



PERSONNEL MANUAL
2017

A handwritten signature in blue ink that reads "Richard W. Hansen".

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General Manager/Chief Engineer

TABLE OF CONTENTS

1. PURPOSE AND ADMINISTRATION.....	1
1.1 Merit and Fair Employment Principles.....	1
1.2 Application of Rules	1
1.3 Prior Rules.....	1
1.4 Severability of Provisions.....	1
2. ADMINISTRATION	1
2.1 General Manager	1
2.2 Assistant General - Manager-Administration.....	1
2.3 Personnel Officer	2
3. FILLING VACANCIES.....	2
3.1 Recruitment Policy	2
3.2 Selection.....	2
3.3 Examinations.....	2
3.4 Nepotism.....	3
4. SEPARATION, PROMOTION AND INTRODUCTORY PERIOD	3
4.1 Separation.....	3
4.2 Layoff.....	3
4.3 Resignation.....	3
4.4 Promotion.....	3
4.5 Introductory Period.....	4
4.6 Introductory Period Defined	4
4.7 Introductory Period Procedures	4
4.8 Termination of Introductory Employee	4
4.9 Promotional Introductory Period	4
4.10 Extension of Introductory Period.....	4
5. WORK RULES	4
5.1 Participation in Work Action	4
5.2 Participation on Boycott.....	5
5.3 Outside Employment or Activities	5
5.4 Employee Dress and Conduct.....	5
5.5 Rest Periods.....	5
5.6 Financial Affairs	5

5.7	Workplace Civility.....	5
5.8	Workplace Violence.....	6
5.9	Internet & E-Mail.....	6
5.10	Cell Phone Use	6
5.11	Standards of Conduct.....	6
5.12	Cause for Disciplinary Action.....	8
6.	DISCIPLINARY PROCEDURES.....	9
6.1	Forms of Discipline.....	9
6.2	Notice of Proposed Disciplinary Action.....	9
6.3	Limitations and Exclusions.....	9
6.4	Order of Disciplinary Action.....	10
6.5	Appeal Procedure.....	10
6.6	Hearing Procedure.....	10
7.	EFFECTS OF DISMISSAL.....	12
7.1	Effect of Dismissal.....	12
8.	RECORDS.....	13
8.1	Personnel Records.....	13
8.2	Change of Status Report.....	13
9.	SALARY ADJUSTMENTS.....	13
9.1	Determinations.....	13
9.2	Merit Increases.....	13
9.3	Eligibility.....	13
9.4	Accelerated Merit Increases.....	14
9.5	Certification Pay Increases.....	14
10.	ATTENDANCE, HOURS, PAY PERIODS AND PREMIUM PAY.....	14
10.1	Attendance.....	14
10.2	Pay Periods and Procedure.....	14
10.3	Meal Periods.....	14
10.4	40-Hours Week.....	15
10.5	Exempt Employees.....	15
10.6	Management Leave.....	15
10.7	Overtime.....	15
10.8	Flexible Work Schedules.....	15
10.9	Compensatory Time.....	16

10.10	Standby Pay.....	16
10.11	Shift Differential Pay.....	16
11.	HOLIDAYS, VACATION AND LEAVES.....	16
11.1	Holidays.....	16
11.2	Holiday Observance.....	17
11.3	Vacation Accrual.....	17
11.4	Introductory Period Vacation Accrual.....	17
11.5	Use of Vacation Time.....	17
11.6	Vacation Buy Back.....	17
11.7	Universal Leave.....	18
11.8	Sick Leave Accrual.....	18
11.9	Use of Sick Leave.....	18
11.10	Sickness Verification.....	18
11.11	Notification of Supervisor.....	18
11.12	Bereavement Leave.....	18
11.13	Funeral of Deceased Employee.....	19
11.14	Military Leave.....	19
11.15	Jury Duty Leave.....	19
11.16	Quarantine Leave.....	19
11.17	Time Off To Vote.....	19
11.18	Time Off For Training.....	20
11.19	Family Leave.....	20
11.20	Workers Compensation Leave.....	20
11.21	Disability Leave.....	20
11.22	Leave Without Pay.....	20
11.23	Return to Work Program.....	21
12.	TRAVEL ALLOWANCE.....	21
13.	COMPLAINT PROCEDURE - NON-DISCIPLINARY MATTERS.....	22
13.1	Purpose.....	22
13.2	Matters Subject to the Complaint Procedure.....	22
13.3	Limitations of Complaint Procedure.....	22
13.4	Confidentiality of Complaint Procedure.....	22
13.5	Informal Complaint Adjustment.....	22
13.6	Next Level of Authority.....	23

13.7 Formal Complaint Procedure..... 23
13.8 General Consideration 23
13.9 Alternative Dispute Resolution..... 23
14. HARASSMENT 24
15. EMPLOYER-EMPLOYEE RELATIONS..... 25

1. PURPOSE AND ADMINISTRATION

The purpose of the District's personnel policies shall be to create a fair and uniform system of rights, incentives, and work rules for current and prospective employees.

1.1 Merit and Fair Employment Principles

The District maintains a merit system governing personnel action. Employment and promotion shall be based on merit and ability, free of personal or political considerations, and shall in no way be affected or influenced by race, religion, color, national origin, ancestry, gender, marital status or disability, provided, however, that the District may make employment decisions on the basis of a bona fide occupational qualification when permitted by law. Continued employment of those employees covered by these principles shall be subject to satisfactory work performance and the needs of the District.

1.2 Application of Rules

The District's personnel rules shall apply to all officers and employees in the service of the District except: members of the Board of Directors; the General Manager; voluntary personnel; persons engaged under contract to supply expert, professional, technical, or any other services. *Section 5.8 Workplace Violence and Section 14 Harassment* shall apply to all officers, employees, members of the Board of Directors, contractors and consultants.

1.3 Prior Rules

These Rules shall supersede any and all District policies, rules, regulations and procedures previously adopted.

1.4 Severability of Provisions

If any section, subsection, sentence, clause or phrase of these Rules is found to be illegal, such findings shall not affect the validity of the remaining portion of these Rules.

2. ADMINISTRATION

2.1 General Manager

The General Manager has the authority to provide day-to-day supervision of employees, hire, fire, discipline, assign duties to, and direct the activities of all District employees. The General Manager also shall have the authority to establish District employee positions and job classifications, subject to the periodic review of the Board.

2.2 Assistant General - Manager-Administration

The Assistant General Manager-Administration shall act and supervise in the absence of the General Manager and shall serve as the Personnel Officer of the District.

2.3 Personnel Officer

The Personnel Officer shall perform and/or delegate, as necessary, the following duties and responsibilities:

- a. Administer the provisions of these Rules.
- b. Prepare revisions to and/or interpretation of these Rules.
- c. Provide for the recruitment, examination, evaluation and recommendation of persons to District employment.
- d. Prepare and revise, as necessary, a plan for a position classification system.
- e. Recommend to the General Manager the reclassification of positions for approval by the Board of Directors.

3. FILLING VACANCIES

3.1 Recruitment Policy

While recognizing the need for introduction of persons from outside District employment, the policy of the District is to transfer or promote persons already employed by the District when their qualifications, training, work performance, and experience are determined to be comparable to applicants from other sources.

3.2 Selection

When a vacancy occurs, the Department Head shall notify the General Manager. The General Manager shall then decide whether to fill the position or leave it vacant. The General Manager shall fill vacant positions by reinstatement, transfer, demotion, promotion, acting appointment, temporary appointment, emergency appointment, or regular appointment. All appointments shall be made in accordance with merit and fair employment principles, as outlined in Section 1.2.

3.3 Examinations

Examinations shall be given to applicants and employees to determine the following:

- a. Physical and mental ability to perform the duties of their job, taking into account reasonable accommodation.
- b. Problems that could potentially interfere with or otherwise have an adverse impact on the ability to perform their job.
- c. Factors that would create an undue risk to persons or property or bring discredit upon the District. Examinations may include physical ability, mental fitness, job skills, drug/alcohol screening, credit history, background check, criminal history and other tests as allowed by law.

3.4 Nepotism

A closely related person of a District employee may be employed, unless such employment would cause problems with supervision, safety or morale. The District shall not place a person in a position where a conflict of interest could exist or where a relationship with an employee would create a problem that a non-related person would not encounter. For purposes of this Section, a closely related person shall be defined as any of the following:

Spouse	Adopted child	Stepfather	Stepson
Daughter	Grandmother	Stepmother	Father-in-law
Son	Grandfather	Stepbrother	Mother-in-law
Father	Granddaughter	Stepsister	Brother-in-law
Mother	Grandson	Daughter-in-law	Sister-in-law
Brother	Aunt	Son-in-law	
Sister	Uncle	Stepdaughter	

4. SEPARATION, PROMOTION AND INTRODUCTORY PERIOD

4.1 Separation

Employees of the District are considered "at will" employees, and shall be subject to the requirements of these policies with respect to the tenure of employment. An employee who is in their introductory period (six months or one year, depending on position) may be discharged at any time without cause by the Personnel Officer or the General Manager. An employee who has failed to satisfactorily meet the requirements of their position, or has violated District work rules as detailed in Section 5, may be discharged according to the procedures set forth in Section 6.

4.2 Layoff

An employee of the District may be laid off for reasons of economy, efficiency or other non-disciplinary purposes. All layoffs will be made at the discretion of the General Manager based on a combination of factors, including, but not limited to, qualifications, productivity, performance and seniority. As far as practical, the employee shall be given two weeks' notice prior to a layoff.

4.3 Resignation

An employee who wishes to voluntarily terminate employment with the District in good standing shall submit a written resignation, dated and signed, to their supervisor at least two weeks prior to the date of resignation. The resignation shall be deemed accepted upon receipt by the Personnel Officer.

4.4 Promotion

Appointment to a vacant position in a job class that is compensated at a higher rate shall constitute a promotion. All promotions are subject to a new Introductory Period and the establishment of a new anniversary date, for the purpose of conducting the employee's annual performance evaluation. New performance goals may also be issued at the time of the promotion. Consistent with merit and fair employment principles, all vacancies should be filled by promotion from District personnel where qualified candidates exist.

4.5 Introductory Period

All original and promotional appointments shall be tentative and subject to an introductory period of not less than one (1) year of actual service, except for senior management employees, who shall have an introductory period of not less than six (6) months. Appointments resulting in a demotion may be subject to an introductory period of not less than one (1) year.

4.6 Introductory Period Defined

The introductory period shall be regarded as an extension of the examination process. During the introductory period the employee's work performance shall be closely observed and evaluated to determine the capability of the employee in their new position.

4.7 Introductory Period Procedures

The Personnel Officer shall notify the Department Head and General Manager three (3) weeks prior to the conclusion of an employee's introductory period. Thereafter, the General Manager shall confer with the Personnel Officer and the Department Head regarding the performance of the introductory employee. If the General Manager determines that the performance of the introductory employee has been satisfactory, the General Manager may find that the employee has successfully passed the introductory period and should become a regular employee.

4.8 Termination of Introductory Employee

If the General Manager determines that the work or conduct of the introductory employee is below satisfactory standards, the employee may be terminated by the General Manager without cause, prior notice, right of review, or appeal. A written termination notice shall be served on the introductory employee and a copy filed in their personnel file.

4.9 Promotional Introductory Period

In the event an employee does not satisfactorily complete the introductory period for a promoted position, they may be reinstated to their previous position if a vacancy exists.

4.10 Extension of Introductory Period

In the discretion of the General Manager, an employee's introductory period may be extended for an additional period not to exceed one year. Under no circumstances shall any employee's introductory period be extended more than once.

5. WORK RULES

5.1 Participation in Work Action

Participation by a District employee in a strike, work stoppage, or work slowdown shall subject the employee to disciplinary action as allowed by State law. As used in this section, "strike, work stoppage, or slowdown" means the concerted failure to report for work the willful absence from the work place, the refusal to work, the stoppage of work being done by

others, picketing or the abstinence in whole or part from the full and faithful performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in the conditions to compensation, or the rights, privileges or obligations of employment. Picketing on an employee's own time, outside District property, on public property, is permitted.

5.2 Participation on Boycott

While on duty, no employee shall support, instigate, or honor any boycott impressed on any company, agency, individual, or employer that has a business relationship with the District.

5.3 Outside Employment or Activities

Full time employees shall not carry on, concurrent with their public service, any private business or undertaking which affects the time or quality of their District employment, or which casts discredit upon or creates embarrassment for the District, or which creates any conflict of interest whether or not reportable under the District's Conflict of Interest Rules. Outside employment may be allowed upon written authorization of the General Manager.

5.4 Employee Dress and Conduct

Employees shall at all time dress and conduct themselves in such a manner as to reflect no discredit upon the District.

5.5 Rest Periods

The U.S. Department of Labor states that rest periods promote the efficiency of an employee, are customarily paid for as working time and must be counted towards hours worked. However, legal counsel has opined that certain California labor code sections regarding paid rest periods do not apply to public agencies and the Fair Labor Standards Act (FLSA) does not require employers to allow rest periods. However, participation by employees in a daily rest period is encouraged by the District and should be taken at intervals that do not interfere with critical or time sensitive duties. A rest period of up to 15 minutes may be taken during each half of the regular work shift for full-time employees and once during the work shift for part-time, intern and apprentice employees working less than 8 hours in a workday.

5.6 Financial Affairs

Employees shall conduct their personal financial affairs in such a manner that creditors and collectors will not have to make use of the District offices, resources, or employee time for the purpose of collecting legal debts.

5.7 Workplace Civility

Employees shall speak positively about the District and its employees in the course of performing daily tasks and functions.

5.8 Workplace Violence

The safety and security of employees and customers are very important to the District. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the District's ability to execute its daily business will not be tolerated. Any person who makes threats, exhibits threatening behavior or engages in violent acts on District property may be removed from the premises pending the outcome of an investigation. Threats, threatening behavior, or other acts of violence off District property, but directed at District employees, members or the public while conducting business for the District, is a violation of this policy. Off-site threats include, but are not limited to, threats made via telephone, text, social media, fax, electronic or conventional mail, or any other communication medium. Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from District property, termination of business relationships with that individual, and/or prosecution of the person(s). Employees are responsible for notifying the Personnel Officer, or any other available manager, of any threats that they witness, receive or have been told that another person has witnessed or received. Employees should also report any behavior they witness which they regard as threatening or violent when that behavior is job related or might be carried out on District property or in connection with employment. Each employee who receives a protective or restraining order which lists the District premises as a protected area is required to provide the Personnel Officer with a copy of such order.

5.9 Internet & E-Mail

When using a District computer to access the Internet and e-mail, employees shall conduct themselves professionally and appropriately in accordance with the procedures detailed in the District's Internet and E-Mail policy.

5.10 Cell Phone Use

The District establishes guidelines for the use of employee-owned cellular telephone (cell phone) and service plans by employees of the District.

If the District determines that use of a cell phone is a necessary component of an employee's job function, the employee shall be provided a monthly allowance to use their personal cell phone to conduct District business. The District shall continue to operate District-owned cell phones only for the on-duty operator and for maintenance/standby.

For more complete information on cell phone usage, please refer to the District's Cell Phone Policy.

5.11 Standards of Conduct

The following examples are given in order to provide some guidance concerning unacceptable behavior. If the District chooses to discipline an employee who engages in unacceptable behavior, the employee may be subject to corrective action up to and including possible termination. Please note that it is impossible to provide an exhaustive list of behaviors that are not acceptable. The following is therefore intended to simply provide some examples:

- a. Poor performance.
- b. Using abusive or vulgar language, or causing disruption to the work place or to fellow employees or visitor.
- c. Unavailability for work, i.e. absenteeism or tardiness.
- d. Misuse of District monies.
- e. Conducting non-business activities during working hours.
- f. Any action indicating a disrespect or disregard for the District, its vendors or member agencies.
- g. Release of confidential information about the District or its members.
- h. Possessing or bringing open containers of alcohol, illegal drugs or chemicals on or to the District's property.
- i. Unauthorized possession or removal of property, records, or other materials that belong to the District.
- j. Smoking of tobacco products and electronic cigarettes in restricted areas, subject to Government Code 7596, 7597 & 7598.
- k. Leaving District property without supervisor approval prior to the end of a scheduled work day.
- l. Sexual harassment or other unlawful harassment of another employee.
- m. Giving false or misleading information during the application and/or selection process.
- n. Willful failure to report to a supervisor any significant omissions, errors or mistakes or accidental damage affecting work assignment, property or equipment.
- o. Unauthorized opening of, or tampering with, locks in desks, doors, cabinets, etc., or unauthorized use of or duplication of keys.
- p. Threatening or intimidating other employees or supervisors.
- q. Behavior unbecoming of a District employee; that behavior or action which would adversely prejudice public opinion of the District.
- r. Failure to immediately report the loss of a California drivers' license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Division of Motor Vehicles. This rule applies to all employees of the District.
- s. Installing unauthorized software on the District's computer system.
- t. Misuse of electronic systems (email, internet, fax, telephones, cellular phones, iPads).
- u. Inability to establish and maintain effective working relationships with co-workers and those contacted during the course of work.

Since all employees are "at will" employees, the employment relationship may be terminated at any time by either the District or the employee with or without cause.

5.12 Cause for Disciplinary Action

The following is a non-exclusive list of conduct which is declared to be cause for disciplinary action against an employee, up to and including oral or written warnings and/or reprimands, suspension, demotion, or dismissal from employment with the District, although charges may also be based upon causes other than those identified below:

- a. The receipt or placement of non-emergency personal telephone calls during working hours.
- b. Failure to immediately report an accident or injury occurring on the District premises, or involving District equipment, or giving false information in accident or insurance reports.
- c. Failure to maintain equipment assigned to the employee.
- d. Failure to immediately report breakdowns or unsafe operation of equipment or facilities.
- e. Failure to perform assigned tasks that are within the scope of the employee's position in a workmanlike manner without undue waste or delay.
- f. Intentionally placing the District in a position of liability for damages or injury to another person or their property.
- g. Unauthorized binding of the District to a contract.
- h. Failure to maintain a positive working attitude in the daily course of District business.
- i. Use of intoxicants, narcotics, hallucinatory drugs or non-prescribed stimulating or depressing drugs, or being under the influence thereof while on duty. Employees suspected of being under the influence of any of the above will be required to undergo a medical evaluation at District expense to prove or disprove suspicion.
- j. Any form of insubordination or refusal to take direction from supervisors, including refusal to perform assigned tasks for any reason other than personal safety.
- k. Theft or misappropriation of any property of the District or its employees.
- l. Careless, negligent or intentional mishandling of any District property, records, vehicles, materials or equipment.
- m. Careless, negligent, abusive or other actions that endanger or threaten to endanger an employee or the public.
- n. Falsifying work records or the practice of fraud of any type.
- o. Leaving the job during duty hours without approval of supervisor.
- p. Violation of safety rules, procedures and regulations.
- q. Becoming uninsurable by standards of the District's insurance carrier for any reason.
- r. Sleeping on the job or repeatedly reporting to work later than the assigned hour, after having been duly warned.
- s. Unlawful possession of firearms or illegal weapons while on District property.
- t. Conviction of a felony, or misdemeanor involving moral turpitude, and incarceration for more than thirty (30) days.
- u. Unsatisfactory work performance.

- v. Discourteous treatment of the public or fellow employees, or other conduct unbecoming an officer or employee of the District.
- w. Unexcused and/or repeated tardiness or absenteeism.
- x. Insubordination or failure to comply with instructions.
- y. Any action which is inconsistent with, in violation of, or not in compliance with, this Personnel Manual or any other rules, policies, practices, or regulations adopted by the District.

6. DISCIPLINARY PROCEDURES

6.1 Forms of Discipline

Employees shall be subject to discipline in accordance with the provisions set forth in this Personnel Manual. Introductory employees serve at the pleasure of the General Manager and may be disciplined, warned, reprimanded, dismissed, demoted, reduced in salary step, or suspended without cause, prior notice, right of review, or appeal. A regular employee may be demoted, reduced in salary step, suspended, or dismissed only for cause in accordance with these procedures. A regular employee who receives an oral or written warning or reprimand may file a response thereto, but shall have no further right of appeal.

6.2 Notice of Proposed Disciplinary Action

Prior to issuance of a written order to either suspend, demote, reduce in step, or dismiss a regular employee, written notice of at least five (5) working days of the proposed disciplinary action shall be given before such action is to be taken, and such notice must include:

- a. Notice of the proposed action.
- b. Reasons for the proposed action.
- c. A copy of the charges stating specific incidences or specific courses of conduct and a copy of the written materials pertaining to those incidences or course of conduct.
- d. A notice that the employee has the right to respond in writing and/or orally to the proposed disciplinary action before said discipline is imposed. The notice to the employee of his right to respond must specify at least a five (5) working day period except as provided below. A longer notice might be warranted in specific cases because of the volume of material or complexity of the issues involved but only upon written request and with the approval of the General Manager.

The notice of proposed disciplinary action must be in writing and signed by the General Manager or the General Manager's designee. Upon receipt of the employee's response, the General Manager, or designee, shall review the response and determine the appropriate course of action. This may include imposing the same level of disciplinary action, modifying with less severe disciplinary action, or rescinding the notice of proposed action.

6.3 Limitations and Exclusions

Oral notice is insufficient as full notice to an employee and may be given only as the initial notice in extraordinary circumstances which call for immediate action. Employees may be suspended without prior written notice in extraordinary circumstances when it is essential to avert harm to the public, other employees, or to avert serious disruption of governmental

business. Extraordinary circumstances include, but are not limited to, situations involving misappropriation of public funds or property, working while under the influence of alcohol or drugs, open insubordination, commission of a crime involving moral turpitude punishable by imprisonment for one (1) year, and disruption of the District's business through misconduct.

6.4 Order of Disciplinary Action

Any employee response submitted in accordance with Section 6.2 will be considered and a determination made by the General Manager or his designee of appropriate action. The imposition of disciplinary action to suspend, demote, reduce in step, or dismiss is constituted by the written order. Said order is similar to the notice of proposed disciplinary action in that it contains the effective date of disciplinary action, the right to appeal and specific charges upon which the disciplinary action is based. The effective date may be prior to the order, provided the circumstances warranted such immediate action. The order shall be signed by the General Manager. Notice of the time allowed for appeal and answer shall be stated in the order. A copy of the order shall be personally served on the employee or sent by certified mail to the employee's last known address.

6.5 Appeal Procedure

Notice of Appeal and Request for Hearing. A regular employee may appeal an order of suspension of more than three (3) days, demotion, reduction in salary step, or dismissal, and request a hearing as provided for in these rules. The notice of appeal and request for a hearing must be in writing and must be filed with the District within five (5) working days of receipt of the order.

Appellant's Answer to the Charges. If the employee appeals, a written answer to the charges must also be filed with the District within five (5) working days of the receipt of the order. The answer to the charges must be attached to the notice of appeal and request for a hearing. The answer must address each cause for discipline set forth in the order and may state specific facts or reasons as grounds for the appeal. If an answer denying the causes for discipline set forth in an order is not filed, said causes for discipline will be deemed admitted.

6.6 Hearing Procedure

Review of the Appeal

- a. After receipt of the appeal and request for hearing, the Board of Directors shall review the appeal and answer to the charges at an executive session at the next regularly scheduled Board meeting subsequent to formal receipt of the appeal, or at such later date as mutually agreed upon by the Board of Directors and the appellant.
- b. The Board of Directors may elect to have the appeal heard by one of the following methods within thirty (30) days after their election:
 1. A full hearing by the Board of Directors.
 2. Appoint a hearing officer who shall present findings and a recommendation to the Board of Directors for a final disposition.
 3. Appoint a Disciplinary Review Board comprised of three members: one member to be selected by the District, one member to be selected by the employee, and the third member to be selected by the two

members previously described. The Disciplinary Review Board shall present findings and recommendations to the Board of Directors for final disposition.

- c. The Board of Directors shall have the final authority on all appeals and may uphold, reverse, or modify the disciplinary action.
- d. The Board of Directors shall notify the Appellant in writing as to the governing hearing proceedings.

Hearing

a. Time and Place

1. Pursuant to the Board's decision in Section 6.6.a., the General Manager shall take every appropriate action necessary and reasonable to convene a hearing within the time prescribed.
2. The District's representative, the appellant and/or their representative, and the hearing officer or Review Board shall meet in a pre-hearing conference to determine the time, place and manner in which the hearing will be conducted.

b. Purpose - The purpose of the hearing is to determine the accuracy and the sufficiency of the facts attendant to the disciplinary action. The District shall have the burden of proof. The parties may stipulate to certain facts or evidence which shall be considered without abridgment or adulteration by the hearing body or officers upon whom the action was based and any pertinent information which may establish the truth or falsity of such evidence.

c. Parties - The Appellant and their representative, if any, and the District's representative shall attend the meeting. Failure of the Appellant, with or without his representative, to appear in person at the time and place set for the hearing shall be deemed a withdrawal of the appeal, unless otherwise excused by the Board of Directors.

d. Rights - Each party shall have the right to:

1. Choose a representative.
2. Testify under oath.
3. Call witnesses and present documentary evidence.
4. Question all witnesses and examine the evidence.
5. Argue a case.

e. Order of the Proceedings

1. The hearing shall be opened by the recording of the time, place and date of the hearing and the presence of the parties and representatives, if any. The District shall first present its case on which the disciplinary action was based. A hearing guide may be used and will be made available to all parties.
2. If the appeal is to be heard by the Board of Directors, the President of the Board shall conduct the hearing. If the appeal is to be heard by the Disciplinary Review Board, the Disciplinary Review Board shall select a chairman to conduct the hearing. If a hearing officer is

appointed to hear the appeal, the hearing officer shall have the sole discretion and authority to conduct the hearing.

- f. Report of the Hearings: A record of the proceedings shall be taken and maintained by the District. The District may choose to make a mechanical or electronic record of the proceedings. Costs for transcripts shall be borne by the requesting party.
- g. Adjournment: The hearing may be adjourned or recessed for good cause, upon the request of a party, hearing body or hearing officer.
- h. Exhibits and Witnesses:
 - 1. The names of witnesses and exhibits shall be properly identified and shall be made part of the official record. The hearing body or officer may exclude witnesses not under examination and admonish witnesses to refrain from discussing the subject of their testimony with other witnesses or potential witnesses. The parties may remain at all times during the proceeding.
 - 2. Witnesses shall be required to testify under oath and affirmation. The oath shall read: "Do you solemnly swear (or affirm) that the testimony that you are about to give in this matter shall be the truth, the whole truth and nothing but the truth."
- i. Confidentiality: The hearing shall be closed to the public and shall not be a public record unless an open public hearing is requested by the appellant.
- j. Expenses: The expenses of witnesses for either party shall be paid by the party producing such witnesses.
- k. Closing of Hearing: The hearing body or hearing officer shall inquire if either side has anything further to offer. Upon receiving negative replies, the hearing shall be closed. The hearing body or hearing officer shall report its written recommendation to the Board of Directors and the parties within thirty (30) days after the closing of the hearing. The Board of Directors shall act upon that recommendation by upholding, reversing, or modifying the decision. The Board of Directors shall notify the parties within five (5) working days of the outcome of its final decision.

7. EFFECTS OF DISMISSAL

7.1 Effect of Dismissal

Dismissal of an employee from the District service shall, unless otherwise ordered:

- a. Constitute a dismissal as of the same date from all positions that the employee may hold in the District service.
- b. Terminate the salary of the employee as of the effective date of the dismissal, except that they shall be compensated for any unpaid salary, unused vacation, unused universal leave for senior management employees, and qualifying unused comp time for non-exempt employees as of the date of dismissal.

8. RECORDS

8.1 Personnel Records

The Personnel Officer shall maintain personnel records for each employee in the service of the District, showing the name, title of the position held, the department in which the employee is assigned, salary, changes in employment status, employee performance reviews, and such other information as the Personnel Officer may consider pertinent. All employees are permitted access to their personnel files upon written request; however, all information contained therein is District property and may not be removed by the employee. Employees have the right to copy any documents enclosed in their personnel files for their own files. All personnel records of District employees are of a confidential nature and are not subject to distribution to persons or agencies outside the District without the written permission of the Personnel Officer and employee, or by a court order.

8.2 Change of Status Report

Every appointment, promotion, change of salary rate, and any other temporary or permanent change in status of employees shall be approved by the General Manager and reported in such a manner as they may prescribe, prior to the effective date of the change.

9. SALARY ADJUSTMENTS

9.1 Determinations

Merit increases within salary ranges and reductions in pay within salary ranges shall be determined by the General Manager in accordance with Section 9.

9.2 Merit Increases

Regular, full time employees who work forty (40) hours per week and have successfully completed the required introductory period may be considered for merit increases. Part-time employees may also receive consideration with the recommendation of their supervisor and approval by the General Manager. Merit increases within an established salary range shall not be automatic but may be granted only for continued improvement by the employee in the effective performance of the duties of their position. For promoted employees who receive a pay increase upon their promotion, the increase will include any projected merit increase. Merit increases shall require the specific recommendation of the employee's immediate supervisor or department head and the approval of the General Manager.

9.3 Eligibility

A new employee or reclassified employee placed at the beginning of their position's salary range shall be eligible for consideration of a merit increase upon completion of the required introductory period. A new employee or reclassified employee originally placed higher than the beginning of their position's salary range shall be eligible for consideration of a merit increase upon completion of one year of service in the new or reclassified position.

9.4 Accelerated Merit Increases

Accelerated merit increases for exceptional job performance in addition to those granted as a result of an employee's regular annual evaluation may be approved by the General Manager provided the increase is within budgetary constraints. Accelerated merit increases that are outside budgetary constraints may be recommended by the General Manager for approval by the Board of Directors.

9.5 Certification Pay Increases

Regular, full-time employees who work forty (40) hours per week and have successfully completed the required introductory period may be considered for certification pay increases. Part-time employees may also receive consideration with the recommendation of their supervisor and approval by the General Manager. Certification pay increases within an employee's established salary range are not automatic; such increases may be granted upon attaining a Treatment, Distribution or Lab Analyst certification. Such increases shall amount to 2% of pay upon verification of each new qualified certification and must be within budgetary constraints and salary range. No certification pay will be granted for a college degree, unless an opportunity for promotion is available and upon the discretion of the General Manager. Certification pay increases must be related to the classification duties of the employee and are not retroactive.

10. ATTENDANCE, HOURS, PAY PERIODS AND PREMIUM PAY

10.1 Attendance

Employees shall be in attendance at their work in accordance with Section 10. All departments shall keep daily time records of employees that shall be reported to the General Manager in the form and on the dates they shall specify. Employees who are absent without leave and fail to return to duty within 48 hours after notice to return has been provided shall be subject to immediate discharge, and such employees automatically waive all rights under these rules. The depositing in the United States mail of a certified postage paid letter, addressed to the employee's last known place of address shall be reasonable notice.

10.2 Pay Periods and Procedure

Employees shall be compensated semi-monthly on the 15th and last working day of each month. If these dates should occur on a weekend or scheduled fixed holiday, compensation shall take place on the last working day prior to such events. In the event an underpayment or overpayment is identified, appropriate corrections will be made on the next regular paycheck. Upon separation from TVMWD, compensation for any unpaid earnings, leave time, or any other compensation earned will occur on the same regularly scheduled days listed above.

10.3 Meal Periods

For administrative or part-time employees:

- A one hour non-compensated meal period will be provided to all full-time administrative and part-time employees each day they work five hours or more.
- Employees can request their meal period at a time agreed to by their supervisor.

For operations employees:

- Meal periods are compensated because operations employees are required to be available to respond to any operational demands of the TVMWD system. Because of this, employees are expected to stay at the treatment plant or their field location for their meal period. Exceptions permitted:
 - Attendance at an offsite meeting, conference, etc.
 - At the specific approval of the operations manager
 - Employees are permitted 20 minutes to utilize a TVMWD vehicle to obtain their meal from a local establishment
- Employees can request their meal period at a time agreed to by their supervisor.
- Depending upon operational demands, supervisors will try to accommodate up to a one hour meal period each day the employee works five hours or more.

10.4 40-Hours Week

The regular workweek shall commence on Saturday at 7:00 am for all employees except the operations manager and operations supervisors, whose workweek shall commence on Friday at 12:00 p.m. The average regular workweek for employees shall be 40 hours. For all employees with an average regular work week of 40 hours, the hourly rate of pay shall be twelve times the monthly rate divided by 2,080 (40 hours x 52 weeks).

10.5 Exempt Employees

Based upon the Fair Labor Standards Act, the following job classifications are exempt from the overtime pay requirements: senior management (General Manager, Assistant General Manager-Administration, Manager-Engineering & Operations, Chief Finance Officer and Water Operations Manager) and non-senior management (Project Manager, Senior Financial Analyst and Operations Supervisor).

10.6 Management Leave

Exempt, non-senior management employees shall be eligible for five days of Management Leave annually (pro-rated based on date of eligibility for leave). Management Leave shall be credited in a lump sum at the beginning of each calendar year. Unused Management Leave will be carried over as vacation days to the following year. Use of Management Leave must be approved by the General Manager and at times that are convenient to the District.

10.7 Overtime

A non-exempt employee who performs work in excess of 40-hours in a workweek shall be compensated for such overtime work at the rate of one and one-half times their regular hourly rate of pay. A non-exempt operations employee who performs work in excess of 8-hours per workday (excluding weekends) shall be compensated for such overtime work at the rate of one and one-half times a regular hourly rate of pay. Overtime shall be rounded to the nearest quarter-hour of overtime worked. All non-emergency overtime must be authorized in advance by the appropriate Department Head and approved by the General Manager.

10.8 Flexible Work Schedules

At the discretion of the General Manager, employees may be permitted to work a flexible work schedule equivalent to 40 hours in a workweek.

10.9 Compensatory Time

Hours accrued in addition of 40-hours in a workweek and not compensated as overtime shall accrue at a rate of one and one-half times as compensatory (comp) hours. Comp hours can be used at the approval of your supervisor. Comp time off is not available to exempt or operations employees. Comp time is capped at 240 hours, so any additional time earned will be compensated to the employee. Comp time balances will be paid down to a balance of 50 hours, once per year, on December 31.

10.10 Standby Pay

One operator will be designated to serve in an on-call capacity each day (weekdays and weekends). The on-call operator must be available on his designated day to return to the plant within 30 minutes of receiving a call, ready for work as in any other instance. Shift operators who serve in an on-call capacity will be paid \$25 per day (\$50 on holidays). If the on-call operator is unable to return to work, he is responsible for locating a substitute operator. The substitute operator will instead receive the standby pay. In addition to receiving the standby pay, the on-call operator will be paid for the additional time spent responding to the situation.

- If responding by phone only, the on-call operator will be guaranteed at least 15 minutes of additional pay. All time over 15 minutes will be rounded up to the nearest 15 minutes increment.
- If responding in person, the on-call operator will be guaranteed at least two hours of additional pay. All time over two hours will be rounded up to the nearest 15 minute increment.
- Operators will be eligible for overtime and shift differential pay as applicable for time spent responding.

Standby pay is not considered CalPERS pensionable compensation.

10.11 Shift Differential Pay

Non-exempt operations staff who work at times other than dayshift (7 AM to 3 PM) will be compensated with 10% additional pay for those hours.

- Swing (3 PM to 11 PM)
- Grave (11 PM to 7 AM)
- Weekend (3 PM to 7 AM each day)

Shift differential is considered special compensation and will be reported to CalPERS as such.

11. HOLIDAYS, VACATION AND LEAVES

11.1 Holidays

The District shall observe the following holidays:

New Year's Day (January 1)

Presidents' Day (Third Monday in February)
Memorial Day (Last Monday in May)
Independence Day (July 4)
Labor Day (First Monday in September)
Veterans' Day (November 11)
Thanksgiving Day & Day After (Fourth Thursday and Friday in November)
Christmas Day (December 25)

Additional holidays may be approved and observed. Unassigned floating holidays will be provided to full-time employees at the beginning of each calendar year to make a total of 12 holidays each calendar year.

11.2 Holiday Observance

Any holiday falling on a Friday, Saturday or Sunday may be designated by the General Manager on an alternate day for the observance of a holiday, or its conversion to a floating holiday, when a holiday conflicts with a work schedule. A holiday may only be applied to a scheduled workday. Employees are not eligible to receive unassigned floating holidays until they satisfactorily complete their introductory period. Any employee scheduled who works on either the actual holiday or the observed holiday will be paid at one and one-half times the employee's regular rate of pay. Since the employee is working the holiday, the employee will also be paid an additional eight hours at regular pay for that holiday. To coordinate with the different schedules, holidays begin at 11pm the prior day and end at 11pm that day.

11.3 Vacation Accrual

Based on a 40-hour workweek, vacation time shall be accrued as follows for full-time non-senior management employees: During the first through fourth years of service, 3.34 hours per pay period; during the fifth through ninth year of service, 5.00 hours per pay period; during the tenth year of service, 5.34 hours per pay period; during the eleventh year of service, 5.67 hour per pay period; during the twelfth year of service, 6.00 hours per pay period; during the thirteenth year of service, 6.34 hours per pay period; during the fourteenth year of service and thereafter, 6.67 hour per pay period. Employees eligible for vacation accrual that regularly work less than a 40-hour workweek will accrue at a rate equal to the number of hours worked divided by 40.

11.4 Introductory Period Vacation Accrual

Vacation time shall accrue as described above during the introductory period. An employee shall be entitled to use the vacation time accrued upon successful completion of the introductory period when they become a regular employee or prior if approved by the General Manager.

11.5 Use of Vacation Time

Timing of vacations must be approved by the Department Head or General Manager at a time that is convenient to the District.

11.6 Vacation Buy Back

On December 31 of each year, vacation balances will be paid down to 420 hours for full-time

non-senior management employees and 320 hours for all other employees.

11.7 Universal Leave

Senior management employees are eligible for universal leave, which shall accrue as follows: During the first through fourth years of service, 9.67 hours per pay period; during the fifth through ninth year of service, 11.67 hours per pay period; during the tenth through fourteenth year of service, 12.67 hours per pay period; during the fifteenth year of service and thereafter, 14.67 hour per pay period. On December 31 of each year, universal leave balances will be paid down to 620 hours. A senior management employee shall be entitled to use the universal leave accrued upon completion of the introductory period when they become a regular employee or prior if approved by the General Manager.

11.8 Sick Leave Accrual

All full-time, non-senior management employees shall be credited with four (4) hours per pay period of sick leave for each month of employment. Employees eligible for sick accrual that regularly work less than a 40-hour workweek will accrue at a rate equal to the number of hours worked divided by 40.

To comply with the Paid Sick Leave Law, part-time employees will accrue 1 hour of sick leave per every 30 hours worked.

- Accrual begins immediately but employee must work 30 days to become eligible
- Maximum accrual is 24 hours per employment year
- Employee may carry over hours to the following employment year up to a maximum of 48 hours
- Employee may use hours after the 90th day of employment

11.9 Use of Sick Leave

Sick leave is to be used for a bona fide medical condition that prevents an employee from performing the duties of their position. Sick leave may be used for yourself as well as for the illness or injury of a child, spouse or parent.

11.10 Sickness Verification

If an employee is absent from work and misses more than three (3) days of service, that employee may be required to provide a medical release before returning to work upon the request of the Department Head.

11.11 Notification of Supervisor

Absent employees must notify their supervisor prior to the beginning of their work shift each day they will be off.

11.12 Bereavement Leave

In the event of a death of a member of an employee's family, the employee shall be granted a maximum of five (5) days of paid bereavement leave. Subject to the approval of the General Manager, employees may take additional days of bereavement leave for deaths outside the state boundaries, with such time to be deducted from the employee's sick, vacation or comp

leave. For purposes of this Rule, a family member shall be defined as any of the following:

Spouse	Adopted child	Stepfather	Stepson
Daughter	Grandmother	Stepmother	Father-in-law
Son	Grandfather	Stepbrother	Mother-in-law
Father	Granddaughter	Stepsister	Brother-in-law
Mother	Grandson	Daughter-in-law	Sister-in-law
Brother	Aunt	Son-in-law	Domestic Partner
Sister	Uncle	Stepdaughter	Legal Guardian

11.13 Funeral of Deceased Employee

District employees may be excused by immediate supervisors to attend the funeral of deceased District employees without loss of pay.

11.14 Military Leave

Military leave shall be granted in accordance with the provisions of state law.

11.15 Jury Duty Leave

Employees are authorized leave of absence with pay for jury duty service selection. The District will pay for a maximum of one incident during any 24-month period, with jury duty leave not to exceed ten (10) days during the select incident (Employee will remit to the District any jury compensation (excluding mileage) received for the ten (10) days. Selection to a jury by a federal court will count as a separate incident not impacted by the 24-month period rule. Employees are required to notify their supervisors as far in advance of their reporting date as possible. All such leave must be coordinated with the immediate supervisor.

The General Manager is authorized to allow employees leave of absence with pay for selection to perform jury duty service. Notify your supervisor that you have been selected for jury duty service. You must provide proof of your selection prior to serving. At the conclusion of your service, you must provide court certification of the day(s) served to the District's payroll department. The court will issue this certification to you on the last day of your jury duty service.

11.16 Quarantine Leave

An employee who is quarantined may elect to take as much of their accumulated sick leave or their accumulated vacation as is necessary to avoid loss of pay.

11.17 Time Off To Vote

If an employee cannot make sufficient time outside of working hours to vote in a statewide election, they can take off up to two hours of working time to vote without loss of pay. This time must be used at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from working. The employee must notify their supervisor at least two working days in advance to arrange a voting time.

11.18 Time Off For Training

TVMWD will allow up to one (1) day of paid time off for employees to attend a work-related seminar or training course, subject to Supervisor approval, when it overlaps an employee's work shift. Time off for more than one (1) training day within the same occurrence, that overlaps an employee's work shift, may be taken as paid personal time off, subject to Supervisor approval. Paid time off must be approved by the department head or General Manager.

11.19 Family Leave

The District will comply with the Family Medical Leave Act (FMLA), Pregnancy Disability Leave (PDL) and the California Family Rights Act (CFRA) and amendments thereto, or similar law. Special leave with pay may be taken and charged against sick, vacation or comp leave, or may be taken without pay as provided by law. The employer designated 12-month period for FMLA is the 12-month period measured forward from the date of the first FMLA leave usage by the employee.

11.20 Workers Compensation Leave

An employee injured in the scope and course of employment with the District may elect to take accumulated sick, vacation or comp leave, in minimum of one (1) hour increments, as when added to their workers' compensation indemnity will result in a payment of not more than their full salary.

11.21 Disability Leave

An employee who is absent due to a non-work related illness or injury will be required to utilize their accumulated sick, vacation or comp leave, prior to receiving disability insurance payments, during the initial seven (7) day qualification period. After this period, the employee may elect to take accumulated sick vacation or comp leave, in minimum of one (1) hour increments, provided that when added to their disability indemnity it will not result in a payment of more than their full salary.

11.22 Leave Without Pay

The General Manager shall have the power to grant a leave of absence without pay when the employee has two (2) or more years of continuous regular employment. In special cases, the General Manager may waive the two (2) year employment requirement if it is in the best interest of the District. An employee shall not be eligible for a leave of absence without pay until all of the employee's accumulated leave time with pay has been used. While on leave, the employee will not accrue any additional leave time. During the period of a leave of absence without pay, the employee shall not accept any other employment except with express written permission of the General Manager. An employee on such a leave may continue within, the limits set by the provider, any insurance available to him/her as an employee by paying, in advance, all costs of such continued insurance. An employee granted leave must return to work not later than the start of the first working day following the end of the leave.

11.23 Return to Work Program

The District recognizes that our employees are a critical part of our operation, and even if an employee becomes injured (on or off the job) or has a temporary disability as a result of surgery or an illness, they remain a valuable part of our staff. A Return to Work Program (RTW) is a proven essential cost containment element of our overall risk management program and is used in conjunction with our Safety Program.

If you are injured on or off the job, or have a temporary disability as a result of surgery or illness, the Program will look at ways to bring you back to work as soon as the doctor determines that you are medically ready. This may mean making temporary modifications to your job duties or work hours to accommodate your recovery.

If the employee does not report to work (modified duty or regular work) when the doctor releases the employee or leave has expired, the employee may not be eligible for temporary disability payments, workers' compensation payments, or regular wages, and the employee could be subject to disciplinary action, up to and including termination.

For complete information and to obtain the appropriate forms, please refer to the RTW Program documentation.

12. TRAVEL ALLOWANCE

The District reimburses employees traveling on District business for typical expenses incurred: conference/seminar registration, meals, lodging and door-to-door transportation. Employees are expected to use the most economical means possible for travel expenses. A conference *Request to Attend* form must be submitted for approval prior to registering for the conference or booking any travel. To be reimbursed, a request form for expense reimbursement must be completed with all original receipts attached. Costs that normally would not have a receipt (i.e. tips) should be documented on the expense reimbursement form. Otherwise, missing receipts will not be reimbursed.

Lodging - Employees are expected to request government or group rates for lodging when available. The following stipulations must occur for the employee to incur lodging expenses:

- The event/conference occurs more than 50 miles from the employee's home, and:
 - To incur lodging expenses for the night before, the event/conference would cause the employee to leave their home before 6am.
 - To incur lodging expenses for the night of, the event/conference would cause the employee to not return to their home that night until after 7pm.

Transportation - Employees are expected to request government rates for transportation costs when available. Employees will be reimbursed for transportation based on most economical means possible. For instance, if transportation normally would require flying, the employee may instead choose to drive. However reimbursement will not be provided for mileage or the cost of rental vehicle and fuel that exceeds the cost of round-trip coach airfare. If an employee chooses something other than logical transportation, they are expected to document costs to verify reimbursement is the most economical.

Airfare - Employees will be reimbursed for round-trip coach airfare, transportation to the airport and parking if necessary. Non-exempt employees will be compensated for flight time and time from destination airport until the employee reaches their hotel/event/conference. Likewise, employees will be compensated for time from hotel/event/conference to destination airport and flight time.

Automobile - Use of the District's vehicles is encouraged whenever possible. Use of your personal vehicle requires use of your insurance for any accidents encountered. Mileage reimbursement shall be given when personal vehicles are used. If an employee attends an all-day event instead of coming to work, mileage will be calculated based on round-trip miles to the event less normal miles the employee would incur driving back and forth to work. The reimbursable mileage rate will be set equal to what is allowed by the Internal Revenue Service. Employees will also be reimbursed for parking if necessary. If the employee is choosing to drive rather than fly, non-exempt employees will be compensated only for the amount of time necessary had they flown, as outlined above.

Meals - Expenditures for meals shall be reimbursed only with original, itemized receipts. Alcohol will not be reimbursed. When meals are included in a conference/seminar registration packet, outside meals will not be reimbursed. Expenses for spouses/guest and special activities provided in conjunction with conferences will not be reimbursed. If employees are away from work for a portion of the day, meals will be reimbursed up to \$100 per day at their discretion.

13. COMPLAINT PROCEDURE - NON-DISCIPLINARY MATTERS

13.1 Purpose

The purpose of this section is to enhance communications between the District and its employees by providing a fair and impartial review and consideration of complaints at the level closest to their point of origin within a reasonable time period without jeopardizing the employee's position or employment.

13.2 Matters Subject to the Complaint Procedure

A complaint may be filed for the alleged violation of the Personnel Rules; alleged improper treatment of an employee; or alleged violation of commonly accepted safety practices or procedures.

13.3 Limitations of Complaint Procedure

The complaint procedure shall not be used to establish new policies or change any existing rules. It shall not be used in matters resulting from disciplinary action.

13.4 Confidentiality of Complaint Procedure

Any matter leading to a complaint by an employee shall be kept confidential.

13.5 Informal Complaint Adjustment

Whenever possible, an employee who has a complaint should try to solve the problem

through informal discussion with their supervisor without delay. The supervisor shall make whatever investigation they deem necessary and reply within five (5) calendar days. All matters, for which they do not have authority to make a decision, should be brought to the attention of a higher level supervisor who does have the proper authority.

13.6 Next Level of Authority

If the employee is not satisfied with the decision reached through the informal discussion, and/or some other extenuating circumstances exist, they may bring the matter to the attention of the next level of authority. If the employee is still not satisfied with the decision, they may file a formal complaint within (15) calendar days of the occurrence of the event or action giving rise to the complaint.

13.7 Formal Complaint Procedure

The formal complaint procedure may be followed only after failure to resolve a problem through informal complaint adjustment. If the employee is not in agreement with the decision reached, they may, within fifteen (15) calendar days of the occurrence of the event or action-giving rise to the complaint, file a formal complaint in writing with the General Manager. The General Manager shall make whatever investigation they deem necessary to allow fair consideration of the situation and shall present a written reply to the employee within ten (10) calendar days after receipt of the complaint. In the case of a complaint against the General Manager, an employee may file a complaint in writing with any member of the Board of Directors. The member with whom the complaint is filed shall submit the complaint to an Executive Committee. The committee will review the matter and shall then make a recommendation to the Board of Directors. Subsequently, the Board will make a written decision.

The written decision of the General Manager and/or the Board shall constitute the final step of the District's administrative process. All matters complained of by an employee in writing shall be kept confidential, except as to those matters required by law.

13.8 General Consideration

The General Manager shall receive and retain copies of all written material pertaining to the complaint. Employees may represent themselves or select whomever they desire to represent them in the complaint procedure. If an employee fails to proceed with a complaint within any of the time limits specified in this section, the complaint shall be deemed settled on the basis of the last decision reached. Any of the time limits specified in this section may be extended when mutually agreed upon by all parties concerned.

13.9 Alternative Dispute Resolution

The District may, as an option, offer arbitration for workplace disputes involving alleged wrongful termination, workplace harassment, or discrimination based on race, color, religion, gender, national origin, age and disability.

14. HARASSMENT

- Harassment of employees due to their age, ancestry, color, creed, marital status, medical condition, national origin, physical disability, race, religion, or gender by fellow employees, officers, directors, consultants, or non-employees will not be tolerated by the District. Harassment shall be reported in writing to the General Manager, or the President of the Board of Directors if the complaint is against the General Manager. Upon receipt of a harassment complaint, the General Manager or the President of the Board of Directors, as appropriate, shall take prompt action to conduct a confidential investigation to determine whether harassment has taken place and/or is presently taking place. Where found appropriate, actions shall be taken to effectively stop such behavior where it does exist.

- Sexual harassment of the District's employees, by a person in or from the work environment, is strictly prohibited. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or other physical conduct of a sexual nature when:
 - Submission to such conduct is made either expressly or by implication a term or condition of an individual's employment.
 - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the employee's performance, appraisal, assigned duties, or any other condition of employment or career development.

Sexual harassment also includes any act of retaliation against an employee for reports of violation of this policy or for participating in the investigation of a sexual harassment complaint.

Other examples of sexual harassment include unwelcome sexual flirtations or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; emails that may be inappropriate, offensive, harassing, and/or creating a hostile work environment; and the display in the work environment of sexually suggestive objects or pictures, posters, jokes, cartoons, or calendar illustrations. Sexual harassment conduct need not be motivated by sexual desire.

If you feel that you have been or are being sexually harassed or are aware of or suspect the occurrence of sexual harassment, immediately contact your supervisor, Personnel Officer or the General Manager. Any and all complaints will be treated with confidentiality to the extent possible. The complaint will be responded to in a timely fashion, investigated promptly and thoroughly by impartial and competent personnel; documents and tracked to insure reasonable progress; met with appropriate remedial action when misconduct is found; and afforded a timely closure.

Any person who is found to condone, participate, or initiate any of the above forms of harassment will be disciplined, in the form of written warning, demotion, suspension or termination. No employee will be disciplined or otherwise retaliated against for initiating a harassment complaint, or for participating in a harassment investigation.

15. EMPLOYER-EMPLOYEE RELATIONS

The Employer-Employee Relations Policy provides procedures for the administration of employer-employee relations between the District and its employee organizations. Resolution 9-95-347

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