleting or erasing information, documents, or messages maintained on the District's Technology Resources is, in most cases, ineffective. All employees should understand that any information kept on the District's Technology Resources may be electronically recalled or recreated regardless of whether it may have been "deleted" or "erased" by an employee. Because the District periodically backs up all files and messages, and because of the way in which computers reuse file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential or ever were confidential. If a legal dispute arises, or may arise in the future, it may be unlawful to attempt to delete or erase certain information. Employees shall fully comply with District policy regarding retention or destruction of information.

#### **VI. The Internet and On-Line Services**

The District provides authorized employees access to online services such as the Internet. The District expects that employees will use these services in a responsible way and for business-related purposes only. Under no circumstances are employees permitted to use the District's Technology Resources to access, download, or contribute to Internet sites that contain inappropriate content such as that which is discriminatory, harassing, defamatory, obscene, indecent, threatening, or that otherwise could reasonably adversely affect any individual, group, or entity.

Additionally, employees may not use the District's Technology Resources to post, comment, send, or otherwise upload any information to any Web sites or other online groups, including web logs (*i.e.*, "blogs"), social networking Web sites, newsgroups, discussion groups, or non-District email groups, except in accordance with the District's Social Media policy unless authorized for District purposes. These actions will likely generate junk electronic mail and may expose the District to liability or unwanted attention because of comments or other contributions that employees may make. The District strongly encourages employees who wish to access the Internet for non-work-related activities to obtain their own personal Internet access accounts that are unaffiliated with the District, and to use such accounts at home on their own personal computer without making any reference to the District.

#### **VII. Online Monitoring**

The District monitors both the amount of time spent using online services and the sites visited by individual employees. The District reserves the right to limit such access by any means available to it, including revoking access altogether.

## **VIII. Confidential Information**

The District is very sensitive to the issue of protection of trade secrets and other confidential and proprietary information of both the District, business partners, vendors, or customers ("Confidential Information"). Confidential Information includes all confidential, and personal information covered by the District's guideline in this Manual regarding "District Property; Confidential, And Personal Information." Therefore, employees are expected to use good judgment and to adhere to the highest ethical standards when using or transmitting Confidential Information on the District's Technology Resources.

Confidential Information should not be accessed through the District's Technology Resources in the presence of unauthorized individuals. Similarly, Confidential Information should not be left visible or unattended. Moreover, any Confidential Information transmitted via Technology Resources should be marked with the following confidentiality legend: "This message contains confidential information. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute this information. If you have received this message in error, please advise \_\_\_\_\_ [employee's name] immediately at \_\_\_\_\_[employee's telephone number] or return it promptly by mail."

Employees should adhere to District's security policy with regard to Confidential Information and take all appropriate measures to safeguard the confidentiality and security of such information. Employees should avoid sending Confidential Information via the Internet, except when absolutely necessary. Employees should also verify electronic mail addresses before transmitting any messages containing Confidential Information.

## **IX. Software Use**

### **A. License Restrictions**

All software in use on the District's Technology Resources is officially licensed software. No software is to be installed or used that has not been duly paid for and licensed appropriately for the use to which it is being put. No employee may load any software on the District's computers, by any means of transmission, unless authorized in writing in advance by the General Manager and thoroughly scanned for viruses or other malware prior to installation.

### **X. Software For Home Use**

Before transferring or copying any software from a District Technology Resource to another computer or other device, employees must obtain written authorization from the General Manager. It is the employee's responsibility to adhere to applicable licensing requirements, including not making or distributing unauthorized copies of software to others. Upon departure



from the District, it is the employee's responsibility to remove all District software from non-District computers and other devices on which District software has been installed. If an employee sells or otherwise transfers out of his or her own possession or control his or her own personally owned computer, he or she must delete all District software prior to such sale or other transfer.

## **XI. Security**

The District has installed a variety of programs and devices to ensure the safety and security of the District's Technology Resources. Any employee found tampering with or disabling any of the District's security devices will be subject to discipline up to and including termination. Moreover, the District reserves the right to advise appropriate legal authorities of any violation of law by an employee.

To maintain the effectiveness of the District's security measures, employees should use only secure networks established by the District to access or use Confidential Information. Such information may not be downloaded, stored, or copied onto any non-District equipment or media (including personally owned computer, handheld devices, external memory devices, or disks) without prior written approval of the General Manager. If Confidential Information is downloaded, stored, or copied onto non-District equipment or media, employees must take all appropriate measures to safeguard against loss, theft, damage, or breach of such equipment or media. If Confidential Information is downloaded, stored, or copied onto non-District equipment or media, employees must permanently delete such information prior to selling or otherwise transferring out of their own possession or control such equipment or media. If Confidential Information is downloaded, stored, or copied onto non-District equipment or media and employee resigns, is terminated, or is requested to do so by management, employees must delete all Confidential Information they received, including any and all copies thereof. Similarly, employees may not send Confidential Information to their personal e-mail accounts, even for work-related purposes, without prior written approval of the General Manager.

Any loss or suspected loss of Confidential Information, or any suspicious activity such as external hacking attempts or unusual internal activity, should be reported immediately to District management.

## **XII. Remote Access to Technology Resources**

The District may, at its sole discretion, provide certain employees with remote access systems such as a laptop, smartphone, tablet, or other personal organizer to allow such employees to handle the tasks associated with their jobs while working away from the office. Employees must take care to ensure the security of all District-provided equipment. Employees must not share network passwords or other PINs with anyone. As soon as an employee believes District-provided

equipment is lost or that the security and confidentiality of the data on that equipment has been compromised, he or she must notify the General Manager. If District-provided equipment is lost, or if it is damaged as a result of carelessness, employees may be responsible for replacement fees. The District-provided remote access system should only be used for District-related business. The District may decide that it is no longer necessary for certain employees to possess a remote access system and their ability to use such systems may be discontinued, in which case such employees are expected to return any District-issued remote access systems in accordance with District's "District Property" policy.

Use of public or home networks, such as unencrypted WiFi networks, can be a threat to the security and reliability of the District's Technology Resources. Accordingly, employees must only access District Technology Resources via means that are specifically approved by the General Manager.

### **XIII. Electronic Mail Guidelines**

Employees are expected to use sound judgment with respect to use of the District's electronic mail ("e-mail"). All employees should adhere to the following with respect to use of e-mail:

1. *Always ask before sending an e-mail if it is the appropriate medium of communication.* When communicating about a sensitive subject, consider whether e-mail is the appropriate medium or whether using the phone rather than e-mail might be more appropriate (but keep in mind that voicemail is similar to e-mail; voicemail may be stored on a computer server and may be forwarded to third parties).
2. *Use the "front page" test.* Assuming that e-mail is the appropriate medium of communication, each e-mail should be treated as a formal written document. Do not write anything in an e-mail that could not be printed on the front page of the newspaper. Off-the-cuff, sarcastic, or angry comments can come back to haunt the author.
3. *E-mail is part of the workplace environment.* E-mail containing rude and insensitive comments is not only personally embarrassing, but also may serve as the basis for legal liability. Employees and managers should exercise the same care and sensitivity in communicating via e-mail as they would when communicating in person or in letters. Offensive e-mail received from others should not be forwarded, and the recipient should ask the sender to refrain from sending inappropriate e-mail.
4. *Provide context.* As with other forms of communication, there is a risk that an e-mail message may be taken out of context. To reduce the risk that the message will be

taken out of context, consider including the original message to which the reply e-mail relates.

5. *Know your audience.* When sending an e-mail, always double-check to whom the e-mail is addressed, especially when using the "reply to all" button. Ask whether it is appropriate for each addressee to receive the e-mail and whether sending the e-mail to a particular addressee will result in the unauthorized disclosure of Confidential Information. If in doubt, remove the doubted addressee.
6. *Avoid using a home or personal computer for business purposes.* If there is any concern that a legal dispute or litigation involving the District and a third party may require producing one's hard drive from a home or personal computer, the employee should not use the device for business-related purposes. E-mail relating to District business, even though stored on a home or personal computer, is recoverable and discoverable in litigation.

#### **XIV. Audits**

The District may perform auditing activity or monitoring to determine compliance with these policies. Audits of software and data stored on the District's Technology Resources may be conducted without warning at any time.

# **SOCIAL MEDIA POLICY**

## **I. Statement of Policy**

At the District, we understand that social media can be a fun and rewarding way to share one's life and opinions with family, friends and co-workers around the world. The District respects the right of employees to use them as a medium of self-expression. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist employees in making responsible decisions about their use of social media, the District has established these guidelines for appropriate use of social media. This policy applies to all employees who work for the District. All employees need to follow these requirements when posting on social media.

## **II. Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to an employee's own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the District, as well as any other form of electronic communication.

The same principles and guidelines found in the District's policies apply to employees' activities online. Ultimately, employees are solely responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Employee conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects customers, suppliers, people who work on behalf of the District or the District's legitimate business interests may result in disciplinary action up to and including termination.

### **A. Know and Follow the Rules**

Employees should carefully read these guidelines and the District's employment policies that address social media, including the District Property: Confidential and Personal Information Policy, the External Communications Policy, the Equal Employment Opportunity Policy, and the Policy against Harassment and Discrimination, and ensure their postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject employees to disciplinary action up to and including termination. Employees should not have an expectation of privacy with respect to information or communications that they post

using the District's computers or networks. The District has the right to monitor all activity on its equipment and systems.

#### B. Exercise Best Judgment and Discretion

Employees should always be fair to fellow employees and people who work on behalf of the District. Also, employees should keep in mind that they are more likely to resolve work-related complaints not by posting complaints to a social media outlet, but instead, by speaking directly with co-workers or by utilizing any of the District's procedures for raising concerns or complaints (i.e., the District's Open Door Policy or Procedure for Reporting Employee Complaints, or for concerns involving suspected harassment, discrimination or retaliation, by using the complaint reporting procedure described in the Policy Against Harassment and Discrimination). Nevertheless, if employees decide to post complaints or criticism, they should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or District policy. Employees are personally responsible for what they post, and the District will not assume any liability for those statements.

#### C. Be Honest, Accurate and Transparent

Employees should be sure that they are always honest and accurate when posting information or news, and if they make a mistake, they should be open about it and correct it quickly. This includes being open about any previous posts they have altered. The Internet archives almost everything; therefore, even removed or deleted postings can be searched. Employees should never post any information or rumors that they know to be maliciously false about the District, fellow employees or people working on behalf of the District. When using social media, employees should comply with the site's terms of service, acceptable use policy and any other posted guidelines.

#### D. Post Only Appropriate and Respectful Content

- Employees must maintain the confidentiality of the District's non-public information. Such information may include information regarding unreleased financial data, potential acquisitions, internal analyses, pricing, etc., ensuring that the list does not reference employee personnel or compensation information, and other information pertaining to the District's processes. Employees are prohibited from posting internal reports, memoranda, policies, procedures, work product or attorney-client privileged communications or other internal District-related confidential communications.

- Employees should not create a link from their blog, website or other social networking site to the District's website without identifying themselves as a District employee. In addition, they must use their best judgment and exercise discretion when linking to people on social media sites. Co-workers and members of the public may see employee connections and make judgments about them or their work.
- Employees must not violate copyright, trade secret, fair use, privacy, libel and defamation, federal securities and financial disclosure laws.
- Employees should express only their personal opinions. They should never represent themselves as a spokesperson for the District. Employees are not authorized to speak on behalf of the District unless given specific prior written approval from the District. If the District is a subject of the content employees are creating, employees should be clear and open about the fact that they are an employee and make it clear that their views do not represent those of the District, fellow employees or people working on behalf of the District. If employees do publish a blog or post online related to the work they do or subjects associated with the District, they should make it clear that they are not speaking on behalf of the District. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the District." Employees may not promote any of the District's products or services without fully disclosing their relationship with the District.
- Employees should respect others in the online community. They should not use ethnic or racial slurs, or obscenity, and avoid personal attacks or threats.
- Employees should strive to be interesting and constructive. As a content provider, whether publishing personal information or information about the District, they should always add value by being thoughtful and relevant.

#### E. Using Social Media at Work

Employees should refrain from using social media while on work time, unless it is work-related as authorized by the General Manager or consistent with the District's policies. Also, employees may not use the District's email addresses to register on social networks, blogs or other online tools utilized for personal use.

#### F. Retaliation Is Prohibited

The District prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating

in an investigation will be subject to disciplinary action, up to and including termination. Nothing in this policy is intended to discourage or prohibit District employees from discussing wages or terms and conditions of employment with other employees or third parties. This Policy will be administered in compliance with applicable laws and regulations.

#### G. Media Contacts

Employees who are contacted by the media should not speak on the District's behalf without contacting the General Manager or the Board of Directors. All media inquiries should be directed to them.

#### H. Questions Regarding Policy

Employees with any questions or who need further guidance should contact the General Manager.

### **Employee-owned Devices**

Employees' own computers (including hand held devices) and electronic communications are not to be used during work time on the work premises. Employees may use personal devices during non-working times, such as breaks and meal periods; however, all other District policies against inappropriate usage, including the District's no tolerance for discrimination, harassment, or retaliation in the workplace, apply.

### **EMPLOYER PROPERTY**

Lockers, furniture, desks, computers, cell phones, data processing equipment/software, vehicles, and any other District property provided for your use are District property and must be maintained according to District rules and regulations. They must be kept clean and are to be used only for work-related purposes. The District reserves the right to inspect all District property including computer and phone data or messages to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Prior authorization must be obtained before any District property may be removed from the premises.

District voice mail and/or electronic mail (email), texts, pagers, and mobile email are to be used for business purposes. The District reserves the right to monitor voice mail messages, email messages, texts, and faxes to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence.

The District may periodically need to assign and/or change "passwords" and personal codes for email, voicemail, cell phones, etc. These communication technologies and related storage media and databases are to be used only for District business and they remain the property of the District.

The District reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system. Messages on the District voicemail and email systems are subject to the same District policies against discrimination and harassment as are any workplace communications. Offensive, harassing, or discriminatory content in such messages will not be tolerated.

For security reasons, employees should not leave personal belongings of value in the workplace. Terminated employees should remove any personal items at the time they leave the District.

### **PROHIBITING PERSONAL USE OF DISTRICT CELL PHONE**

Cell phones (including handheld devices and smart phones such as Blackberries and iPhones) may be provided to some employees to assist them in performing their job. Cell phones are District property. Data (including web browsing), messages (including voice mail, mobile email, and text messaging), and other stored electronic information is subject to monitoring and the employee does not have an expectation of privacy in the use of this District property.

The District may ask you to assign a password to your District cell phone to prevent unauthorized access. This password does not affect the District's ownership of the cell phone or ability to monitor the information.

District cell phones must not be used in any manner that violates any other District policy, including safety policies, confidentiality policies, and policies against discrimination and harassment.

Employees are prohibited from using District-issued cell phones and any other the District property to conduct personal business. Employees who are provided a District cell phone may use the phone for personal reasons only in the case of an emergency. Other personal use is prohibited.

### **SOLICITATION AND DISTRIBUTION OF LITERATURE**

In order to ensure efficient operation of the District's business and to prevent disruption to employees, we have established control of solicitations and distribution of literature on District property. The District has enacted rules applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All employees are



expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules should consult with the General Manager.

No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed. No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time, or during the working time of the employee or employees at whom such activity is directed.

Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on District property.

# EMPLOYEE CONDUCT

## CONDUCTING PERSONAL BUSINESS

Employees are to conduct only District business while at work. Employees may not conduct personal business or business for another employer during their scheduled working hours.

## ANTI-BULLYING POLICY

The District is committed to providing all employees a healthy and safe work environment. To that end, the District will not tolerate bullying behavior by any employee. This policy applies during working hours, at work related or sponsored functions, and while traveling on work related business.

The District defines bullying as repeated conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to the employer's legitimate business interests.

While it is impossible to describe all types of inappropriate behavior, the District considers the following types of behavior examples of bullying:

**Verbal bullying:** Slandering, ridiculing, or maligning a person or their family; persistent name calling that is hurtful, insulting, or humiliating; using a person as the butt of jokes; abusive and offensive remarks.

**Physical bullying:** Pushing, shoving, kicking, poking, tripping, assault, or threat of physical assault; damage to a person's work area or property.

**Gesture bullying:** Nonverbal threatening gestures; glances that can convey threatening messages.

**Exclusion:** Socially or physically excluding or disregarding a person in work-related activities.

Employees found in violation of this policy will be subject to discipline up to, and including, termination.

If you believe you have been subjected to any form of bullying, or are aware of bullying behavior by any employee, please notify the General Manager immediately. If the circumstances warrant, a complaint may be submitted to the President of the Board of Directors. Your complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The District will immediately undertake an effective, thorough, and objective

investigation and attempt to resolve the situation. The District will not tolerate any retaliation against an employee for filing any complaint relating to bullying.

## **OTHER EMPLOYMENT**

While employed by the District, employees are expected to devote their energies to their jobs with the District.

Employment that directly conflicts with the District's essential business interests and disrupts business operations is strictly prohibited.

Employees who wish to engage in additional employment that may create a real conflict of interest must submit a written request to the District explaining the details of the additional employment. If the additional employment is authorized, the District assumes no responsibility for it. The District shall not provide workers' compensation coverage or any other benefit for injuries occurring from or arising out of additional employment. Authorization to engage in additional employment can be revoked at any time.

Employees are prohibited from employment outside the District while on a leave of absence from the District.

## **BUSINESS CONDUCT AND ETHICS**

No employee may accept a gift or gratuity from any customer, vendor, supplier, or other person doing business with the District because doing so may give the appearance of influencing business decisions, transactions, or service. Please discuss expenses paid by such persons for business meals or trips with the General Manager in advance.

## **NEWS MEDIA CONTACTS**

Employees may be approached for interviews or comments by the news media. Only contact people designated by the General Manager may comment to news reporters on District policy or events relevant to the District.

This policy does not limit an employee's right to discuss the terms and conditions of his or her employment, or to try and improve these conditions.

## **CONFLICTS OF INTEREST**

All employees must avoid situations involving actual conflict of interest. Personal or romantic involvement with a competitor, supplier, or subordinate employee of the District, which impairs an employee's ability to exercise good judgment on behalf of the District, can create an actual conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment, and morale problems.

An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to the General Manager for a determination about whether an actual conflict exists. If an actual conflict is determined, the District may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action up to, and including, termination.

## **CONFIDENTIAL AND PERSONAL INFORMATION**

Each employee is responsible for safeguarding the confidential information and personal information obtained during employment.

Confidential information means all information, not generally known, belonging to, or otherwise relating to, the business of the District or its clients, customers, suppliers, vendors, affiliates, or partners regardless of the media or manner in which it is stored or conveyed. Confidential information includes, but is not limited to, trade secrets and other proprietary knowledge, information, and know-how; nonpublic intellectual property rights including business plans and strategies; internal District practices or information; manufacturing techniques; formulae; designs; drawings; discoveries; improvements; ideas; conceptions; test data; compilations of data; and developments, whether or not patentable or copyrightable.

Personal information includes personally identifiable information about employees, customers, consultants, or other individuals such as Social Security numbers, background information, credit card or banking information, billing information, health information, or other nonpublic information entrusted to the District. There are laws that protect certain types of personal information, and employees are not to disclose personal information about other individuals to any third party without prior approval from the General Manager.

In the course of your work, you may have access to confidential and personal information regarding the District, its suppliers, its customers, or perhaps even fellow employees. You have a responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties. Access to confidential information should be on a

"need-to-know" basis and must be authorized by the General Manager. Any breach of this policy will not be tolerated and legal action may be taken by the District.

## **DISCIPLINARY ACTION**

The District values its employees and strives to maintain a work culture characterized by accountability to the public and to each other. Unfortunately, to uphold these values, the District sometimes finds it necessary to take employee disciplinary action. The following provides you a description of possible employee disciplinary actions. If you have questions about this policy, please see the General Manager.

The following disciplinary actions may be taken against any employee at any time and not necessarily in the order listed:

1. Individual counseling.
2. Mandatory training.
3. Warnings, written or oral.
4. Reprimands, written or oral.
5. Change in work schedule, as approved by the General Manager.
6. Reassignment of duties, not entailing a salary reduction or demotion, as approved by the General Manager.
7. Suspension.
8. Termination.

The District's discipline policy in no way limits or alters the at-will employment relationship. The District is not required to take any disciplinary action whatsoever against an employee prior to ending the employment relationship. Remember, all employment relationships between employees and the District are at-will and can be terminated, with or without cause and with or without advance notice at any time by the employee or the District.

## **DRESS CODES AND OTHER PERSONAL STANDARDS**

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean, and tasteful. Avoid clothing that can create a safety hazard. The General Manager may issue more specific guidelines. Employees are also expected to observe and display proper personal hygiene.

Because each employee is a representative of the District in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to dress neatly and in a manner consistent with the nature of the work performed.

Avoid extremes in clothing such as flashy, skimpy, or revealing clothing. Employees who report to work inappropriately dressed may be asked to clock out and return in acceptable attire.

Field employees are required to wear uniforms and hard hats furnished and maintained by the District. A Cal/OSHA approved safety boot must be worn by field employees during working hours. The District will reimburse up to \$300.00 annually upon production of a receipt for each field employee. The District will reimburse up to \$300.00 annually for jeans and provide 10 logo t-shirts per year. The District will also provide a winter jacket (up to \$100) and coveralls (up to \$150) if needed.

Employees who need a reasonable accommodation because of religious beliefs, observances, or practices should contact the General Manager.

# DRUG AND ALCOHOL POLICY

## I. Purpose of Guideline

It is the intent of the District to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. Employees who are under the influence of a drug or alcohol on the job compromise the District's interests and endanger their own health and safety and the health and safety of others. Substance abuse in the workplace can also cause a number of other work-related problems, including absenteeism and tardiness, substandard job performance, increased workloads for co-workers, behavior that disrupts other employees, and inferior quality in products or service.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, equipment, and operations, the District has established this Guideline concerning the use of alcohol and drugs. As a condition of continued employment with the District, each employee must abide by this Guideline.

## II. Definitions

For purposes of this Guideline:

- (1) "Illegal drugs or other controlled substances" means *any* drug or substance that (a) is classified as unlawful under federal, state or local laws (including marijuana); or (b) is legally obtainable but has not been legally obtained; or (c) has been legally obtained but is being sold or distributed unlawfully.
- (2) "Legal drug" means any drug, including any prescription drug or over-the-counter drug, that has been legally obtained and that is not unlawfully sold or distributed.
- (3) "Abuse of any legal drug" means the use of any legal drug (a) for any purpose other than the purpose for which it was prescribed or manufactured; or (b) in a quantity, frequency, or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
- (4) "Reasonable suspicion" includes a suspicion that is based on specific personal observations such as an employee's manner, disposition, muscular movement, appearance, behavior, speech or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.

- (5) "Possession" means that an employee has the substance on his or her person or otherwise under his or her control.

### **III. Prohibited Conduct**

#### **A. Scope**

The prohibitions of this section apply whenever the interests of the District may be adversely affected, including any time an employee is:

- (1) On District premises;
- (2) Conducting or performing District business, regardless of location;
- (3) Operating or responsible for the operation, custody, or care of District equipment or other property; or
- (4) Responsible for the safety of others in connection with, or while performing, District-related business.

#### **B. Alcohol**

The following acts are prohibited and will subject an employee to discharge:

- (1) The unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
- (2) Being under the influence of alcohol from unauthorized consumption.

#### **C. Illegal Drugs**

The following acts are prohibited and will subject an employee to discharge:

- (1) The use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- (2) Being under the influence of any illegal drug or other controlled substance.

#### **D. Legal Drugs**

The following acts are prohibited and will subject an employee to discharge:

- (1) The abuse of any legal drug;
- (2) The purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law; or



- (3) Working while *impaired* by the use of a legal drug whenever such impairment might:
- (a) Endanger the safety of the employee or some other person;
  - (b) Pose a risk of significant damage to District property or equipment; or
  - (c) Substantially interfere with the employee's job performance or the efficient operation of the District's business or equipment.

#### **IV. Disciplinary Action**

##### **A. Discharge for Violation of Guideline**

A first violation of this Guideline will result in *immediate discharge* whenever the prohibited conduct:

- (1) Caused injury to the employee or any other person, or, in the sole opinion of management, endangered the safety of the employee or any other person;
- (2) Resulted in significant damage to District property or equipment, or, in the sole opinion of management, posed a risk of significant damage;
- (3) Involved the sale or manufacture of illegal drugs or other controlled substances;
- (4) Involved the possession, distribution, or dispensation of illegal drugs or other controlled substances [or alcohol] [in a quantity greater than for personal use];
- (5) Involved an employee who had not completed the introductory period or was a casual, seasonal, or temporary employee; or
- (6) Involved the failure of an employee to report a criminal conviction, as required by Sections IV C and V C, below.

##### **B. Discretion Not to Discharge**

In circumstances other than those described in Paragraph A, above, the District, in the discretion of management, may choose not to discharge an employee for a first violation of this Guideline if the employee satisfactorily participates in and completes an approved drug or alcohol abuse 'assistance' or rehabilitation program when recommended by the District.

##### **C. Effect of Criminal Conviction**

An employee who is convicted under a criminal drug statute for a violation occurring in the workplace or during any District-related activity or event will be deemed to have violated this Guideline.

#### D. Written Warning

An employee who is not discharged for a first violation of this Guideline will receive a final written warning.

#### E. Effect of Second Violation

A second violation of this Guideline at any time will result in immediate discharge.

#### F. Effect of Discharge on Eligibility for Rehire

Employees who are discharged for a violation of this Guideline will not be eligible for rehire by the District.

### **V. Drug-Free Awareness Program**

#### A. Employee Awareness

The District has established a Drug-Free Awareness Program that is designed to inform employees about the dangers of drug abuse in the workplace and to help ensure that employees are familiar with this Guideline and with the disciplinary actions that can result from a violation of this Guideline. From time to time, employees will be requested to attend one of the sessions of the Drug-Free Awareness Program. During each such session, employees will be given current information about available programs offering counseling and rehabilitation.

#### B. Management Awareness

Managers and supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or to otherwise engage in conduct that violates this Guideline. When management has reasonable suspicion to believe that an employee or employees are working in violation of this Guideline, prompt action will be taken. If the employee occupies a designated safety-sensitive position, such action may include drug testing in accordance with the procedures outlined in this policy.

#### C. Criminal Convictions

Employees must notify the District of any conviction under a criminal drug statute for a violation occurring in the workplace or during any District-related activity or event. Employees must notify the District within five days after any such conviction. When required by federal law, the District will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

## **VI. Use of Legal Drugs**

The District recognizes that employees may, from time to time, be prescribed legal drugs that, when taken as prescribed or according to the manufacturer's instructions, may result in impairment. Employees may not work while impaired by the use of legal drugs if the impairment might endanger the employee or someone else, pose a risk of significant damage to District property, or substantially interfere with the employee's job performance. If an employee is so impaired by the appropriate use of legal drugs, he or she may not report to work. To accommodate the absence, the employee may use accrued sick leave or vacation time. The employee may also contact the General Manager to determine whether or not he or she qualifies for an unpaid leave of absence, such as family care or medical leave. Nothing in this Guideline is intended to sanction the use of accrued sick leave or vacation time to accommodate absences due to the *abuse* of legal drugs. Further, nothing in this Guideline is intended to diminish the District's commitment to employ and reasonably accommodate qualified disabled individuals. The District will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability.

## **VII. Unregulated or Authorized Conduct**

### **A. Customary Use of Over-the-Counter Drugs**

Nothing in this Guideline is intended to prohibit the customary and ordinary purchase, sale, use, possession, or dispensation of over-the-counter drugs, so long as that activity does not violate any law or result in an employee being impaired by the use of such drugs in violation of this Guideline.

### **B. Off-the-Job Conduct**

Unless an employee is in a designated safety-sensitive position, this Guideline is not intended to regulate off-the-job conduct, so long as the employee's off-the-job use of alcohol or drugs does not result in the employee being under the influence of or impaired by the use of alcohol or drugs in violation of this Guideline. If an employee is in a designated safety-sensitive position, he or she will be subject to drug testing as described in Section X of this Guideline.

### **C. Authorized Use of Alcohol**

The District may provide alcohol for consumption at certain events, such as social functions. The consumption of alcohol at these events does not violate this Guideline.

## **VIII. Confidentiality**

Disclosures made by employees to the General Manager concerning their use of legal drugs will be treated confidentially and will not be revealed to anyone unless there is an important work-related reason to do so in order to determine whether it is advisable for the employee to continue working. Disclosures made by employees to the General Manager concerning their participation in any drug or alcohol rehabilitation program will be treated confidentially.

## **IX. Counseling/Employee Assistance**

Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged voluntarily to seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the General Manager, who will determine whether the District can accommodate the employee by providing unpaid leave for the time necessary to complete participation in the program. Employees should be aware that participation in a rehabilitation program will not necessarily shield them from disciplinary action for a violation of this Guideline, particularly if discipline is imposed for a violation occurring before the employee seeks assistance.

## **X. Drug Testing**

### **A. Testing of Applicants for Designated Safety-Sensitive Positions**

As part of the District's employment screening process, any applicant for designated safety-sensitive positions, to whom an offer of employment is made must pass a test for controlled substances, under the procedures described below. The offer of employment is conditioned on a negative test result. Applicants will be informed of the District's drug testing policy in the employment application interview.

### **B. Testing of Employees in Designated Safety-Sensitive Positions**

#### **2. Reasonable Suspicion Testing**

If an employee occupies a designated safety-sensitive position and his or her supervisor or manager has a reasonable suspicion that the employee is working in an impaired condition or otherwise engaging in conduct that violates this Guideline, the employee will be asked about any observed behavior and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be asked to take a drug test in accordance with the procedures outlined below.

If the employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

### **3. Post-Accident Testing**

If an employee occupies a safety sensitive position and is involved in an on-the-job accident where there is a reasonable probability drug use by the reporting employee was a contributing factor to the reported injury or illness, the District will require that employee to take a drug test in accordance with the procedures outlined below.

#### **C. Procedures for Drug Testing**

The District will refer the applicant or employee to an independent, National Institute on Drug Abuse (NIDA)-certified medical clinic or laboratory, which will administer the test. The District will pay the cost of the test and reasonable transportation costs to the testing facility. The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. All drug testing will be performed by urinalysis. Initial screening will be done by EMIT II. Positive results will be confirmed by gas chromatography/mass spectrometry.

The clinic or laboratory will inform the District as to whether the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of this Guideline and will be subject to discipline accordingly.

#### **D. Acknowledgment and Consent**

Any employee subject to testing under this policy will be asked to sign a form acknowledging the procedures governing testing, and consenting to (1) the collection of a urine sample for the purpose of determining the presence of alcohol or drugs, and (2) the release to the District of medical information regarding the test results. Refusal to sign the agreement and consent form, or to submit to the drug test, will result in the revocation of an applicant's job offer, or will subject an employee to discipline up to and including termination.

#### **E. Confidentiality**

All drug testing-records will be treated as confidential.

## **GUESTS AND VISITORS**

Visits from friends and family are discouraged in order to preserve an appropriate work environment. It is extremely important that the impression left with District visitors is that of a professional organization with the highest standards of conduct.

## **PROHIBITED CONDUCT**

Employees are expected to conduct themselves in a manner to further the District's objectives. The following conduct is prohibited and will not be tolerated by the District. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare, and District operations also may be prohibited and will result in disciplinary action up to and including termination.

- Falsifying employment records, employment information, or other District records;
- Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily;
- Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee's;
- Theft and deliberate or careless damage or destruction of any District property, or the property of any employee or customer;
- Removing or borrowing District property without prior authorization;
- Unauthorized use or misuse of District equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on District property;
- Participating in horseplay or practical jokes on District time or on District premises;
- Carrying firearms or any other dangerous weapons on District premises at any time;
- District trucks and equipment are not for personal use.
- Engaging in criminal conduct whether or not related to job performance;
- Causing, creating, or participating in an inappropriate disruption of any kind during working hours on District property;
- Insubordination including, but not limited to, failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- Using abusive, threatening, or intimidating language at any time on District premises;

- Violation of District punctuality and attendance policies. Absences protected by state or federal law do not count as violations of this policy. Protected paid sick time under California law does not count as a violation of this policy;
- Failing to obtain permission to leave work for any reason during normal working hours, not including meal periods;
- Failing to observe working schedules, including rest and lunch periods;
- Sleeping or malingering on the job;
- Making or accepting personal telephone calls, including cell phone calls, except in cases of emergency or extreme circumstances;
- Working overtime without authorization or refusing to work assigned overtime;
- Violation of dress standards;
- Violating any safety, health, security or District policy, rule, procedure or violation of the District's drug and alcohol policy;
- Committing a fraudulent act or a breach of trust under any circumstances;
- Violating the District's anti-harassment or equal employment opportunity policies; and
- Failing to promptly report work-related injury or illness.

This statement of prohibited conduct does not alter the District's policy of at-will employment. Either you or the District remain free to terminate the employment relationship at any time, with or without reason or advance notice.

## **PROHIBITED USE OF DISTRICT CELL PHONE WHILE DRIVING**

In the interest of the safety of our employees and other drivers, District employees are prohibited from using cell phones (including all smart phones) while driving on District business and/or District time.

If your job requires that you keep your cell phone turned on while you are driving you must use a hands-free device. Under no circumstances should employees place phone calls while operating a motor vehicle while driving on District business and/or District time.

Writing, sending, or reading text-based communication - including text messages, instant messages, email, web browsing, and use of smart phone applications - on any wireless device or cell phone while driving is also prohibited under this policy.

Violation of this policy is a violation of law and District policy.

## **PUNCTUALITY AND ATTENDANCE**

As an employee of the District, you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your Supervisor. When you are absent, your assigned work must be performed by others.

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized District business. Late arrivals, early departures, or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must provide reasonable advance notice to the General Manager before the time you are scheduled to begin working for that day. You must inform the General Manager of the expected duration of any absence. If you fail to provide reasonable advance notice before your scheduled time to begin work and do not arrive in time for your assigned shift, you will be considered tardy for that day. If the circumstances for your tardiness or absence were unforeseen, inform the General Manager as soon as practicable of the reason for the tardiness or absenteeism.

Excessive absenteeism or tardiness, providing false information, or abuse of leave laws will not be tolerated. Generally, if you fail to report for work without any notification to the General Manager and your absence continues for a period of three days, the District will consider that you have voluntarily abandoned or quit your employment.

**Absences protected by local, state, and federal law do not count as a violation of the punctuality and attendance policy. Paid sick time protected under California law does not count as a violation of this policy.**



# **WAGES**

## **WORK SCHEDULES**

The District is normally open for business between the hours of 8:00 a.m. to 12:00 p.m. and 1:00 to 5:00 p.m., Monday through Thursday. You will be assigned your individual work schedule. The District has implemented, and some employees will be assigned, alternative workweek schedules. All employees are expected to be at their desks or workstations at the start of their scheduled shifts, ready to work.

If you need to change your schedule, a request must be made to the General Manager.

The workweek begins at 12:01 a.m. Sunday and ends at midnight on Saturday.

## **MEAL AND REST PERIODS**

### **Rest Breaks**

All non-exempt employees are entitled to rest break periods during their workday. If you are a non-exempt employee, you will be paid for all such break periods, and you will not clock out. You are authorized and permitted to take one 10-minute net rest break for every four hours you work, or major fraction thereof.

### **Meal Period**

All non-exempt employees who work more than five hours in a workday will be provided an uninterrupted unpaid meal period of at least 30 minutes. You must clock out for your meal period. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty.

If your total work period for the day is more than five hours per day, but no more than six hours, you may waive the meal period. This cannot be done without the mutual consent of you and the General Manager.

## **OVERTIME FOR NON-EXEMPT EMPLOYEES**

Employees may be required to work overtime as necessary. The District will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by the General Manager.

Only actual hours worked in a given workday or workweek can apply in calculating overtime. Approved paid absences, including but not limited to sick leave, vacation leave, holiday leave, military leave, jury and witness duty, funeral/bereavement leave, and voting time off are paid at

the employee's regular rate of pay, but are not counted as time worked for the purposes of computing overtime.

Although the District is only required to comply with overtime rules under the Federal Labor Standards Act (FLSA), which only provides for overtime when an employee works in excess of 40 hours in one workweek, the District will pay overtime as follows:

Non-exempt employees who work a traditional eight hour workday will receive one and one half times their regular pay for any hours worked over eight hours per workday or over 40 hours in a workweek. For any hours worked in excess of twelve per workday, the employee will receive two times their regular rate of pay.

Non-exempt employees who work an alternative schedule of 10 hours per workday will receive one and one half times their regular pay for any hours worked over ten hours per workday or 40 hours in a workweek. For any hours worked in excess of twelve per workday, the employee will receive two times their regular rate of pay.

### **EMPLOYEES ON-CALL AND BACK-UP ON-CALL**

To handle emergencies during the night or on weekends, certain employees will be on-call. Any person on-call or back-up on-call will receive a minimum of two hours of pay based on their applicable overtime rate when called out after their normal shift.

Any person on-call or back-up on-call is required to be able to be reached on their cell phone or arrange to be able to be reached wherever they are at all times when they are on-call. The on-call and back-up on-call persons will also receive a minimum of two hours pay based on their current overtime rate of pay for dates that rounds are required to be made on the weekends or holidays. The person on-call is responsible for performing rounds on these days.

Any person on-call or back-up on-call must be within forty-five minutes travel time of the District to respond to call-outs. If this is not possible, arrangements must be made in advance to have someone else available to cover for them and approved by the General Manager.

### **TIMEKEEPING REQUIREMENTS**

All non-exempt employees are required to use the District's Biometric Fingerprint Time Clock to record time worked for payroll purposes.

Employees must clock in at the start and clock out at the end of each work period. Employees must clock out for the start and clock in at the end of the meal period. Employees also must record their time whenever they leave the building for any reason other than District business.

Employees are not allowed to work "off the clock." Working off the clock violates District policy. Any work performed before or after a regularly scheduled shift must be approved in advance by the General Manager. If you perform any off-the-clock work, please report the work to the General Manager, so you can be paid for your time.

Employees will be required to certify that their time record is accurate. Any changes or corrections to your time must be submitted to the General Manager prior to processing of the payroll to allow correction of legitimate errors.

## **PAYMENT OF WAGES**

All employees of the District are paid every other Thursday for work performed during the previous two-week pay period. (26 annual paychecks). If a regular payday falls on a holiday, employees will be paid on the last workday before the holiday.

The District offers automatic payroll deposit. You may begin and stop automatic payroll deposit at any time. To begin automatic payroll deposit, you must complete a form (available from the General Manager) and return it to the General Manager at least 10 days before the pay period for which you would like the service to begin. You should carefully monitor your payroll deposit statements for the first two pay periods after the service begins.

To stop automatic payroll deposit, complete the form available from the General Manager and return it at least 10 days before the pay period for which you would like the service to end. You will receive a regular payroll check on the first pay period after the receipt of the form, provided it is received no later than 10 days before the end of the pay period.

## **DEDUCTIONS FROM EXEMPT EMPLOYEES**

Employees paid on a "salary basis" regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, exempt employees will receive full salary for any workweek in which they perform any work, regardless of the number of days or hours worked. Exempt employees may not be paid for any workweek in which they perform no work, subject to the District benefits programs and policies.

No deductions from salary may be made for time when work is not available, provided the exempt employee is ready, willing, and able to work. Deductions from pay are permissible when an exempt employee:

- Is absent from work for one or more full days for personal reasons other than sickness or disability;

- Is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy, or practice of providing full compensation for salary lost due to illness and the employee has exhausted his or her leave under this policy;
- Is absent for jury duty or military duty for a full week and performs no work during the week;  
or
- Works less than a full week during the initial or final week of employment

Partial day deductions from available accrued vacation or sick leave balances will also be made by the District when applicable.

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

If you believe that an improper deduction from your salary has been made, you should immediately report this information to the General Manager.

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

## **SAFETY AND HEALTH**

### **EMPLOYEES WHO ARE REQUESTED TO DRIVE**

Employees whose job duties require them to drive a District vehicle or their own vehicles for District business will be required to show proof of current valid driving licenses and proof of insurability under the District's policy or current effective insurance coverage before the first day of employment.

The District participates in a system that regularly checks state Department of Motor Vehicles (DMV) records of all employees who are required to drive as part of their job.

If an employee is required to drive as part of his or her job, the District retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is suspended or revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the District's policy.

### **HEALTH AND SAFETY**

All employees are responsible for their own safety, as well as that of others in the workplace. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to the General Manager.

### **LACTATION ACCOMMODATION**

The District provides a reasonable amount of break time to accommodate an employee's need to express breast milk for the employee's infant child. The District will make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area for the employee to express milk in private. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, access to electricity, a sink with running water, and a refrigerator for storing breast milk.

#### **Procedures**

An employee may request an accommodation for lactation breaks by submitting a lactation accommodation request form to the General Manager.

The General Manager must approve or deny the request in writing. The completed request form must be returned to the employee and a copy kept in the District's files.

The requested break time should, if possible, be taken concurrently with other scheduled break periods. Nonexempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid.

The District reserves the right to deny, in writing, an employee's request for a lactation break if the additional break time will seriously disrupt operations.

Employees have the right to file a complaint with the labor commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

## **SMOKING**

The District prohibits smoking or other use of tobacco products, electronic or e-cigarettes, vapor cigarettes or other smoking devices in the District office, buildings, vehicles, or on customer's property.

## **SECURITY**

The District has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances, exits, and service areas. Report any suspicious persons or activities. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. All employee's are responsible for setting the alarms on the office and corporate yard if they are the last to leave for the day. You should immediately notify the General Manager when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.

## **WORKPLACE VIOLENCE**

The District has adopted the following workplace violence policy to ensure a safe working environment for all employees.

The District has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. A threat includes, but is not limited to, any indication of intent to harm a person or damage District property. All such acts and threats, even

those made in apparent jest, will be taken seriously, and will lead to discipline up to, and including, termination.

Possession of weapons on District premises and at District-sponsored events shall constitute a threat of violence.

It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee is expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent.

You should report an incident to the General Manager.

### **RETURN-TO-WORK POLICY (RTW)**

The FPPUD strives to assist employees to return to work at the earliest possible date following an injury or illness. A return-to-work program has several benefits for both the employer and employees by minimizing time lost from work.

This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA) or leave benefits under the Family and Medical Leave Act (FMLA). Inquiries about the ADA or FMLA should be directed to the General Manger.

### **ELIGIBILITY**

The policy applies to regular full- and part-time employees who are on leave as a result of injury or illness and who are receiving workers' compensation benefits.

### **TRANSITIONAL WORK**

The District defines "transitional work" as temporary, modified work assignments within the worker's physical abilities, knowledge and skills.

When possible, transitional positions will be made available to injured workers to minimize or eliminate time lost from work. The District cannot guarantee a transitional position and is under no obligation to offer, create or encumber any specific position for purposes of offering placement to such a position.

In the event an employee refuses transitional work (outside the employee's FMLA benefits period) and the employee satisfies the restrictions and ability to perform the transitional position, the District is not obligated to provide an alternative position. In such cases, the District will notify the insurance carrier of the employee's refusal of the transitional work.

## **PROCEDURES**

To obtain a transitional assignment the employee must request a return-to-work form and a job description form from HR and provide them to the employee's health care provider for completion.

If the health care provider releases the employee to return to work on modified duty and has completed the return-to-work and job description forms, the employee should return the forms to the General Manager within 24 hours or as soon as practicable. The employee cannot return to work without the release of his or her health care provider.

The General Manager will review the return-to-work form and determine a transitional position for the employee if appropriate and transitional work falls within business needs. A transitional position job description, including physical requirements, will be prepared for review and approval by the employee's health care provider.

Transitional positions are developed based on the physical capability of the worker, the business needs of the District and the availability of transitional work. The District will determine appropriate work hours, shifts, duration and locations of all work assignments. The District reserves the right to determine the availability, appropriateness and continuation of all transitional work assignments.

It is the responsibility of the employee to provide the General Manager with a current telephone number and address, so the employee may be contacted. The employee must notify the General Manager immediately of any and all changes in medical conditions.

It is the responsibility of the employee to notify the General Manager immediately of any work-related injuries, if the employee misses time from transitional work or of any changes to transitional work assignments. The General Manager will communicate with the insurance carrier or health care provider as necessary.

## **JOB OFFER**

Upon completion of the return-to-work form and the health care provider's approval of the transitional position, written notice will be prepared by the employer and mailed to the employee's last known address noting the start date, hours, wage, duration and location of the transitional work assignment. The employee will be asked to sign the notice indicating his or her acceptance or refusal of the transitional work job offer and to return the notice to the General Manager. Copies of the job description, work releases and the offer of a transitional position will be forwarded to the insurance carrier.



Any employee returning to a transitional position must not exceed the duties of the position or go beyond the restrictions indicated by the health care provider. If any medical restrictions change, the employee must immediately notify the General Manager and provide the General Manager a copy of the new medical release.

The General Manager will monitor work performance to ensure the employee does not exceed the requirements set by the health care provider.

# **TERMINATION**

## **INVOLUNTARY TERMINATION**

Violation of District policies and rules may warrant disciplinary action. The District has a system of discipline that may include verbal warnings, written warnings, and suspension. The system is not formal, and the District may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances up to, and including, immediate termination of employment. The District's discipline policy in no way limits or alters the at-will employment relationship.

If an employee is terminated, all District assets in their possession will immediately be secured, all personnel matters will be addressed with the General Manager, and all customer issues influenced by the employee departure resolved.

## **REDUCTIONS IN FORCE**

Under some circumstances, the District may need to restructure or reduce its workforce. If restructuring our operations or reducing the number of employees becomes necessary, the District will attempt to provide advance notice, if possible, to help prepare affected individuals. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

## **VOLUNTARY RESIGNATIONS**

Voluntary resignation results when an employee voluntarily quits his or her employment at the District, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, the District (unless the absence is protected by law). All District-owned property including, but not limited to, vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment.

## **EMPLOYEE REFERENCES**

All requests for references must be directed to the General Manager. No other manager, supervisor, or employee is authorized to release references for current or former employees.

By policy, the District discloses only the dates of employment and the title of the last position held of former employees. If you authorize the disclosure in writing, the District will also inform prospective employers of the amount of salary or wage you last earned.

## CONFIRMATION OF RECEIPT

I have received my copy of the Frazier Park Public Utility District's Employee Handbook ( Revised March 2023). I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook.

I understand and agree that nothing in the handbook creates or is intended to create a promise or representation of continued employment and that employment at the District is employment at-will; employment may be terminated at the will of either the District or myself. My signature certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between the District and myself concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings, and representations concerning my employment with the District.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by the District. The District reserves the right to change my hours, wages, position, and working conditions at any time. I understand and agree that other than the General Manager of the District, no manager, supervisor, or representative of the District has authority to enter into any agreement, expressed or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the General Manager has the authority to make any such agreement and then only in writing, signed by the General Manager.

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

Employee's Printed Name \_\_\_\_\_

Date \_\_\_\_\_

A signed copy should be kept by the District and one given to the employee.