

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2007-XXX__**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
AMENDING AND RESTATING THE DISTRICT'S
PERSONNEL POLICIES AND PROCEDURES**

WHEREAS, the Board of Directors of Nipomo Community Services District (herein "District") adopted Personnel Policies and Procedures on July 17, 2002 (herein "Personnel Policies and Procedures"); and

WHEREAS, on April 25, 2007, the District Board of Directors introduced amendments to the Personnel Policies and Procedures and circulated said amendments to District employees and Directors for comment and further set the date of May 23, 2007, for adoption of the amendments; and

WHEREAS, the amendments to the Personnel Policies and Procedures, attached as Exhibit "A" to this Resolution, have been reviewed by the Board of Directors and District employees.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. The amendments to the District's Personnel Policies and Procedures, attached hereto as Exhibit "A", are hereby adopted.
2. The District's Personnel Policies and Procedures, as amended, including prior amendments, are hereby restated and adopted as the District's Personnel Policies and Procedures. The General Manager is hereby authorized to collate the Personnel Policies and Procedures, this amendment and all prior amendments into a single document to be published as the District's Personnel Policies and Procedures.
3. 1020A-Table of Organization and job descriptions for 7040-Utility Supervisor and 7050-Utility Field Foreman shall remain in effect until the 7100-Utility Superintendent reports to duty. At such time, 1020-Table of Organization will become effective and job descriptions 7040 and 7050 will be removed from the Personnel Policies and Procedures Manual.
4. Severability. If any section, subsection, clause, or phrase of the District's Personnel Policies and Procedures, as adopted by this Resolution is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of the Personnel Policies and Procedures.
5. Effective Date. This Resolution and the Personnel Policies and Procedures, as restated and adopted herein, shall take effect immediately.

Upon motion of Director _____, seconded by Director _____ on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
CONFLICT:

the foregoing resolution is hereby passed and adopted this 23rd day of May, 2007.

MICHAEL WINN, President of the Board
Nipomo Community Services District

ATTEST:

APPROVED:

DONNA K. JOHNSON
Secretary to the Board

JON S. SEITZ
District Legal Counsel

***NIPOMO
COMMUNITY
SERVICES
DISTRICT***

PERSONNEL POLICIES AND PROCEDURES

**PURPOSE
CHAPTER ONE - INTRODUCTION**

**NUMBER: 1000
EFFECTIVE: 05/23/07**

CHAPTER ONE - INTRODUCTION

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PURPOSE
CHAPTER ONE - INTRODUCTION

NUMBER: 1000
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CHAPTER ONE - INTRODUCTION

1000 - PURPOSE OF PERSONNEL POLICIES

It is the intent of the Board of Directors of the Nipomo Community Services District to maintain a manual of Policies and Procedures. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The manual of Policies and Procedures will serve as a resource for Directors, staff, and members of the public in determining the manner in which matters of District business are to be conducted.

The information contained in this manual constitutes the District's personnel rules and policies. It is not to be interpreted as a contract between the District and any of its employees. Except as provided herein, this manual applies to all regular, full-time employees except the General Manager and any other person who enters into an employment contract with the District. These rules do not apply to members of the Board of Directors; volunteer personnel, such as advisory committees; persons engaged under contract to provide expert, professional, technical, or other services; or to temporary employees.

If any policy or portion of a policy contained within the manual of Policies and Procedures is in conflict with rules, regulations or legislation having authority over the Nipomo Community Services District, said rules, regulations, or legislation shall prevail.

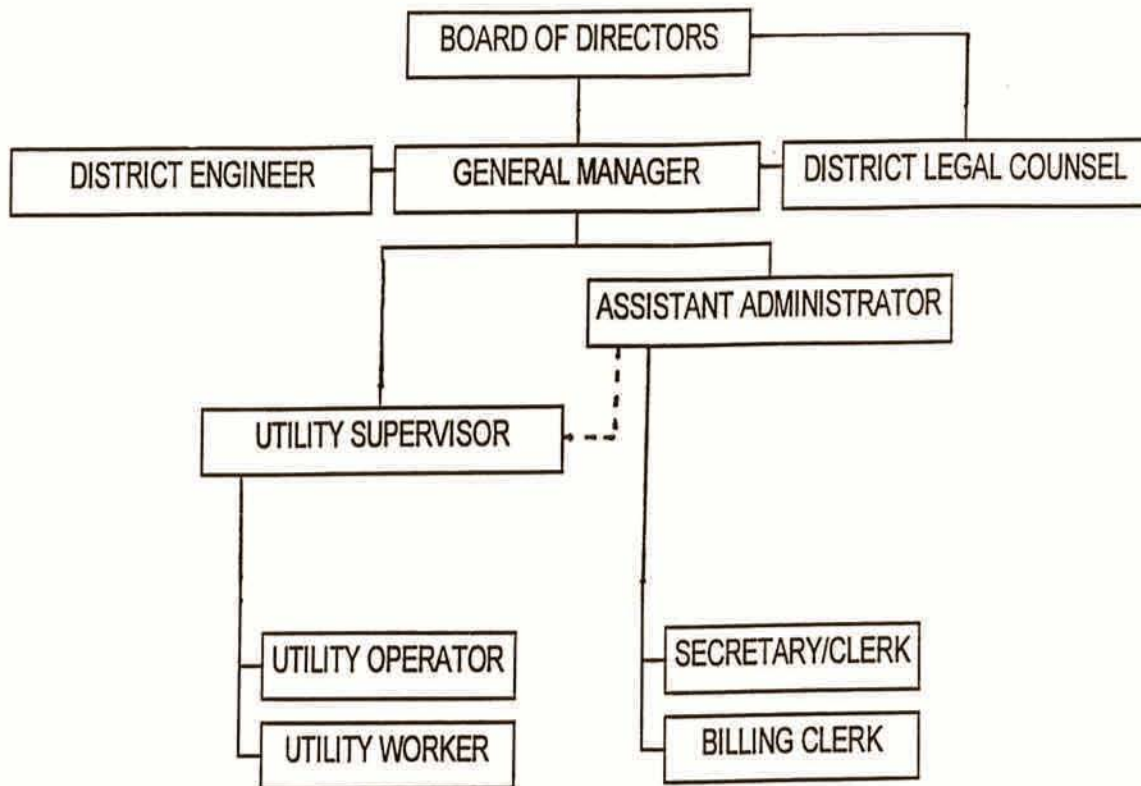
The District reserves the right to modify or delete any of these policies when, in the opinion of its management and the Board of Directors, it becomes advisable to do so. The District may also deviate from these policies in emergency situations provided that the Board conducts an emergency meeting and votes to take appropriate action regarding said deviation from policies. Announcement of changes will be made through standard communication channels (for example, employee meetings and Manager communications). No oral statements or representations can in any way change or alter the provisions of this manual.

1010 - DEFINITIONS

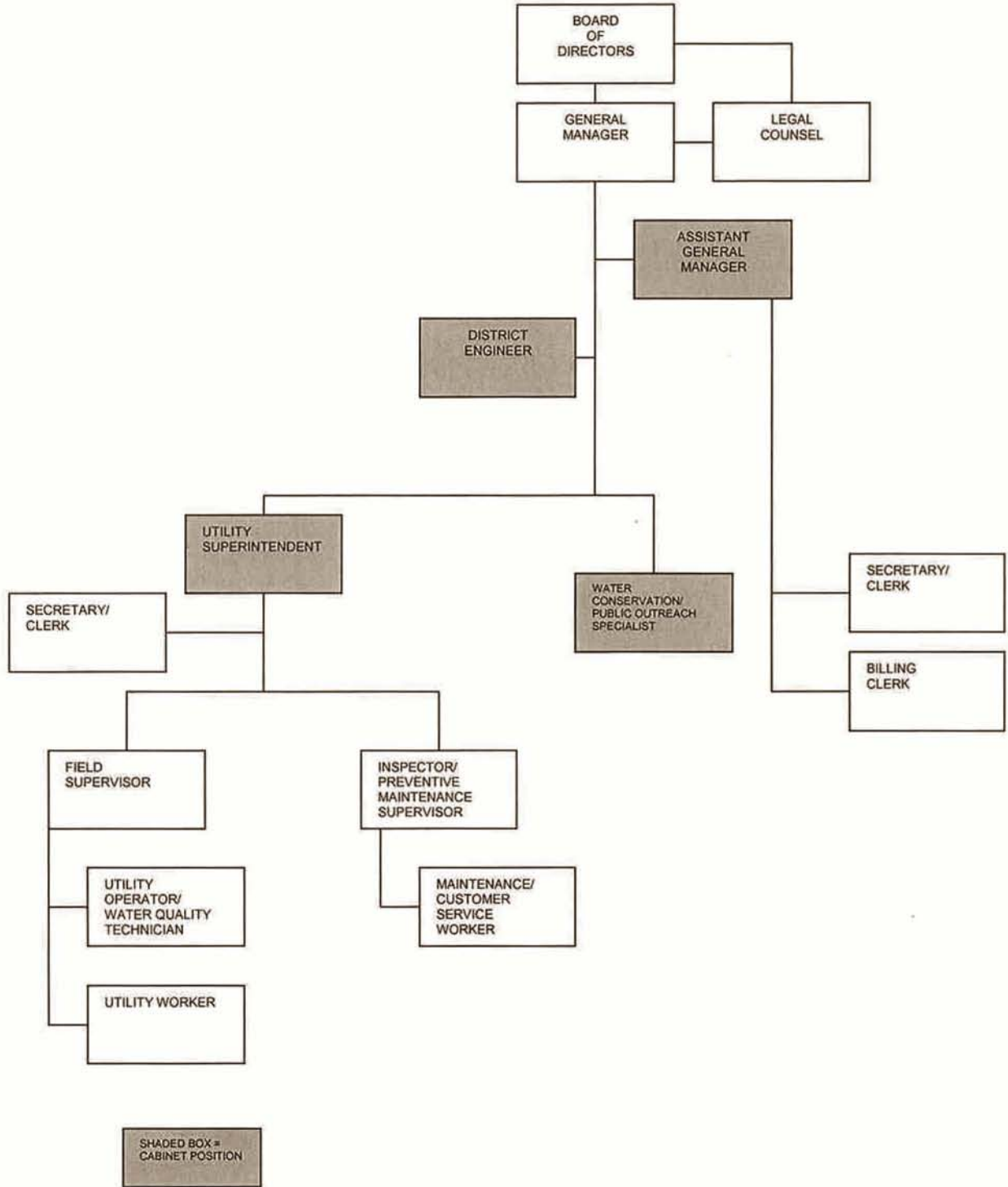
1. **Anniversary Date:** The annual date established as the month and day an employee successfully completes the introductory period of one year. Employee's anniversary date is not affected by authorized leave of absence.
2. **Confidential Position:** A position so designated by the Board of Directors that has access to privileged and confidential information relating to District Administration, employer-employee relations and other personnel matters. The employee's access to such confidential matters shall be strictly limited to the areas of work in which each individual position is normally engaged.
3. **Contract Employee:** Employee hired as specified in an employment contract. Any persons employed on a substitute or temporary basis shall be employed by contract.
4. **Corrective Counseling Plan:** Plan approved by the General Manager to rectify or improve substandard performance as indicated by evaluation.
5. **Elected Positions:** Those positions filled by popular vote or by appointment pending the next scheduled election.
6. **Employee:** Any person legally occupying a position in the District service.
7. **Exempt Employee:** Employee designated as Executive, Administrative or Professional are exempt employees, as defined by the Fair Labor Standards Act. An exempt employee is expected to complete his/her assigned duties rather than adhere to a strict workday schedule. Consequently, no overtime or compensatory time will be provided for working beyond a forty-hour work-week.
8. **Immediate Family:** Is defined as being spouse and the following, if living in the employee's household: parents, grandparents, child, step child, brother or sister, grandchild or corresponding relatives by marriage or any other person who is a legal dependent of employee.
9. **Introductory Employees:** An introductory period regarded as part of the examination process which provides the General Manager the opportunity to observe and evaluate an employee's competence and ability to perform assigned duties. A new and/or returning employee shall be regarded as an introductory employee for the first 365 calendar days of employment. Introductory employees serve entirely at the will and pleasure of the General Manager and may be terminated by the General Manager without cause and without right of appeal or hearing at any time.
10. **Leave of Absence:** Permission to be absent from duty without pay for a specified period and purpose.

11. Step-Merit Increase: That periodic increase in salary that is based on performance and duration of employment in any given position.
12. Part-Time Position: A position, approved by the District Board, in which an employee works a continuing, year-round shift averaging 20 hours or more per week. All such employees are entitled to vacation and sick leave according to a formula adopted by the Board of Directors.
13. Reclassification: As approved by the Board, a significant change in the duties and responsibilities of a position. A reclassification downward does not affect an employee's anniversary date. In a reclassification upward, the anniversary date is changed to the date the Board approves the reclassification.
14. Regular Employees: A regular employee is one who has been hired to fill a regular position in any job classification and has completed his/her introductory period and works 30 or more hours per week on a regular and continuous basis.
15. Regular Pay Rate: The hourly rate actually paid an employee for the normal work time performing the duties for which that employee has been employed by the District.
16. Transfer: At the General Manager's discretion, a change of an employee from one position to another with the same or comparable duties.

1020A - TABLE OF ORGANIZATION



1020 - TABLE OF ORGANIZATION



CHAPTER TWO - EMPLOYMENT

2000 - RECRUITMENT

1. Employment – Hiring

An applicant for employment shall be evaluated on the basis of his/her submitted material(s), personal interview(s), and demonstrated ability. This District may retain all employment applications for a period of one year, where upon they shall be discarded. The District will only solicit applications when position openings exist, when employees have tendered letters of resignation or retirement, or when vacancies or new position openings are anticipated. Upon completion of such evaluation, the Board needs to be notified of final applicants, and the General Manager, or designee, shall select the applicant to be employed to fill the position opening, and shall promptly notify the Board of Directors of the name of the person selected. The Board of Directors may, but need not, review and approve such selection. If two people are hired on the same day for jobs that have the same rate of pay, it must be determined who was hired first. If two people are hired on the same day for different rates of pay, the employee with the higher pay rate will be deemed the employee hired first.

2. Employment - Philosophy

It is the philosophy of the District to promote from within the District, unless it would be in the District's best interest to hire from the outside. For this reason, most employment openings as they occur will be announced to all departments. There may be however, instances where the General Manager will fill a position without announcing it. All interested employees will be considered for the announced employment opening.

3. Employment of Relatives

The District may disqualify from competition any applicant for employment or transfer request where the result of a positive hiring or transfer decision would put an employee in direct supervision of (or under the direct supervision of) a close family relative or otherwise create a security, safety, or morale problem for the District. For purposes of this section only, excluded relations would include parent, child, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, sibling, spouse, cohabitants, or in-law relations.

4. Pre-Employment Physical Examination

All offers of employment for regular, part-time and contract positions shall be made contingent upon the respective applicant's successfully passing a physician's examination and drug test, to be provided at District expense.

An applicant shall not be employed until a negative drug screen result is obtained and a qualified physician has certified the applicant is qualified to do the type of work required by the position being applied for.

Prior to conducting the exam, the physician will be supplied with a specification/description of the position for which the applicant is applying, which shall include the description of the physical requirements and working environment of the position.

Applicants who refuse to cooperate in the examination and testing shall not be considered for employment. Applicants who have a positive drug test shall be denied employment.

Re-testing of an individual who was previously employed by the District will be required if more than three (3) months have elapsed since said individual's last day of work for the District.

Appointments with the medical facility providing the examination and drug testing shall be made at least one day prior to testing, if possible, with the applicant provided minimal advance notice (no more than one day, if practical).

When the applicant reports to the medical facility for the scheduled examination and drug testing, identification shall be provided to said facility in the form of a photograph and verifiable signature (e.g. vehicle operator's license).

All test results shall be kept confidential. The applicant may be told he/she failed to pass the test, but only the General Manager and Assistant Administrator shall have access to the actual test results.

District employment application forms shall contain a notice to applicants as follows:

- A. Nipomo Community Services District has a policy that any offer of employment shall be contingent upon the applicant successfully passing a physician's exam and a urine and blood test for illicit drugs pursuant to Section 5070. Persons who do not receive said physician's certification of qualification to do the type of work required by the position applied for, or who test positive for the presence of illicit drugs in his/her body will not be considered further. If an applicant has reason to believe that he/she will not pass a physician's examination or will register positive on a drug test, or if an applicant is unwilling to consent to such a test or examination, it is recommended that he/she not submit an application.
- B. Immediately prior to reporting for drug testing, all applicants shall complete a Consent and Release Form to be kept on file in the District office which shall conform to the format in Appendix B.

5. DMV Record

All applicants shall submit a current Department of Motor Vehicle record and may be required to provide proof of insurance to the District. The insurance carrier of the District will be requested to verify eligibility of insurability based upon the applicant's previous driving history. Applicants who are denied insurability by the District's insurance carrier will be disqualified.

6. Immigration

The District requires satisfactory evidence prior to the commencement of introductory employment of legal authority to work in the United States.

7. Written/Oral Examination

The District may conduct employment testing and interviews of job applicants.

Individuals who will require reasonable accommodation to take a test as part of the selection process must make such request when submitting the application.

8. Verification

The successful job applicant may be fingerprinted before employment and all statements submitted on the employment application or attached resume shall be subject to verification.

9. Personnel Action Form

Every appointment, transfer, demotion, step increase, suspension without pay, separation from service, or any information or action which affects the salaried status of an employee shall be initiated by the General Manager on a Personnel Action Form. Personnel Action Form is located at Appendix "F".

EQUAL OPPORTUNITY EMPLOYMENT

It is the policy of the Nipomo Community Services District that there shall be no discrimination based upon race, national origin, religion, sex, physical handicap, sexual orientation, veteran status or age in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves, and any disciplinary or grievance action.

2010 - OUTSIDE EMPLOYMENT

1. No District employee shall be permitted to accept employment in addition to or outside of District service if:
 - A. The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or
 - B. The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or
 - C. The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.
2. An employee who does have additional or outside employment shall not be permitted to use District records, materials, equipment, facilities or other District resources in connection with said employment.

2020 - SEPARATION FROM DISTRICT EMPLOYMENT

1. Resignation. To leave District service in good standing, an employee must file a written notice of termination with the General Manager at least two (2) weeks before the effective date. The General Manager may, however, grant good standing with less notice if he/she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval. At the General Manager's discretion the resigning employee may be terminated immediately with two weeks pay and all other final compensations.
2. Layoffs. Whenever, in the judgment of the District Board, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or assigned to an equal or lower paying position.
 - A. Employees to be laid off shall be notified as soon as practicable and given at least fourteen (14) calendar days prior notice.
 - B. Except as otherwise provided, whenever there is a reduction in the work force, the General Manager shall first demote to a vacancy, if any, in an equal or lower position for which the employee who is the latest to be laid off is qualified.
 - C. An employee affected by layoff may have retreat rights to displace an employee who has less seniority in a lower position that the employee has previously occupied or supervised. For the purpose of this document, seniority includes all periods of full-time service at or above the retreat position being considered.
 - D. In order to retreat to a former or lower position, an employee must request displacement action in writing to the General Manager within five (5) working days of receipt of the layoff notice.
 - E. Employees retreating to a lower position shall be placed at the salary step for which they are qualified representing the least loss of pay. In no case shall the salary be increased above that received in the position from which the employee was laid off.
 - F. If two positions have the same job description, then employees shall be laid off according to employment status in the following order: temporary, introductory, and regular. Temporary and introductory employees shall be laid off according to the needs of the District as determined by the General Manager. In cases where there are two or more regular positions with the same job description from which the layoff is to be made, such employees shall be laid off on the basis of the last evaluation rating in the position, providing such rating has been filed at least 60 days.

**SEPARATION FROM DISTRICT EMPLOYMENT
CHAPTER TWO - EMPLOYMENT**

**NUMBER: 2020
EFFECTIVE: 05/23/07**

- G. The names of persons laid off or demoted in accordance with this policy shall be entered upon a re-employment list. The re-employment list shall be used by the General Manager when a vacancy arises in the same or lower position before certification is made from an eligibility list.

- H. Names of persons laid off shall be carried on the re-employment list for one year, except that persons appointed to regular positions of the same level as that from which they were laid off, shall upon such appointment, be removed from the list. Persons who refuse re-employment shall be removed from the list. Persons re-employed in a lower position in the same classification, or on a temporary part-time basis, shall be continued on the list for the higher position for one year. At the discretion of the General Manager, the list may be extended for an additional year.

CHAPTER THREE - COMPENSATION

3000 - HOURS OF WORK AND OVERTIME

1. This policy shall apply to all non-exempt employees.
2. The regular hours of work each day shall be consecutive except for interruptions for meal periods. The regular working day is generally 8:00 a.m. until 4:30 p.m., excluding holidays, with a half-hour break for lunch, a mid-morning break of fifteen (15) minutes and a mid-afternoon break of fifteen (15) minutes. Break time must be used on a daily basis and time allocated to breaks may not be accumulated. All fifteen (15) minute breaks must be taken on the job site. The General Manager may authorize flexible work schedules provided it does not interfere with the regular workload of the District. The General Manager may also alter the workday depending on the District's needs, not to exceed 10 hours per day.
3. Tardiness shall be cause for disciplinary action. If an employee cannot report for work, then that employee is expected to notify his/her immediate supervisor within one half-hour after the time the workday should have begun.
4. The work-week shall consist of seven (7) consecutive days from 12:01 o'clock a.m. Monday through midnight Sunday.
5. Overtime: It is the policy of the District to discourage overtime whenever possible. However, when overtime is necessary and authorized by the General Manager or designated Supervisor, it shall be paid as follows:
 - A. Time worked in excess of forty (40) hours in a work-week;
 - B. Time worked on a designated holiday.
 - C. Overtime compensation will not be paid to Exempt Employees.
 - D. Compensated time off in lieu of overtime pay is not allowed unless specifically authorized by the General Manager or his/her designee. Compensating time off in lieu of overtime pay is also earned at a rate of one and one-half hour off for each overtime hour worked.

3010 - STANDBY POLICY AND CALL OUT PAY

STANDBY

1. A written schedule shall be maintained by the Utility Supervisor whereby all utility employees shall be assigned, on a rotational basis, to be on Standby and subject to Call Out on weekends, holidays and other times not considered regular hours of work for District employees.
2. When an employee is on Standby, he/she shall be provided a cell phone, radio, pager, etc that will provide notification in the event of an emergency repair/maintenance work need. Said cell phone, radio and pager, etc., shall be kept in the Standby employee's possession during the entire Standby period of time. Notification of an emergency repair/maintenance work need may also be given verbally, in person or telephonically, by the General Manager or Utility Supervisor.
3. When an employee is on Standby, he/she shall be free to utilize his/her time as desired, but must be able to arrive at District facilities within 30 minutes from the time of the initial call-back notification.
4. The normal Standby period begins at 4:30 p.m. on Monday and ends the following Monday (seven days later) at 8:00 a.m.
5. Standby pay shall be paid as follows:
 - A. An employee shall receive Standby pay when an employee is assigned by the Utility Supervisor or his/her designee to be ready to respond immediately to a request for emergency service and to be accessible by telephone or other communication equipment. Compensation for Standby shall be \$27.00 per day for Monday through Friday, excluding holidays. Saturday and Sunday are excluded from the \$27.00 flat rate compensation.
 - B. Any employee agreeing to fill a shift for the Standby duty person shall receive compensation at the rate of \$27.00 per day (Monday through Friday, excluding holidays). The Standby duty person's compensation shall be reduced by \$27.00 per day.
 - C. On Saturday, Sunday and holidays, the employee on Standby shall receive four (4) hours per day at his/her overtime rate for performing scheduled rounds and other essential duties as assigned.

CALL OUT PAY

An employee shall earn Call Out pay when an employee is ordered to return to work after the employee has completed the employee's usual work shift and left the work site. An employee called in early to start his/her day or shift without prior reasonable notice shall also be eligible for call out pay. The District shall pay the employee a minimum of two (2) hours of overtime pay for all call outs. Additional call outs during any two-hour minimum call out will be considered time already paid. If actual work exceeds 2 hours, then all time worked will be accounted for and paid on an hour-for-hour basis. Any subsequent call out beyond the initial two-hour call out shall begin a new two-hour period.

3020 - PAY PERIODS

1. The salaries and wages of all District employees shall be paid bi-weekly every other Friday. The two-week pay period begins on Saturday at 12:01 a.m. and ends the following Friday at 12:00 p.m.
2. In the event a payday falls on one of the holidays listed, the immediately previous working day shall become the payday.
3. District employees must maintain a bank account for direct deposit of bi-weekly payroll.
4. A contract employee shall be paid according to a schedule established in his/her employment contracts.

3030 - COMPENSATION

1. This policy shall apply to all District employees.
 - A. New Employees - All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.
 - B. Advanced Step Hiring - If the General Manager finds that qualified applicants have greater experience or competencies than required at the first step of the salary range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the salary range.

2. Increase in compensation other than Cost of Living Adjustments
 - A. Employees may qualify for advancement, based on performance as defined in Section 3070, to the second step after the completion of the introductory period upon recommendation of the Supervisor and approval by the General Manager.
 - B. Employees may qualify for advancement, based on performance as defined in Section 3070, to the third step after completion of one year at the second step upon recommendation of the Supervisor and approval of the General Manager.
 - C. Employees may qualify for advancement, based on performance as defined in Section 3070, to the fourth step after completion of one year in the third step upon recommendation of the Supervisor and approval of the General Manager.
 - D. Employees may qualify for advancement, based on performance as defined in Section 3070, to the fifth step after completion of one year in the fourth step upon recommendation of the Supervisor and approval of the General Manager.
 - E. A report verifying above satisfactory performance, as defined in Section 3070, of each employee recommended for advancement shall be submitted to the General Manager prior to final action on such recommendation.

3. For the purpose of determining eligibility for step advancement, the anniversary date shall be as follows:
 - A. For employees entering the District service whom are appointed to a regular position at the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.
 - B. For employees entering the District who are appointed to a regular position at a step other than the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.

4. Cost of Living Adjustments – Annually, the Board may consider a Cost of Living Adjustment (COLA). If the COLA is approved, the step plan will be adjusted accordingly, thus keeping the plan current. Therefore, an employee may receive both a Cost of Living Adjustment and an increase in compensation pursuant to Section 3030(2) in any given year until the employee reaches Step 5. Upon reaching Step 5, the only salary adjustments an employee will receive will be Board-approved Cost of Living Adjustments.
5. Promotion - Employees promoted to a position with a higher salary range shall be placed on the step of the range allocated to the new classification which would grant such employee an increase in pay, provided, however, the increase may exceed five percent at the discretion of the General Manager, and that such increase shall not exceed the top step of the range allocated to the new classification. Such action shall require the General Manager to establish a new anniversary date in accordance with the following criteria:
 - A. For employees who are promoted to a permanent position and placed at the first step of the salary range, the anniversary date shall be the date following the completion of 12 months of service at such step.
 - B. For employees who are promoted to a permanent position and placed at a step other than the first step, the anniversary date shall be the day following the completion of 12 months of service at such step.
6. Incentive Pay - For Utility Operators who successfully achieve Water or Wastewater Grade certificates over and above those required for the position while employed with the District will be entitled to receive a one time incentive pay of \$500.00 for each certificate obtained.

3040 - UNIFORMS

1. It is mandatory that all regular utility personnel wear the designated District provided uniform.
2. The cost of such uniforms and/or protective clothing that employees are required to wear shall be borne by the District.
3. Employees are responsible for any loss or damage of uniforms and/or protective clothing caused by negligence, misuse or personal (unrelated to District business) use of uniforms and/or protective clothing. Off-duty wearing of District provided uniforms and/or protective clothing is prohibited. Upon termination or separation, all uniforms and/or protective clothing (excluding shoes) must be returned to the District.
4. The District will arrange to supply all qualifying employees with specific products that meet the needs and/or safety requirements. This will include uniforms (pants and shirts), jackets, steel toe shoes and rain gear.
5. Jackets and rain gear will be issued to qualifying employees once a year or as needed, if approved by the Supervisor.
6. Shoes: Employees who are exposed to foot injuries or hazardous mixtures shall wear appropriate foot protection. Safety toe footwear shall meet the requirements and specifications of the American National Standard for Safety-Toe footwear. The District will reimburse the employee up to \$120.00 for the initial purchase of a pair of safety toe shoes and will reimburse the employee up to \$120.00 for the replacement of safety shoes due to damage or wear, not to exceed one wear replacement per year.

3050 - VEHICLE COST REIMBURSEMENT

1. When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.
2. Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational.
3. Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work.
4. Proof of insurance that meets the minimum insurance requirements of the State of California shall be required by the District of any employee using a personal vehicle in the performance of District work.
5. Should an accident occur during an employee's travels for District purposes, the employee's personal vehicle insurance will pay first for an accident and the employee will be responsible for his/her deductible, as indicated on his/her personal vehicle insurance policy. Liability in excess of employee's personal insurance coverage will be borne by the District's insurance carrier.

3060 - ACCEPTING & PROVIDING GIFTS

1. An employee or his/her spouse, or other family members that could cause a conflict of interest for the employee pursuant to the California Political Reform Act and other laws and regulations, may not accept from, or provide to, individuals or companies doing or seeking to do business with the District, gifts, entertainment, and/or other services or benefits unless the transaction meets all of the following guidelines:
 - A. Is customary and gives no appearance of impropriety and does not have more than a \$25.00 value;
 - B. Does not impose any sense of obligation on either the giver or the receiver;
 - C. Does not result in any kind of special or favored treatment;
 - D. Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense; AND
 - E. Is given and received with no effort to conceal the full facts by either the giver or receiver.
2. Employees of the District shall not receive or be permitted to buy surplus District equipment or other property.

3070 - PERFORMANCE EVALUATION

1. This policy shall apply to all regular and part-time employees.
2. The General Manager or other responsible managing employee or his/her designated representative shall conduct a scheduled performance review of each employee prior to the date upon which an employee is eligible for increases in compensation based on merit (See Section 3030).
3. Performance evaluations shall be in writing on forms prescribed by the General Manager or other responsible managing employee. Said evaluation shall provide recognition for effective performance and also identify areas that need improvement. All evaluations will have an overall evaluation of Unsatisfactory, Improvement Needed, Satisfactory, Above Satisfactory, or Outstanding. Performance Evaluation Form is located in Appendix "C".
 - A. Unsatisfactory work performance is well below the standard expected of a competent worker in that job, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the rater.
 - B. Improvement Needed Work performance is frequently less than the standard expected of a competent worker in that job, and may improve with additional training, experience, and/or effort.
 - C. Satisfactory Work performance consistently meets the standard expected of a competent worker in that job.
 - D. Above Satisfactory Work performance is generally above the standard expected of a competent worker in that job, a majority of the time.
 - E. Outstanding Work performance is consistently and distinctly above the standard expected of a competent worker in that job; performance is definitely superior; Outstanding ratings must be substantiated in a written statement by the rater.
4. The performance evaluation shall be signed by the evaluator and shall be discussed with the employee.
5. Unscheduled performance evaluations may be made at the discretion of the General Manager or other responsible managing employee or his/her designated representative.
6. Performance evaluations can be appealed to the General Manager pursuant to Section 5010, Grievance Procedure. Employee evaluation grievances stop at the General Manager; they will not be heard by the Board of Directors. The General Manager may only modify employee evaluations if there is a compelling reason to do so.

CHAPTER FOUR - BENEFITS

4000 - VACATION

1. This policy shall apply to regular full-time and introductory employees in all classifications. District policy shall discourage employees from working during vacations.
2. Paid vacations shall be accrued according to the following schedule on an annual basis:
 - A. From the date of employment through the fourth anniversary date of hire, at the rate of five-sixths of a working day per month of paid employment (10 working days);
 - B. After the fourth anniversary date of hire through the ninth anniversary date of hire, at the rate of one and one-fourth working days per month of paid employment (15 working days);
 - C. After the ninth anniversary date of hire, vacation time shall be accrued at the rate of one and two-thirds working days per month of paid employment (20 working days).
3. Limitations on accumulated vacation time. Once the maximum vacation accrual is reached, vacation time will no longer be accumulated. Once the vacation accrual is below the maximum, vacation accrual will again start to accumulate. An employee shall be able to accrue no more than the number of vacation days they are entitled to earn in two years of employment.
4. At termination of employment for any reason, the District shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.
5. Exempt employees shall earn an additional five (5) days per year of administrative leave, to be used subject to General Manager approval, in a similar manner as vacation time. Administrative leave shall not be accumulated and carried over from one calendar year to the next.
6. The District will not require an employee to take vacation time in lieu of sick leave or leave of absence during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used.
7. No vacation accrues during a layoff or other leave of absence. An employee is not permitted to borrow on future accrual of vacation benefits.
8. If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

9. Vacations may be scheduled at any time during the year upon approval of the employee's immediate supervisor. Vacation requests must be submitted in writing, and may not be approved if not submitted at least three weeks in advance, or if the request conflicts with other vacation requests. Leave Request Form is located at Appendix "G".
- A. Vacations shall be scheduled on a first-come-first-serve basis by the employee's Supervisor, based on operational needs of the District
- B. Overlapping vacations within a department may be permissible with the approval of the Supervisor and the Manager. Vacation preference shall be by seniority where conflicts exist.
10. Introductory employees shall not accrue vacation time during the introductory period. However, if an introductory employee becomes a regular employee of the District, after twelve (12) months of employment with the District, the period that the employee occupied introductory status shall be included in calculating his/ her entitlement to vacation with pay.
11. Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted.
12. Employees are eligible for vacation and sick leave based on the following formulas:

Hours Worked Per Week	Proportion of Vacation and Sick Benefits
0-17	0.0%
18-20	50.0%
21-23	57.5%
24-26	65.0%
27-29	72.5%
30-32	80.0%
33-35	87.5%
36-38	95.0%
39-40	100.0%

4010 - HOLIDAYS

1. This policy shall apply to all regular and introductory employees.
2. The following days shall be recognized and observed as paid holidays:
 - New Years Day;
 - Martin Luther King, Jr's Birthday;
 - President's Day (third Monday in February);
 - Memorial Day;
 - Independence Day;
 - Labor Day;
 - Veteran's Day;
 - Thanksgiving Day;
 - The Friday in November immediately following the day designated as Thanksgiving Day;
 - The four regularly scheduled working hours immediately preceding the day designated as Christmas Day;
 - Christmas Day;
 - The four regularly scheduled working hours immediately preceding the day designated as New Year's Day;
 - All regular District employees have one floating holiday per calendar year. If not taken during the calendar year earned, the floating holiday will be forfeited.
 - All other days as may be proclaimed by the District Board of Directors.
3. All regular work shall be suspended and employees shall receive one (1) day's pay for each of the holidays listed above. An employee on a leave without pay will not receive holiday pay.
4. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.
5. When an employee is taking an authorized leave with pay when a holiday occurs, he/she will receive holiday pay.
6. If any employee works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1½) his/her regular rate of pay or as otherwise specified under Section 3000.

4020 - SICK LEAVE

1. This policy shall apply to introductory and regular full-time employees in all classifications.
2. Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to his/her immediate supervisor.
3. Sick leave may be used to care for the needs of a sick member of the employee's immediate family as defined in Section 1010 (8).
4. Employees shall earn sick leave at the rate of one (1) working day per month cumulative to a maximum of one hundred eighty (180) working days. Overtime work shall accrue no additional sick leave credit.
5. Sick leave shall not be used in lieu of or in addition to vacation leave.
6. No sick leave accrues during layoff, or other leave of absence. An employee is not permitted to borrow on future accrual of sick benefits.
7. In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day.
8. If absence from duty by reason of illness occurs, satisfactory evidence may be required by the General Manager or other responsible managing employee.
9. If an employee who has more than 5 years of service with the District as a regular employee leaves the District in good standing, he/she shall be compensated for all accrued sick leave not in excess of 180 days. Compensation shall be at a rate equivalent to 25% of his/her unweighted hourly salary.
10. Sick leave is not a privilege that an employee may use at his/her discretion, but shall be allowed only in case of necessity and actual sickness or disability of the employee, or because of illness in his/her immediate family. Sick leave may be donated to another employee needing additional sick leave, pursuant to Section 4030.

4030 - BENEFIT SHARING

The purpose of this policy is to provide a method for employees to assist a fellow employee who has exhausted his/her paid leave time due to a catastrophic illness or injury. It is not the intent of this policy for employees to enrich themselves, but to aid only those individuals who are truly in need of financial assistance.

1. DEFINITION OF ELIGIBLE EMPLOYEE

To be eligible, the employee must meet all of the following criteria:

- A. Have successfully completed the introductory period.
- B. Have exhausted all paid leave balances.
- C. The injury or illness must be verifiable.

2. DEFINITION OF CATASTROPHIC ILLNESS OR INJURY

Catastrophic illness or injury is defined as that which is expected to incapacitate the employee for an extended period of time and which creates a financial hardship because the employee has exhausted all of his/her accumulated leave. Catastrophic illness or injury is further defined as a debilitating illness or injury to a member of the employee's immediate family (as defined in Section 1010 of these policies) that results in the employee being required to take time off from work for an extended period of time to care for the family member.

3. PLAN ADMINISTRATION

The Assistant Administrator shall be responsible for the following administrative duties:

- A. Review catastrophic leave applications for satisfaction of all eligibility requirements.
- B. Receive and evaluate all requests to donate leave hours (Section 4030 E-4) and forward all recommended requests to General Manager for approval.
- C. Maintain the confidentiality of employees donating hours.
- D. Monitor the number of hours donated to recipient to ensure that accrued hours do not exceed 160 hours, and to process any pending requests to donate when the accrual balance reaches 80 hours.
- E. Coordinate donated time with any compensation received from Worker's Compensation or Social Security.

4. REQUESTING AND PROCESSING CATASTROPHIC LEAVE APPLICATIONS

- A. Employees wishing to participate must complete a Catastrophic Leave Application (Appendix "D") and submit it to the Assistant Administrator.
- B. Employees must be willing to provide additional information and/or a physician's statement upon request. Failure to provide this information may result in a denial of the leave application.

- C. All information regarding the leave application will be kept confidential and the employee will be contacted by the Assistant Administrator when a determination has been made with regard to the application.
5. **CONDITIONS AND PROCEDURES FOR TRANSFERRING DONATED LEAVE HOURS**
- A. Employees wishing to donate accrued sick leave or vacation hours to a specific employee must submit a completed Leave Transfer Request (Appendix "E") to the Assistant Administrator.
 - B. The minimum donation is eight (8) hours.
 - C. Any employee may donate a combined maximum of twenty-four (24) hours, during any one (1) calendar year of sick leave or vacation.
 - D. Donors of sick leave must maintain a minimum balance of one hundred ninety (190) hours of accrued sick leave after donation.
 - E. The transfer of hours is irrevocable. Should the person receiving the transfer not use all transferred leave, any balance will remain with the recipient.
 - F. When the recipient has accumulated a donated leave balance of 160 hours, any additional leave transfer requests will be suspended. When the balance drops to 80 hours and there is evidence of the need for continued donations, pending transfers will be processed up to the 160-hour maximum balance.

4040 - WORKER'S COMPENSATION

1. The following policies apply to any employee, compelled to be absent due to injury, illness or disability covered under Worker's Compensation Benefits, provided the District is in receipt of a certification from a recognized medical professional confirming the necessity of the leave, within fourteen (14) days after the leave begins.

A. Unpaid leave of absence:

Employees are allowed to take unpaid leave of absence while receiving Worker's Compensation benefits. The duration of the leave will be determined on a case by case basis, considering both the injured employee's medical condition and the District's business needs.

Subject to the terms and conditions and limitations of the applicable plans and insurance policies, the District will continue to provide health insurance benefits for the minimum period authorized by the Family Medical Leave Act (generally twelve (12) weeks per twelve (12) month period), provided that the employee continues to pay his/her portion of the premium payments. In some cases, business necessity may cause District to discontinue these benefits before the end of the continuation period. The District, in its sole discretion, may extend the benefits continuation period on a case-by-case basis, considering both the District's business necessities and the likelihood and timing of the employee's return to work.

B. Use of Sick Leave and Vacation Time:

Employees, upon entering into an agreement with District, are allowed to apply accrued sick leave on a prorated basis to such absence and receive compensation in an amount equal to the difference between compensation received by him/her as regular salary and the amount received as worker's compensation, not to exceed the amount of his/her accrued sick leave. The employee may also use accrued vacation leave after sick leave is exhausted.

Subject to the terms and conditions and limitations of applicable plans and insurance policies, the District will continue to provide health insurance benefits until the employee has exhausted all of his/her accrued sick leave and vacation leave (assuming employee takes the election as provided in this Section). Thereafter, health insurance benefits will continue during the worker's compensation leave as provided in Paragraph a. above.

C. Limitation on Benefits

Employees will not accrue vacation or sick leave benefits during the periods of absence referenced in paragraphs a. and b. above. Employees will not be paid for holidays during the periods of absence referenced in paragraphs (a) and (b) above.

2. Return to Work:

Employees may return to work only after a recognized medical professional certifies that the employee is capable of resuming all of the duties of the employee's position. The District may, in its discretion, provide modified or light duty work, as provided in Section 4100 of these policies. The District will make reasonable accommodations for qualified employees with disabilities in accordance with state and federal disability laws. If the employee has been released without limitation, the employee will be offered the same position he or she held previously, unless the job no longer exists or has been filled so that the District can operate safely and efficiently or the employment relationship has otherwise been terminated.

3. Termination:

The District may terminate employment upon receipt of medical evidence that the employee will be permanently unable to resume his/her position; or

- A. The employees' job no longer exists or has been permanently filled; or
- B. The District must terminate the employment due to business necessity; or
- C. The employment is otherwise terminated pursuant to the District Personnel Policies and Procedures.

4050 - BEREAVEMENT LEAVE

1. This policy shall apply to regular employees in all classifications.
2. In the event of the death of a spouse, parents, grandparents, child, stepchild, brother or sister or grandchild, an employee may be granted a non-paid leave of absence not to exceed five (5) working days. The employee may use accumulated vacation time for the bereavement leave. Certification shall be required by the General Manager or other responsible managing employee.

4060 - LEAVE FOR JURY DUTY

This policy shall apply to introductory and regular employees in all classifications.

1. An employee summoned for jury duty will immediately notify the General Manager or other responsible managing employee. While serving on a jury, he/she will be given a paid leave of absence for the duration of said jury duty at his/her regular pay rate. Said paid leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday. It is also conditional upon the employee's conveyance to the District of any compensation received.

**LEAVE FOR MILITARY SERVICE
CHAPTER FOUR - BENEFITS**

**NUMBER: 4070
EFFECTIVE: 05/23/07**

4070 - LEAVE FOR MILITARY SERVICE

1. Every employee of the District shall be entitled to such leaves of absence with pay and other benefits as are provided in Division II, Part I, Chapter VII, of the Military and Veterans Code.