

I hereby certify that the following agenda was posted at least 72 hours prior to the time of the meeting so noticed below at 24251 Los Alisos Boulevard, Lake Forest, California.



DENNIS P. CAFFERTY, Secretary of the El Toro Water District and the Board of Directors thereof



## AGENDA

### EL TORO WATER DISTRICT

#### SPECIAL MEETING OF THE BOARD OF DIRECTORS

SEPTEMBER 10, 2020

7:30 a.m.

This Meeting is being conducted in accordance with Governor Newsom's Executive Order N-29-20 (Paragraph 3) and the conditions specified therein which waive certain provisions of the Brown Act.

In an effort to protect public health and prevent the spread of COVID-19 (Coronavirus), and in accordance with the Governor's Executive Order N-29-20, **there will be no public location for attending in person.**

The Order allows all Board Members to participate telephonically in the Meeting from remote locations. As such, Directors Monin, Gaskins, Vergara, Freshley and Havens will be participating telephonically.

Members of the public who wish to comment on any item within the jurisdiction of the District or on any item on the agenda, may observe and address the Meeting by joining at this link: <https://us02web.zoom.us/j/82770583607> (Meeting ID: 827 7058 3607). Members of the public who wish only to listen to the telephonic meeting may dial in at the following numbers (669) 900-6833 or (346) 248-7799 with the same Meeting ID noted above. Please be advised the Meeting is being recorded.

**CALL TO ORDER** – President Monin

**PLEDGE OF ALLEGIANCE** – Director Vergara

## **ORAL COMMUNICATIONS/PUBLIC COMMENTS**

Members of the public may address the Board at this time or they may reserve this opportunity with regard to an item on the agenda until said item is discussed by the Board. Comments on other items will be heard at the times set aside for “COMMENTS REGARDING NON-AGENDA ENGINEERING COMMITTEE ITEMS” or for “COMMENTS REGARDING NON-AGENDA FIC ITEMS.” The public may identify themselves when called on and limit their comments to three minutes.

### **ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

Determine need and take action to agendize item(s) which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

#### **1. At Will Policy**

Staff and legal counsel will review with the Board and lead a discussion regarding and associated with the Employee Handbook language defining the current “At Will” policy defined therein.

#### **2. Employee Handbook (Reference Material Included)**

Staff will review amendments to the Employee Handbook for approval and adoption.

#### **Recommended Action:**

Staff recommends that the Board of Directors approve the ETWD Employee Handbook dated September 2020 which Handbook replaces the existing ETWD Employee Handbook in its entirety.

#### **3. Oso Lift Station Improvement Project – Change Order No. 1 (Reference Material Included)**

Staff will review and comment on a change order request for the Oso Lift Station Improvement Project.

#### **Recommended Action:**

Staff recommends that the Board of Directors authorize the District’s General Manager to execute Change Order No. 1 with J.R. Filanc Construction Company, Inc. in the amount of \$71,857.69 for electrical improvements of the Oso Lift Station Improvement Project. Staff recommends that the Board authorize the General Manager to fund the project costs from the District’s Capital Reserves in accordance with the District’s adopted Capital Reserve Policy.

## ADJOURNMENT

*The agenda material for this meeting is available to the public on the District's website at <https://etwd.com/>. If any additional material related to an open session agenda item is distributed to all or a majority of the board of directors after this agenda is posted, such material will be made available for immediate public inspection on the District's website.*



## **STAFF REPORT**

**TO: BOARD OF DIRECTORS**

**MEETING DATE: September 10, 2020**

**FROM: Judy Cimorell, Human Resources Manager**

**SUBJECT: Employee Handbook**

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### **CHANGES TO THE EMPLOYEE HANDBOOK**

Staff has made the suggested additional revisions to the Employee Handbook, stemming from the discussion at the August 12, 2020 Special Board Meeting. These revisions provide clarity and do not change any policy.

The reference material includes the Employee Handbook with the proposed additional revisions shown as redlines, as well as a clean version of the full Handbook. The revisions previously identified and discussed at the August 12 Special Board Meeting are no longer shown as redlined. The following provides a summary that highlights the proposed revisions and identifies the page number within the handbook where the redline revision can be reviewed.

The effective date of the Employee Handbook was changed from August 2020 to September 2020.

### **Section II – Hiring and Employment**

- Work Schedules – Alternative Workweek (Page 15)
  - Provides a more detailed description of the District's flexible work schedule to further clarify the 4/10 workweek.

- Work Schedules – Optional Flexible Work Schedules (Page 15)
  - Clarifies the 8-hour day ending 60 minutes earlier than previously defined in the chart.
  - Provides a description of the 4/10 work schedule.
  - Revised to provide the ability for the General Manager to change the work schedule due to business necessity.

### **Section III – Wages**

- Time Keeping Requirements (Page 20)
  - Adds Non-exempt preceding the word “employee”. Clarifies that this section refers to Non-exempt employees only.
  - Updates the requirement for the employee to record their time whenever they leave their work “site”.
  - Adds language that the employee is not required to record their time when they leave the work site for scheduled breaks.

### **Section IV – Leaves of Absence**

- Family and Medical Leave – Calculating the 12-month Period (Page 30)
  - Adds language to clarify that the rolling year begins on the first day of the leave.
- Family and Medical Leave – Substitutions of Paid Leave (Page 32)
  - There was discussion at the August 12 meeting regarding the word “require” relative to the employee’s use of accrued paid leave while taking FMLA leave. The language has not been changed. The District’s Labor Attorney confirmed that the policy is written to encompass the broadest application of the law.

### **Section V – Benefits**

- Health Insurance Retirement Benefits (Retiree Medical Plan) (Page 52)
  - As noted at the August 12 meeting, the previously defined tiers in the Retiree Medical Plan were reorganized to remove tiers that are no longer relevant to current or future ETWD employees or retirees. There was discussion, at the August 12 meeting, about adding language in the Handbook referencing the deletion and noting that the actual policy has not changed. Staff proposes to provide this detailed explanation at the Employee training rather than in the Handbook itself.
- External Employee Education - Education and Training Tuition Reimbursement (Page 59)
  - Adds the requirement for a passing grade of “B” or better for an approved Master’s Program.

## **Section VI – Management / Employee Relations**

- Performance Based Compensation Pool Program – Merit Pool Allocation (Page 68)
  - Adds the word “Merit” to further clarify the minimum and maximum salary increases.
- Performance Evaluations (Page 69)
  - Expanded language to capture introductory wording to the multi-tiered review process and the five objective measures with the intent to provide the employees and supervisors a clear understanding of the performance evaluation process. A detailed explanation of the review process will be provided during the employee meeting that will be conducted to inform the employees of the Handbook updates. The description of the rating measures is a part of the Performance Evaluation Form and thereby available to each employee and supervisor for reference during the review process.
- Salary Review Schedules and Range Adjustments (Page 70)
  - Adds the word position for clarification.

## **CONCLUSION**

Subject to the Board’s approval, staff will conduct an All Employee Meeting to update and inform employees of the changes to the Employee Handbook.

## **RECOMMENDATION**

Staff recommends that the Board of Directors approve the ETWD Employee Handbook dated September 2020 which Handbook replaces the existing ETWD Employee Handbook in its entirety.



# ETWD REDLINED EMPLOYEE HANDBOOK

September 2020

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# Section I

# General Employment

# Policies

## **Introductory Statement**

Welcome! As an employee of El Toro Water District (the "District"), you are an important member of a team effort. We hope that you will find your position with the District rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to the success of the District.

This employee handbook is intended to explain the terms and conditions of employment and applies to all employees. Written employment contracts between the District and some individuals may supersede some of the provisions of this handbook.

This handbook summarizes the policies and practices in effect at the time of publication. This handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here. Your supervisor or manager will be happy to answer any questions you may have.

Each employee will be given a copy of the District's employee handbook and is held responsible for reading, understanding and being familiar with the obligations imposed by this Handbook. The signed Acknowledgement Form included with the employee handbook will be placed in the individual employee's personnel file as documentation of employee having read it and agreed to abide by its rules and regulations. While the provisions of the Handbook provide a general overview of the District's programs, terms and conditions and limitations, if any discrepancies should occur, the official plan documents, where applicable, will govern these brief summaries and any interpretation needed will be at the District's sole discretion.

## **Right to Revise**

This employee handbook contains the employment policies and practices of the District in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded.

The District reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and must be approved by the District's Board of Directors and General Manager.

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

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

## **At-Will Employment Status**

The District's personnel are employed on an at-will basis. Employment at-will means that the employment relationship may be terminated, with or without cause and with or without advance notice at any time by the employee or the District. Nothing in this handbook shall limit the right to terminate at-will employment.

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

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

## **Harassment, Discrimination and Retaliation Prevention**

El Toro Water District is an equal opportunity employer. El Toro Water District is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or other unprofessional conduct based on:

- Race
- Religion (including religious dress and grooming practices)
- Color
- Sex/gender(including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned) and sexual orientation
- National origin (including language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law.
- Ancestry
- Physical or mental disability
- Medical condition
- Genetic information/characteristics
- Marital status/registered domestic partner\* status)
- Age (40 and over)
- Sexual orientation
- Military or veteran status
- Any other basis protected by federal, state or local law or ordinance or regulation

El Toro Water District also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

In addition, the District prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

\*Domestic partner as used throughout this Handbook means those domestic partners that are registered with the California Secretary of State's office and meet the criteria specified in Section 279 of the California Family Code.

All such conduct violates District policy.

### **Harassment Prevention**

The District's policy prohibiting harassment applies to all persons involved in the operation of the District. The District prohibits harassment, disrespectful or unprofessional conduct by any employee of the District, including supervisors, managers and co-workers. The District's anti-harassment policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other persons with whom you come into contact while working.

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

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

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

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

## **Non-Discrimination**

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

Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages. However, El Toro Water District is not obligated to disclose the wages of other employees.

## **Anti-Retaliation**

The District will not retaliate against you for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees or coworkers.

## **Reasonable Accommodation**

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

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

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. The District will engage in an interactive process with the employee to identify possible accommodations, if any that will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation.

The District will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

## **Complaint Process**

If you believe that you have been the subject of harassment, discrimination, retaliation or other prohibited conduct, bring your complaint to your supervisor or to:



- The Human Resources Manager
- Any other District Supervisor or Manager
- The Assistant General Manager
- The General Manager

as soon as possible after the incident. You can bring your complaint to any of these individuals. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the Human Resources Manager. Please provide all known details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory.

The District encourages all individuals to report any incidents of harassment, discrimination, retaliation or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against or that you have been retaliated against for resisting, complaining or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at [www.dfeh.ca.gov](http://www.dfeh.ca.gov) and [www.eeoc.gov](http://www.eeoc.gov).

Supervisors must refer all complaints involving harassment, discrimination, retaliation or other prohibited conduct to the Human Resources Manager of the District so the District can try to resolve the complaint.

When the District receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. The District will reach reasonable conclusions based on the evidence collected.

The District will maintain confidentiality to the extent possible. However, the District cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

Complaints will be:

- Responded to in a timely manner
- Kept confidential to the extent possible
- Investigated impartially by qualified personnel in a timely manner
- Documented and tracked for reasonable progress
- Given appropriate options for remedial action and resolution
- Closed in a timely manner

If the District determines that harassment, discrimination, retaliation or other prohibited conduct has occurred, appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The District also will take appropriate action to deter future misconduct.

Any employee determined by the District to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

# Section II

# Hiring

# &

# Employment

## **New Hires**

The District is committed to full compliance with all federal immigration laws. These laws require that all individuals comply with employment verification rules and regulations within the required time frame. This procedure has been established by law and requires that every individual provide satisfactory evidence of their identity and legal authority to work in the United States no later than three business days after the first day of employment.

## **Introductory Period**

The first six months of continuous employment at the District is considered an introductory period, including internal promotions and transfers. During this time, you will learn your responsibilities, get acquainted with fellow employees and determine whether or not you are happy with your job. Your supervisor will evaluate your capabilities, work habits, and overall performance. The initial evaluation period may be extended at the discretion of the General Manager due to business reasons or because of permitted time off taken by the employee. Completion of the initial evaluation period with a satisfactory performance rating is a requirement for continued employment with the District.

Completion of the introductory period does not entitle you to remain employed by the District for any definite period of time. Status as an at-will employee does not change. The employment relationship may be terminated with or without cause and with or without advance notice, at any time by you or the District.

## **Employee Classifications**

Employees will be classified as either a full-time regular employee or a part-time regular employee as indicated below.

### **Full-Time Regular Employees**

Regular full-time employees are those who have satisfactorily served the required six-month introductory period and are scheduled for and do work 40 hours a week. Regular full-time employees are eligible for most employee benefits as described later in this handbook. Benefit eligibility may depend on length of continuous service. Benefit eligibility requirements may also be imposed by the plans themselves or by the law.

### **Part-Time Regular Employees**

Regular part-time employees are those who have satisfactorily served the required six-month introductory period and are scheduled for and do work fewer than 40 hours per week, and employment is expected to continue for an indefinite period of time.

Part-time employees who work fewer than 40 hours per week but at least 30 hours per week are eligible for some District benefits, as described later in this handbook, on a prorated base, except insurance benefits which do not require pro-ration. Benefit eligibility may depend on length of continuous service. Benefit eligibility requirements may also be imposed by the plans themselves or by the law.

Part-time employees who are scheduled to work fewer than 30 hours per week are eligible for some District benefits as described later in this handbook. Benefit eligibility may depend on length of continuous service. Benefit eligibility requirements may also be imposed by the plans themselves or by the law.

### **Temporary Employees**

Temporary employees are those employed for a short-term period or to perform a specific task. Short-term assignments generally are periods of six months or fewer; however, such assignments may be extended. Temporary employees are not eligible for employee benefits; however, are eligible for sick leave benefits as described later in this handbook. Benefits as required by law shall be provided consistent with the requirements of the law.

### **Exempt or Non-Exempt**

Each employee is designated as either non-exempt or exempt.

### **Exempt Employees**

Employees are not paid for overtime work. The General Manager will make the determination of exempt or non-exempt status in accordance with the District's practices and the standards of the law. Exempt employees shall be paid their regular salary on a biweekly basis without regard to hours worked. Such persons are expected to render such services as may be necessary to meet the tasks assigned to them, and are expected to work all hours assigned to them which should average at least 40 hours per week. Vacation, sick, and other leaves shall be recorded as taken.

### **Non-exempt Employees**

Any employee, who is not classified as an "exempt" employee, is deemed a "non-exempt" employee. Non-exempt employees include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act. They receive overtime pay for overtime work.

The requirements to determine this status are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor). See the Human Resources Manager if you have any questions.

## **Job Duties**

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

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

## Work Schedules

The District observes a flexible work schedule. Flexible work schedules may be consistent for the entire department (all staff working the same flexible schedule) or contain flexible schedules on an individual basis taking into consideration workloads, the need for department collaboration, customer and/or vendor relations and the overall District and departmental needs. In most instances, the flexible work schedule will be on a departmental basis.

### Alternative Workweek

The District has elected an alternative workweek schedule. This work schedule was presented and approved by a vote of at least 2/3 of the affected work units. This schedule was established in order to gain the maximum efficiency for the District and allow the employees additional opportunities to enjoy their non-work hours.

Eligibility to participate in the alternative program is subject at all times to the needs of the District and may be modified as those needs dictate. Certain positions may be ineligible for participation due to necessary work schedules.

The District offers two types of alternative work schedules, a 9/80 work schedule and a 4/10 work schedule. These alternative work schedules are assigned based on department and business needs as approved by the General Manager.

A Eworkweek consists of seven (7) consecutive days (168 hours) beginning on midday on Friday (four hours into the scheduled shift) to midday the following Friday. The majority of the employees will have every other Friday off. For those employees with a scheduled day off other than Friday, the workweek will begin at midday on their regular alternative scheduled day off.

A 4/10 workweek consists of seven (7) consecutive days (168 hours) beginning on Saturday at 12:01 a.m. and ending the following Saturday at 12:00 a.m.

Those employees who are on a 9/80 work week will report for eight 9-hour days and one 8-hour day in a two-week period. The tenth work day is a day off. Those employees on a 4/10 work week will report for four 10-hour days in a one-week period with the 5th work day is a day off.

Department managers will notify new employees at the time of hire of the days and schedule they will work.

~~The majority of the employees will have every other Friday off as part of the alternative work schedule.~~

### Optional Flexible Work Schedules

The available work schedules for a nine (9) hour day are shown in the table below. Within the 9/80 work schedule, the work schedule for an eight (8) hour day will end one hour earlier than the table shown below.

<b>Start:</b>	<b>End:</b>	<b>Meal Period:</b>	<b>Start:</b>	<b>End:</b>	<b>Meal Period:</b>
6:30	4:00	30 minutes	6:30	4:30	60 minutes

7:00	4:30	30 minutes	7:00	5:00	60 minutes
7:30	5:00	30 minutes	7:30	5:30	60 minutes
8:00	5:30	30 minutes			

The schedule for the 4/10 workweek begins at 6:00 a.m. to 4:30 p.m. with a thirty minute lunch break.

Your supervisor will assign your individual work schedule. If changes in your work schedule are required or desired, your manager will notify you or respond to your request at the earliest opportunity. You may be required to work overtime or hours other than those normally scheduled. It is the District's intent to allow you maximum flexibility in scheduling your time while still meeting the needs of the District. The work schedule may be changed at the discretion of the General Manager due to business necessity.

All employees are expected to be at their desks or workstations at the start of their scheduled shifts, ready to work.

### **Emergency Work Schedule**

In the event of an emergency declared by the District, the County of Orange, the Governor of California or the President of the United States, the General Manager may elect to implement a modified work schedule. The modified workweek will vary by department as approved by the General Manager and in compliance with law.

# Section III

## Wages



## Payment of Wages

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

Paychecks are normally available at the main office and are distributed by the Department Head or the payroll department or their delegate. If you observe an error on your check, please report it immediately to your supervisor.

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

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

### Overtime

Wages for non-exempt employees on a 9/80 workweek will be paid as follows:

- Regular rate of pay (straight time rate) for all hours up to and including 9 hours in a regular scheduled work day.
- Hours worked over 9 hours per day will be paid at one and one-half the straight time rate, up to and including 12 hours.
- Hours worked over 12 hours per day will be paid at two times the straight time rate (double time).
- Hours worked over 40 straight time hours in a work week will be paid at one and one-half the straight time rate.

Wages for non-exempt employees on a 4/10 workweek will be paid as follows:

- Regular rate of pay (straight time rate) for all hours up to and including 10 hours in a regular scheduled work day.
- Hours worked over 10 hours per day will be paid at one and one-half the straight time rate, up to and including 12 hours.
- Hours worked over 12 hours per day will be paid at two times the straight time rate (double time).
- Hours worked over 40 straight time hours in a work week will be paid at one and one-half the straight time rate.

Overtime will be paid for hours worked on a day that is not a regularly scheduled workday in any workweek, including any seventh consecutive workday, if all scheduled hours are worked prior, at the rate of:

- Time-and-one-half for the first eight hours in a day
- Double time after eight hours in a day

The District will acknowledge hours paid under the sick, vacation, holiday, personal business, bereavement, and jury duty pay as hours worked for the purpose of calculating overtime pay.

Overtime must be authorized by the employee's supervisor and/or Department Head prior to the overtime being worked.

In the event of an emergency declared by the District, the County of Orange, the Governor of California or the President of the United States, the General Manager may elect to implement a modified work schedule. In the event a modified work schedule is implemented, wages will be paid as follows:

- Regular rate of pay (straight time rate) for all hours up to and including 12 hours in a regular scheduled work day.
- Hours worked over 12 hours per day will be paid at two times the straight time rate (double time).
- Hours worked over 40 straight time hours in a work week will be paid at one and one-half the straight time rate. For purposes of calculating overtime, Emergency Administrative Leave will not count towards the 40 straight time hours.

In the event of an emergency, the Fair Labor Standards Act (FLSA) Section 3(s)(1)(C) supersedes the definition of overtime pay previously defined in this Section.

During the period a modified work schedule is in effect, On-Call employees will record time worked after the operating hours of their home department as overtime. The time required to process the transfer of the primary On-Call vehicle to the subsequent on-call employee, including transfer of the vehicle to the District yard, cleaning the vehicle and completing the vehicle inventory will be recorded as straight time regardless of the On-Call employees designated shift.

## **Reporting-Time Pay**

The District will comply with all applicable regulations regarding reporting-time pay for non-exempt employees.

The District will pay a minimum of two hours of pay to employees who are required to report to work on a day other than their normally scheduled workday.

The District will not pay employees who report to work but are unable to work under the following circumstances:

- Interruption of work because of the failure of any or all public utilities; or
- Interruption of work because of natural causes or other circumstances beyond the District's power to control.

On-call employees are paid according to the on-call policy.

## Timekeeping Requirements

All non-exempt employees are required to use a time keeping software to record time worked for payroll purposes. All time worked must be accurately reported on your time record.

Non-exempt ~~e~~Employees must record their own time in the timekeeping reporting system on a daily basis.

Non-exempt ~~E~~employees are not allowed to work "off the clock." Working off the clock violates District policy. Any work performed before or after a regularly scheduled shift must be approved in advance by your supervisor. If you perform any off-the-clock work, please report the work to your supervisor.

Non-exempt ~~E~~employees also must record their time whenever they leave their work site for any reason other than for District business or for scheduled breaks.

Non-exempt ~~E~~employees will be required to certify that their time record is accurate. By certifying your time is correct, you are also certifying that you have taken all of your breaks and meal periods for that pay period.

Entering time on another employee's timecard, allowing another employee to enter time on your timecard, or altering a timecard is not permissible and is subject to disciplinary action.

Any errors on your timecard should be reported immediately to your supervisor.

Please also refer to the District's Meal and Rest Break Policy.

## Sick and Vacation Time

For employees working a 9-hour day, when absent for a full day, accrued sick or vacation time will be deducted in 9-hour increments. For employees working a 10-hour day, when absent for a full day, accrued sick or vacation time will be deducted in 10-hour increments. Otherwise, sick and vacation time may be taken in 15-minute increments. For five-day 8-hour schedules, if an employee is absent for a full day, accrued sick or vacation time will be deducted in 8-hour increments. Otherwise sick and vacation time may be taken in 15-minute increments.

## Holiday Pay

Holiday pay is based on the employee's regularly scheduled hours for that work day.

When a Districts recognized, and scheduled holiday falls on an employee's regularly scheduled work day, and the employee is a non-exempt employee and required to work, the employee will be paid overtime wages at one and one-half times the employee's hourly rate. In addition, the employee will be entitled to compensation for the recognized holiday.

If the employee works in a department that is required to be staffed seven days a week (The WRP), and the designated holiday falls on a non-scheduled work day, the employee may designate another day to take the holiday and be paid at straight time. The designated day must be in the same pay period.

## Overtime for Non-exempt Employees

Due to varying workloads, employees may be required to work overtime as necessary. The District will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by a supervisor with the exception of on-call overtime activities. The District provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

- All hours worked in excess of nine hours, if you are on a 9/80 work schedule and ten hours, if you are on a 4/10 work schedule, in one workday or 40 hours in one workweek will be treated as overtime. Since we are on an alternative workweek schedule, the work day will differ depending on your individual schedule. Your supervisor will assign your workday schedule;
- Compensation for hours in excess of 40 for the workweek, or in excess of eight and not more than 12 for the workday, and for the first eight hours on the seventh consecutive day of work in one workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay;
- Compensation for hours in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay;
- In all cases, the District will acknowledge hours paid under the sick, vacation, holiday pay, personal business, bereavement, and jury duty provisions of the District as hours worked for purposes of computing overtime pay.
- Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.

## Garnishments

A garnishment is a court order requiring the District to remit part of an employee's wages to a third party in payment of a just debt. Because garnishments involve the District in its employees' private financial affairs, it is requested that you handle your finances appropriately.

## Payroll Deductions

State and federal law require the District to make proper deductions on its employees' behalf. Amounts withheld vary according to earnings, marital status, and number of exemptions claimed.

Required deductions include Federal Income Tax, FICA "Medicare Only" Contribution, State Income Tax and SDI.

## Social Security

El Toro Water District employees are not participants in the Social Security program. However, those employees hired after April 1, 1986 are required to contribute to the Federal Medicare program. The District also contributes to the program.

## Deductions for Exempt Employees

Employees paid on a "salary basis" regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, exempt employees will receive full salary for any workweek in which they perform any work, regardless of the number of days or hours worked. Exempt employees may not be paid for any workweek in which they perform no work, subject to the District benefits programs and policies. No deductions from salary may be made for time when work is not available, provided the exempt employee is ready, willing, and able to work. Deductions from pay are permissible when an exempt employee

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

Partial day deductions from available accrued vacation or sick leave balances will also be made by the District when applicable in 4 hour or half day increments.

## Meal and Rest Periods

### Rest Breaks

All non-exempt employees are entitled to uninterrupted rest break periods during their workday. If you are a non-exempt employee, you will be paid for all such break periods.

### Number of Rest Breaks

You will be authorized and permitted one (1) 15-minute rest break for every four (4) hours you work (or major fraction thereof, which is defined as any amount of time over two (2) hours). A rest break need not be authorized for employees whose total daily work time is less than three and one half (3.5) hours.

You will be relieved of all duty during your rest break periods. You are free to come and go as you please and are free to leave the premises. You are expected to return to work promptly at the end of any rest break.

If you work a shift from three and one-half (3.5) to six (6) hours in length you will be entitled to one (1) fifteen-minute rest break. If you work more than six (6) hours and up to 10 hours, you will be entitled to two (2) fifteen-minute rest breaks. If you work more than 10 hours and up to 14 hours, you will be entitled to three (3) fifteen-minute rest breaks.

For shifts in excess of 14 hours, you will continue to be entitled to additional paid 15 minute rest breaks for every four (4) hours you work, or major fraction thereof.

### **Timing of Rest Breaks**

You are authorized and permitted to take a rest break in the middle of each four-hour work period.

Your rest break will be scheduled by your supervisor.

### **Meal Period**

All non-exempt employees will be provided an uninterrupted unpaid meal period of at least 30 minutes if you work more than five (5) hours in a workday. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. During your meal period, you are free to come and go as you please and are free to leave the premises. You are expected to return to work promptly at the end of any meal period.

If your total work period for the day is more than five hours per day but no more than six hours, you may waive the meal period. This cannot be done without the mutual consent of you and your supervisor. You must discuss any such waiver with your supervisor in advance.

The waiver must be in writing.

### **Timing of Meal Period**

Your meal period will be provided no later than the end of your fifth hour of work. For example, if you begin work at 7:00 a.m., you must start your meal period by 11:59 a.m. (which is before the end of your fifth hour of work).

Your meal period will be scheduled by your supervisor.

### **Second Meal Period**

If you work more than 10 hours in a day, you will be provided a second, unpaid meal period of at least 30 minutes. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. There will be no control over your activities during your meal period. During your meal period, you are free to leave the premises and are free to come and go as you please. You are expected to return to work promptly at the end of any meal period.

Depending on the circumstances, you may be able to waive your second meal period if you took the first meal period and if your total hours worked for the day is no more than twelve hours. This cannot be done without the mutual consent of you and your supervisor and must be in writing. You must discuss any such waiver with your supervisor in advance.

### **Timing of Second Meal Period**

This second meal period will be provided no later than the end of your 10th hour of work. For example, if you begin work at 7:00 a.m., you must start your second meal period by 4:59 p.m. (which is before the end of your tenth hour of work).

Your second meal period will be scheduled by supervisor.

## **Recording Meal Periods**

By certifying your time is correct on your time card, you are also certifying that you have taken your meal break.

Employees are not allowed to work "off the clock." All work time must be accurately reported on your time record.

If for any reason you are not provided a meal period in accordance with our policy, or if you are in any way discouraged or impeded from taking your meal period, you will be required to report to the Human Resources Manager and document the reason for the missed meal period or time worked.

## **Makeup Time**

The District allows the use of makeup time when non-exempt employees need time off to tend to personal obligations. Makeup time worked will not be paid at an overtime rate. Employees may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek.

Makeup time requests must be submitted in writing to your supervisor, with your signature, on the District-provided form. Requests will be considered for approval based on the legitimate business needs of the District at the time the request is submitted. A separate written request is required for each occasion the employee requests makeup time.

If you request time off that you will make up later in the week, you must submit your request at least one week in advance of the desired time off. If you request to work makeup time first in order to take time off later in the week, you must submit your request at least one week working the makeup time. Your makeup time request must be approved in writing before you take the requested time off or work makeup time, whichever is first.

All makeup time must be worked in the same workweek as the time taken off. Employees may not work more than 11 hours in a day or 40 hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

If you take time off and are unable to work the scheduled makeup time for any reason, the hours missed will normally be unpaid. However, your supervisor may arrange with you another day to make up the time if possible, based on scheduling needs. If you work makeup time in advance of time you plan to take off, you must take that time off, even if you no longer need the time off for any reason.

An employee's use of makeup time is completely voluntary. The District does not encourage, discourage, or solicit the use of makeup time

## **On-Call (Standby Pay)**

Certain Operation's Department employees are required to be available to answer emergency calls and perform certain routine weekend or holiday inspections on a one week rotational basis. Employees who are on-call are required to carry a cell phone and they must be able to respond to any emergency within thirty (30) minutes. Four (4) employees are required to be on-call; a



primary on-call employee, a secondary on-call employee, a sewer collection crew employee, and a WRP employee.

The primary on-call person is classified as a Maintenance Worker I, II or III who functions as the first responder to customer service requests, SCADA alarms, performs routine and/or assigned special after hours and weekend and holiday inspections. The secondary on-call person is classified as a Crew Chief or Foreman and functions as a back-up to the primary on-call person and provides supervisory assistance and direction as necessary. The sewer collection on-call person is on-call to respond to after-hours sewer spills, stoppages and other sewer related problems and emergencies as necessary. The Water Recycling Plant on-call employee is on-call to respond to after-hours Water Recycling Plant related problems as necessary.

For all Field Operations, Plant and Collections personnel, the on-call status will begin for one week starting Monday morning at the beginning of the regular shift and ending at the beginning of the regular shift on the following Monday morning.

All on-call employees will be required to respond to all calls received after hours, and on weekends or holidays and to perform other duties as required.

For this on-call service, the on-call employees will be paid a flat rate of \$350.00 per week in addition to hours actually worked at regular and overtime rates.

Pay starts from the time the employee departs from home or place where the call is received and continues until the employee returns to their home or place where the call was received. However, travel time to and from work assignment shall not exceed 30 minutes in each direction.

## Pay Differentials

The District will pay a shift differential when an employee is regularly scheduled to work on the weekends. The employee will be paid additional compensation of \$.75 per hour actually worked. Shift Differential pay does not apply to employee working on-call/standby hours.

## Emergency Administrative Leave

The District strives to be prepared for catastrophic events that may force shutdown, partial shutdown or significant modification of operations. Emergency Administrative Leave (“EAL”) may be utilized to cover employee absences due to work unavailability because of a Major Public Disaster. Understanding that the provision of some basic services may require some level of skeletal or flex staffing, the General Manager is authorized to provide EAL on an intermittent or staggered basis.

*“Major Public Disaster”*: A “Major Public Disaster” is an incident that is of the severity and magnitude that effective response is beyond the capability of the state or affected local governments. In order to qualify as a “Major Public Disaster”, the event must have caused a governmental authority, such as the President of the United States, the Governor of California or the Board of Supervisors of the County of Orange to declare a formal state of emergency. This definition shall be interpreted consistently with 44 CFR § 206.2(a)(17), which includes events such as hurricane, tornado, tsunami, earthquake, volcanic eruption, or pandemic. A declaration of



emergency by the District Board of Directors will also authorize the General Manager to provide EAL.

*Qualifying Circumstances:* Access to up to 160 hours per employee of EAL may be provided per affected employee, at the discretion of the General Manager, only in circumstances that meet the following criteria:

- A Major Public Disaster has caused or could cause the unavoidable closure of all or part of District's operations in a manner that could result in layoff or furlough. Circumstances causing such closure include but are not limited to (1) destruction or severe damage of District's facilities or infrastructure; (2) inability or severe difficulty accessing District's facilities due to destruction or damage of transportation corridors; or (3) unavailability of sufficient personnel to operate the affected facility or department because of illness or injury associated with the Major Public Disaster.
- The General Manager has adopted an Emergency Operations Plan that utilizes EAL in a manner to (1) best serve the District's operations; (2) address public health or safety concerns associated with the Major Public Disaster; (3) maintain necessary staffing while limiting the need for permanent layoffs or furloughs; and (4) best maintain the District's ability to resume full operations and services when possible.
- The intended employee-recipient's workload has been severely impacted by the Major Public Disaster such that the employee-recipient is either unable to report to work, has been directed not to report to work or there is insufficient work within the relevant department or facility to warrant full staffing.

The extension of EAL beyond the original 160 hours per employee defined herein may be granted with the approval of the Board of Directors.

# Section IV

# Leaves of Absence

## General Information

Several types of unpaid leaves of absence are available to eligible employees under the District's policies.

### Summary of Rules

- No leave of absence without pay will be granted in excess of the required length of leave as set forth by the state and federal guidelines unless approved by the General Manager
- An employee who fails to return to work on the first workday following the expiration of the approved leave period, will be deemed to have abandoned their job which constitutes voluntarily resignation.
- A leave of absence will not change an employee's length of service status.
- A discretionary leave of absence may be given only with the approval of the General Manager.
- During disability and personal leaves of absence, sick and vacation time will continue to accumulate, as long as benefits are being coordinated and/or paid. Holidays will also be paid out as long as benefits are being coordinated and/or paid.
- To initiate a medical leave of absence, the District must receive a physician's written statement certifying the need for the leave, the anticipated duration of the leave, and the anticipated return to work date. If an extension of the leave of absence is required, an additional request in writing prior to the expiration date of the original leave must be received.
- The District reserves the right to request a physician's written statement with respect to any absences due to the illness of the employee or the illness of a family member for whom kin-care leave is being requested.
- Employees while on a leave of absence must communicate with the District on a regular basis regarding their status and anticipated return to work.
- Medical insurance, life insurance and other group insurance coverage will continue during the approved leave of absence. If a leave is taken unpaid, employees will be billed for their portion of the premium. Any employee who returns to work from a medical, pregnancy related disability or workers compensation leave of absence MUST provide a "Return to Work" notification from their treating physician.
- False statements made to secure a leave of absence shall constitute cause for termination.

- Coordination of benefits will occur upon the employee's request where applicable.

## Family and Medical Leave

California's California Family Rights Act (CFRA) and the federal Family and Medical Leave Act (FMLA) provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- You have been employed with the District for a total of at least 12 months prior to the commencement of leave. The 12 months of employment must have accumulated within the previous seven years (certain exceptions apply);
- You have worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- You are employed at a work site where there are 50 or more employees within a 75 mile radius.

Leave may be taken for one or more of the following reasons:

- The birth of your child, or placement of a child with you for adoption or foster care (FMLA/CFRA);
- Your incapacity due to pregnancy, prenatal medical care or child birth (FMLA only);
- For a serious health condition that makes you unable to perform your job (FMLA/CFRA);
- To care for your spouse, child, or parent who has a serious health condition (FMLA/CFRA);
- To care for your registered domestic partner (CFRA only).

For additional information about eligibility for family/medical leave, contact the Human Resources Manager.

## Military Family Leave Entitlements

- Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- Eligible employees may also take a special leave entitlement of up to 26 weeks of leave during a single 12-month period to care for a covered service member. (FMLA/CFRA for 12 weeks if the care provider is eligible for both, followed by 14 weeks of (FMLA only), or 26 weeks of FMLA only if leave is not CFRA covered leave). A covered service member is either:
  - A current member of the Armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or
  - A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is

undergoing medical treatment, recuperation, or therapy for a serious injury or illness. \*

\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition."

### **Calculating the 12-month Period**

For purposes of calculating the 12-month period during which 12 weeks of FMLA or qualifying exigency leaves may be taken, District uses a rolling year. The 12-month period begins on the first day of the leave.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period.

For leave to care for a covered service member, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered service member is for a maximum of 26 workweeks during a 12-month period.

### **Pregnancy, Childbirth or Related Conditions and Baby Bonding**

Leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (the California Family Rights Act (CFRA)). However, time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under federal law (the Family and Medical Leave Act (FMLA)). Employees who take time off for pregnancy disability and who are eligible for FMLA will also be placed on FMLA that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth the employee may apply for leave under the CFRA, for purposes of baby bonding. \*

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the District will grant a request for a CFRA (for birth/placement of a child) of less than two weeks' duration on any two occasions. The District may also grant additional requests for leave lasting less than two weeks at its discretion. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

\*If you are not eligible for baby bonding leave because you work at a work site with less than 50 employees in a 75-mile radius, you may be eligible for time off to bond with a new child under the New Parent Leave Act (if you meet the eligibility requirement under this law). For more information, contact the Human Resources Manager.

### **Leave Procedures**

The following procedures shall apply when an employee requests family medical leave:

- Please contact the Human Resources Manager as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption

or foster care, or planned medical treatment for your serious health condition or that of a family member, you must notify the District at least 30 days before leave is to begin. You must consult with your supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of your health care provider or the health care provider of your child, parent, or spouse.

- If you cannot provide 30 days' notice, the District must be informed as soon as is practical.
- If the Family and Medical Leave Act/California Family Rights Act request is made because of your own serious health condition, the District may require, at its expense, a second opinion from a health care provider that the District chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the District.
- If the second opinion differs from the first opinion, the District may require, at its expense, you to obtain the opinion of a third health care provider designated or approved jointly by you and the District. The opinion of the third health care provider shall be considered final and binding on you and the District.

### **Certification**

The District requires you to provide certification. You will have 15 calendar days from the District's request for certification to provide it to the District, unless it is not practicable to do so. The District may require recertification from the health care provider if you request additional leave upon expiration of the time period in the original certification. (*For example, if you need two weeks of family and medical leave, but following the two weeks you need intermittent leave, a new medical certification will be requested and required.*) If you do not provide medical certification in a timely manner to substantiate the need for family and medical leave, the District may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave.

If the leave is needed to care for a sick child, spouse, or parent, you must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants your participation.

When both parents are employed by the District, and request simultaneous leave for the birth or placement for adoption or foster care of a child, the District will not grant more than a total of 12 workweeks family/medical leave for this reason.

If your serious health condition is the reason for leave, you must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Your inability to work at all or perform any one or more of the essential functions of your position because of the serious health condition.

If you are absent because of your own serious health condition, the District will also require a medical release to return to work form or certification from your health care provider that you are able to resume work.

Failure to a release to return to work certificate from your health care provider will result in denial of reinstatement until the certificate is obtained.

### **Leave Related to Military Service**

A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member's health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

### **Health and Benefit Plans**

If you are taking family medical leave you will be allowed to continue participating in any health and welfare benefit plans in which you were enrolled before the first day of the leave (for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if you had continued in employment for the duration of such leave. The District will continue to make the same premium contribution as if you had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, the District may recover premiums paid to maintain health coverage if you fail to return to work following family/medical leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work. The right to continued group health coverage during pregnancy disability leave is a separate and distinct entitlement from the CFRA entitlement.

Payment of the employee's share of the health premium is due at the same time it would be made by payroll deduction.

### **Substitution of Paid Leave**

Generally, FMLA/CFRA leave is unpaid. The District may require, or you may choose, to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, you must comply with the District's normal paid leave policies. For more information on those specific circumstances requiring or allowing the substitution of paid leave contact the Human Resources Manager.

### **Reinstatement**

Under most circumstances, upon return from family/medical leave, you will be reinstated to your original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had the employee not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

Reinstatement after family/medical leave may be denied to certain salaried "key" employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the District's operations;
- The employee is notified of the District's intent to refuse reinstatement at the time the District determines the refusal is necessary; and
- If leave has already begun, the District gives the employee a reasonable opportunity to return to work following the notice described previously.

### **Time Accrual**

Please contact the Human Resources Manager with any questions regarding accrual of other District provided paid leave benefits (such as vacation, personal time or sick leave) during unpaid FMLA/CFRA leave.

### **Carryover**

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement (26-workweek entitlement if leave is to care for a service member) in any 12-month period. No carryover of unused leave from one 12-month period to the next 12 month period is permitted.

### **Intermittent Leave**

You may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for your serious health condition or a qualifying family member and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is thirty (30) minutes.

## **Extended Medical Leave**

A medical leave of absence may be granted for non-work-related medical disabilities (other than pregnancy, childbirth, and related medical conditions) with a doctor's written certificate of disability. Extended disability leaves will also be considered on a case-by-case basis, consistent with the District's obligations under federal and state disability laws.

Employees should request any leave in writing as far in advance as possible. If you are granted a medical leave, El Toro Water District will pay you sick pay for the period of time equivalent to your accumulated sick pay earned. You also may use any paid vacation and/or personal time previously accrued if you have exhausted your accumulated sick pay.

A medical leave begins on the first day your doctor certifies that you are unable to work, and ends when your doctor certifies that you are able to return to work. Your supervisor will supply you with a form for your doctor to complete, showing the date you were disabled and the estimated date you will be able to return to work. An employee returning from a medical disability leave must present a doctor's certificate declaring fitness to return to work.



If returning from a non-work-related medical leave, you will be offered the same position you held at the time your leave began, if available. If your former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, your return to work will depend on job openings existing at the time of your scheduled return. The District makes no guarantees of reinstatement, and your return will depend on your qualifications for existing openings.

California workers' compensation laws govern work-related injuries and illnesses. California pregnancy disability laws govern leaves taken because of pregnancy, childbirth, and related medical conditions. An employee that needs reasonable accommodations should contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation or the Human Resources Manager.

Any leave taken under this provision qualifying as leave under the state and/or federal Family and Medical Leave Acts will be counted as family/medical leave and charged to your entitlement of 12 workweeks of family/medical leave in a 12-month period, and governed by the rules relating to family/medical leave.

## **Pregnancy Disability Leave**

If you are pregnant, have a related medical condition, or are recovering from childbirth, please review this policy. Any employee planning to take pregnancy disability leave should advise the human resources department as early as possible. The individual should make an appointment with the Human Resources Manager to discuss the following conditions:

- Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months of leave per pregnancy (the working days you normally would work in one-third of a year or 17 1/3 weeks). Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care, doctor-ordered bed rest, as well as other reasons. Your healthcare provider determines how much time you need for your disability.
- The District will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy.
- Employees who need to take pregnancy disability must inform the District when a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable (such as the expected birth of a child or a planned medical treatment for yourself), employees must provide at least 30 days advance notice before the pregnancy disability leave or transfer is to begin. Employees must consult with the Human Resources Manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the employee's health care provider;

- For emergencies or events that are unforeseeable, we need you to notify the District, at least verbally, as soon as practical after you learn of the need for the leave.
- Failure to comply with these notice requirements may result in delay of leave, reasonable accommodation, or transfer;
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide the District with a written certification from a health care provider for need of PDL, reasonable accommodation or transfer. The certification must be returned no later than 15 calendar days after it is requested by the District. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation or transfer. Please see the human resources department for a medical certification form to give to your health provider.
- Leave returns will be allowed only when the employee's physician sends a release;
- An employee will be required to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation or personal time (if otherwise eligible to take the time) during a pregnancy disability leave; and
- Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of thirty (30) minutes.

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

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

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. In some instances, an employer can recover from an employee premium paid to maintain health coverage if the employee fails to return following pregnancy disability leave. PDL may impact other benefits or a seniority date. Please contact the human resources department for more information.

## Personal Leave

Under special circumstances, a personal leave of absence that does not qualify as FMLA/CFRA or PDL, or other leave provided by State or Federal law, may be granted to an employee upon submission of a written request which states the projected beginning and ending date and the specified reasons for the request of leave. Such personal leave without pay is subject to approval at the sole discretion of the General Manager.

Requests for personal leave should be limited to unusual circumstances requiring an absence of longer than two weeks. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay.

False statements made to secure a leave of absence shall be subject to disciplinary measure up to and including termination. The District may require the employee to use accrued sick leave, vacation or personal days during this leave of absence.

When you are placed on a personal leave of absence, an effort will be made to hold your position open for the period of the approved leave. However, the District will not guarantee reinstatement after a personal leave of absence.

## Paid Family Leave

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

## School and Child Care Activities Leave

Employees are encouraged to participate in the school or child care activities of their child(ren).

The absence is subject to all of the following conditions:

- Time off under this policy can only be used by parents, guardians, grandparents, stepparents, foster parents or a person who stands *in loco parentis* to one or more children of the age to attend kindergarten through grade 12 or a licensed child care provider;
- The amount of time off for school or child care activities described below cannot exceed a total of 40 hours each year;
- Covered employees can use the time off to find, enroll or reenroll a child in a school or with a licensed child care provider or to participate in activities of the child's school or licensed child care provider. The time off for these purposes cannot exceed eight hours

in any calendar month. Employees planning to take time off for these purposes must provide reasonable advance notice to their supervisor.

- Covered employees can also use time off to address a "child care provider or school emergency" if the employee gives notice to the employer. A child care provider or school emergency means that the employee's child cannot remain in a school or with a child care provider due to one of the following:
  - The school or child care provider has requested that the child be picked up, or has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child to be picked up from the school or child care provider;
  - Behavioral or discipline problems;
  - Closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
  - A natural disaster, including, but not limited to, fire, earthquake or flood.
- Employees must provide their supervisor with documentation from the school or licensed child care provider verifying that they were engaged in these child related activities on the day and time of the absence;
- If more than one parent is employed by the District, the first employee to request such leave will receive the time off. Another parent will receive the time off only if the leave is approved by their supervisor;
- Employees must use Vacation or Personal leave in order to receive compensation for this time off; and
- Employees who do not have paid time off available will take the time off without pay.

## **School Appearances Involving Suspension**

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert their supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

## **Military Leave**

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

One week of the vacation leave will be used to satisfy the seven-day waiting period.

## **Military Spouse Leave**

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

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

## **Civil Air Patrol Leave**

No employee with more than 90 days of service shall be disciplined for taking time off to perform emergency duty as a volunteer in the California Civil Air Patrol. If you are a Civil Air Patrol volunteer, please alert your supervisor that you may have to take time off for emergency duty. When taking time off for emergency duty, please alert your supervisor before doing so, giving as much advance notice as possible.

Up to 10 days of leave for duty may be taken each year. However, leave for a single emergency mission cannot exceed three days, unless the emergency is extended by the entity in charge of the operation and the extension of leave is approved by the District.

## **Domestic Violence, Sexual Assault or Stalking Leave and Accommodation**

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

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

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

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

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

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

## **Domestic Violence, Sexual Assault or Stalking Leave for Treatment**

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

You may request leave for any of the following purposes:

- To seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- To obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- To obtain psychological counseling related to experiencing domestic violence, sexual assault or stalking;
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking including temporary or permanent relocation.

Please provide reasonable advance notice of the need for leave unless advance notice is not feasible. Contact your supervisor or the human resources department.

The District will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

The length of unpaid leave an employee may take is limited to 12 weeks provided for in the federal Family and Medical Leave Act of 1993 for eligible employees.

## **Victims of Crime Leave**

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

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

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

Any absence from work to attend judicial proceedings or proceedings involving victim rights will be unpaid, unless you choose to take paid time off.

For more information regarding this leave (including whether you are covered, when and what type of documentation is required, and which type of paid time off can be used), please contact a District representative with day-to-day personnel responsibilities or the Human Resources Manager.

## **Organ and Bone Marrow Donor Leave**

Employees who are donors for organ or bone marrow may take paid time off as follows:

- Employees must be employed for at least a 90-day period immediately before the beginning of leave.
- Employees may take up to 30 business days of paid leave, and up to an additional 30 business days of unpaid leave in any one-year period for the purpose of donating an organ to another person. The one-year period is calculated from the date the employee begins the leave.
- Employees may take up to 5 business days of leave in any one-year period for the purpose of donating bone marrow to another person. The one-year period is calculated from the date the employee's leave begins.
- During the leave for organ/bone marrow donors, the District will continue to provide and pay for any group health plan benefits the employee was enrolled in prior to the leave of absence.
- Leave taken for the purpose of organ or bone marrow donation is not leave for the purpose of family medical leave under the federal Family and Medical Leave Act or the state California Family Rights Act.

Employees who wish to take a leave of absence to donate bone marrow or an organ will be required to provide written verification of the need for leave, including confirmation that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

The District requires that employees taking leave for organ donation use two weeks of accrued but unused sick leave, personal time and/or vacation.

The District requires that employees taking leave for bone marrow donation use five days of accrued but unused sick leave, personal time and/or vacation.

Once a Donor has exhausted the required paid sick, personal time and/or vacation leave, the employee will be paid for the remaining leave of absence, if additional leave is needed, up to the maximum allowed by law.



## **Volunteer Civil Service Personnel**

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

If you are an official volunteer firefighter, reserve peace officer or emergency rescue personnel, please alert your supervisor if you have training. Volunteer firefighters, reserve peace officers and emergency rescue personnel may take up to a total of fourteen days per calendar year to engage in fire, law enforcement or emergency rescue training.

## **Leave Donation Program**

The District has a leave donation program that is meant to provide assistance to employees who are suffering from a crisis event that has resulted in a need for additional time off in excess of their available sick or other paid time. The program allows eligible employees to voluntarily donate time from their available sick or vacation leave to their co-workers in accordance with the policy.

This policy is strictly voluntary. The policy does not guarantee any employee the right to extended leave beyond what is provided for by the District's stated policy and its legal obligations. Final approval of receipt of any sick or vacation leave donation and of the ability to donate accrued leave rests with the General Manager.

Donations made under this policy shall be deemed to be equivalent one hour increments and are not based on the job classification or salary of the donating employee or the recipient employee.

### **Eligibility to Donate**

In order for you to donate sick or vacation leave to another employee you must:

- Be employed by the District for one year
- Donate sick or vacation leave in units of 1 hour
- Donate no more than 18 hours
- Not be currently on an approved leave of absence

Employees who donate leave are not permitted to reduce their own sick or vacation leave credit to less than 80 hours because they may experience their own need for time off.

### **Guidelines for Receipt of Leave Donation**

Employees, who would like to receive donated sick or vacation time from co-workers, must have a crisis event as determined by the Human Resources Manager along with the General



Manager. The donated time can only be used for time off related to the approved crisis event. Recipient employees must use their own available paid leave time prior to using any donated time. Employees who receive donated sick or vacation time may receive no more than 480 hours (12 weeks) within a rolling 12 month period. The leave donation program does not guarantee the recipient employee the right to extended leave beyond the District's stated policy and its legal obligations. The decision as to whether a personal leave should be granted, whether there is a crisis event, or whether the employee can receive donated sick time is within the discretion of the District.

Any donated sick time that is in excess of the time used by the recipient for the approved crisis event will be returned to the donor. There is no "cash" value to the recipient of the donated sick time.

### **Procedure**

Employees who wish to donate sick time to a co-worker must make a written request to the Human Resources Manager who will confirm eligibility. The request must be approved by the General Manager.

The identity of donors will remain confidential.

Donations under the program are voluntary and no employee will be subject to intimidation or disparate treatment for participating in or declining to participate in the leave donation program. Misrepresenting or falsifying the need to receive donated leave under this program is grounds for discipline, including termination.

# Section V

# Benefits

## Benefits Overview

The District has developed a broad, comprehensive set of employee benefit programs to supplement your regular wages. Benefit eligibility may be dependent upon your employee classification (full-time versus part-time, for example) and on length of continuous employment at the District. Eligibility requirements may also be imposed by the plans themselves.

Upon becoming eligible for certain employee benefit plans, you will receive Summary Plan Descriptions which describe the benefits in greater detail. For information regarding employee benefits and to answer any questions you may have contact the Human Resources Manager.

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

The District offers the following employee benefits:

- Vacation
- Sick Leave
- Personal Business
- Holidays
- Medical Insurance
- Dental Insurance
- Vision Insurance
- Life Insurance
- Short and Long Term Disability Insurance
- 401(k) Retirement Plan
- 457 Deferred Compensation Plan
- Long Term Care
- Employee Assistance Program
- Educational Reimbursement

## Vacation

All regular full-time employees and regular part-time employees who work at a minimum of 30 hours per week are eligible for vacation pay subject to the conditions below.

Regular full-time employees will accrue vacation time as shown below. Regular part-time employees who work 30 hours per week or more will accrue vacation on a pro-rated basis. Part-time employees who work less than 30 hours per week shall not accrue vacation leave. Temporary employees are not eligible for vacation benefits.

Vacation accrual begins with the employees first day of service and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment.

Regular full-time employees are entitled to accrue:

Hours Accrued Per Completed Years of Employment:

<u>Bi-Weekly Pay Period</u>	<u>Employment</u>	<u>Annually</u>
3.08	0 - 5	80
4.62	6 -15	120
6.15	15+	160

### **Availability and Maximum Carry Over**

The District recognizes the value of rest and relaxation and encourages all employees to take all accrued vacation time earned during a calendar year. If an employee does not take all of the vacation earned, the unused hours will be carried over to the following year.

The District requires that an employee take a minimum of 50% of total annual hours accrued of vacation time each calendar year. Exceptions to this requirement must be approved by the General Manager. In the event that an employee has taken that amount of vacation during a calendar year and is still unable to reduce accrued hours to less than 160 hours on December 31 of said calendar year or less than 240 hours for employees hired on or after July 1, 1997, the District will pay the value of the excess hours computed at the employee's hourly pay rate in effect during the last payroll of the current year.

For employees hired before July 1, 1997, hours transferred from sick time will be added to vacation time after the normal refunds have been calculated as stated above.

Employees hired on or after July 1, 1997 will not be able to transfer sick time hours to vacation time.

Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment.

Employees become eligible to take accrued vacation after six months of active service as work schedules permit. Employees cannot take vacation time during the introductory period unless approved by the Department Head. Vacation schedules must be coordinated and cleared with your supervisor.

The District schedules determine permissible vacation periods, which employees may need to defer or otherwise adjust accordingly.

An employee whose employment terminates will be paid for accrued unused vacation days on a pro rata basis. Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements. The employee's supervisor or Department Head will make final determinations and must approve your vacation schedule in advance.

### **Required Use of Vacation before Unpaid Leave**

If you are taking an unpaid leave of absence, there are circumstances where you may be required to use your accrued and unused vacation before taking unpaid leave or having unpaid absences. In other circumstances, you can choose to use vacation before taking unpaid leave or having unpaid absences, but it is not required. It will depend on the type of leave you are taking and/or federal and state leave requirements.

Please contact the Human Resources Manager to discuss coordination of your benefits.

## Sick Leave

Sick leave is a form of insurance that employees accumulate in order to minimize the economic hardships that may result from short-term illness or injury to employees or their immediate family. It is intended to be used only when actually required to recover from illness or injury; sick leave is not intended to be used in lieu of vacation. Time off for medical and dental appointments will be treated as sick leave.

### **Sick Pay Amount and Accrual for Regular Employees Who Are Full-Time or Part-Time Working at Least 30 Hours per Week**

The District offers paid sick leave to **regular full-time employees** at a rate of eight (8) hours per month. **Regular part-time employees** working less than forty (40) and a minimum of thirty (30) hours per week will accrue sick leave on a prorated basis. Unused sick leave hours carry over until they reach a cap of 960 hours, at which time they will be treated as set forth further below.

### **Sick Pay Amount and Accrual for Temporary and Part-Time Employees Working Less than 30 Hours per Week**

Temporary and part-time employees working less than 30 hours per week will be eligible for sick leave under the Healthy Workplaces/ Families Act at a rate of one hour of paid sick time for every 30 hours worked up to a maximum accrual of 48 hours of paid sick time.

Accrued, unused time under this policy will carry over each year up to a maximum of 48 hours per calendar year. Unused sick time is not paid out at the time of separation from employment. However, temporary or part-time employees working less than 30 hours per week who are re-employed with the Water District within one year of separation will have their accrued unused bank of sick leave made available to them upon re-hire.

### **Sick Leave Benefits Accrual and Pay-Out for Regular Employees Working Full-Time or Part-Time at least 30 Hours per Week**

#### Employees hired prior to July 1, 1997

On December 31 of any given year, any excess sick balance over 960 hours will be transferred to Vacation time. A formula of five percent (5%) times the number of complete years employed will be applied to the excess hours over 960 to determine the number of hours to be transferred. The maximum portion of the excess sick balance to be transferred will not exceed 100%. Hours transferred under the terms of this paragraph will be considered after regular vacation hours have been calculated.-

#### Employees hired on or after July 1, 1997:

On December 31 of any given year, any excess sick balance over 960 hours will not be transferred to vacation time but will be paid to the employee at 50% of the excess hours over 960.

### **Payment of Sick Leave upon Termination**

A portion of accumulated sick leave will be paid upon termination of employment.

A formula of five percent (5%) times the number of complete years employed will be applied to the hours accumulated. The maximum portion of accumulated sick leave to be paid will not exceed 100%.

### **Coordination of Sick Benefits**

During a period of time when an employee is disabled and collecting payment from Worker's Compensation, Disability or Paid Family Leave, if the employee has available sick time they can elect to pay the difference between the employee's regular straight time rate of pay and the amount paid to the employee by Worker's Compensation, Disability or Paid Family Leave.

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

### **Qualifying Reasons for Paid Sick Leave**

Paid sick time can be used for the following reasons:

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

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

- A child defined as a biological, foster or adopted child; a stepchild; or a legal ward, regardless of the age or dependency status of the child. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if they are not your legal child.
- A "parent" defined as a biological, foster or adoptive parent; a stepparent; or a legal guardian of an employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if they are not your legal parent.
- A spouse.
- A registered domestic partner.
- A grandparent.
- A grandchild.
- A sibling.

A notification from a doctor that you are able to return to work may be required for any absences due to illness or injury of longer than three (3) days. A doctor's note may be required if you are on written warning, or exhibiting a pattern of excessive use of Sick Leave.

Abusive or excessive use of sick leave may result in disciplinary action, up to and including termination.

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

### **Use of Paid Sick Leave**

If the need for paid sick leave is foreseeable, employees shall provide advance oral or written notification to their supervisor. If the need for paid sick leave is not foreseeable, you must contact your supervisor as soon as practicable. A phone call, email, or text message is acceptable providing you receive a response back from your supervisor acknowledging your absence. If your supervisor is unavailable, you should contact your Department Head or the Human Resources Manager. If you become sick during the day, you must notify your supervisor, or if unavailable, the Department Head or Human Resources Manager.

A Time off Request Form must be completed upon return to work, approved by the employee's Department Head and submitted to payroll for processing. Each department head is responsible for reporting sick leave taken by an employee under their supervision. Time cards are to be used by all non-exempt employees.

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

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

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will be paid up to a maximum of two hours per appointment. If you have accrued and unused paid sick leave, the additional absences from work will be paid with the use of paid sick leave. Appointments should be made at the beginning or end of the regular work shift.

### **Personal Business Leave**

The District recognizes that occasionally an employee is required to be away from work to take care of serious personal matters other than personal illness, and has therefore provided for limited time off with pay.

With the consent of the Department Head, an employee will be allowed up to eighteen (18) hours leave with pay each calendar year to take care of personal matters which cannot be handled during normal off duty hours.

Personal Business time will be charged against the Employee's Personal Business account. At the end of each calendar year, up to (18) hours will be transferred from sick to Personal Business to the extent the employee has such sick time. At no time will the Personal Business Account exceed 18 hours. This transfer from sick to Personal Business will only occur once a year.

Personal Business time off can be taken as minimal as fifteen minute increments.

All Personal Business will be paid out at 100% at the time of termination.

## Holidays

All regular full-time employees and regular part-time employees who work a minimum of 30 hours are eligible for holiday pay subject to the conditions below. Regular part-time employees who are scheduled to work less than 30 hours per week will be eligible for holiday hours on a pro-rated basis and their regular work schedule.

The District observes the following paid holidays:

New Year's Day	Thanksgiving Day
President's Day	The Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	The Employee's Birthday
Labor Day	Floating Holiday*
Veterans Day	

\*The Floating Holiday will be selected by the employee and approved by their Supervisor at least two weeks in advance of taking the day off. Floating Holidays must be used prior to the last day of the calendar year.

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

If a holiday occurs during vacation, an employee's vacation time will not be charged for that day.

To be eligible for holiday pay, you must be regularly scheduled to work on the day on which the holiday is observed and must work your regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by your supervisor or the absence is otherwise protected by law. If you are a non-exempt employee, and are required to work on a paid scheduled holiday, the employee will be paid overtime wages at one and one-half times the employee's hourly rate. In addition, the employee will be entitled to compensation for the recognized holiday

When one of the District's holidays as outlined above, falls on a closed Friday, that holiday will then be used as an additional floating holiday for that calendar year.

A holiday schedule will be released at the beginning of each year observing all holidays and any additional floating holidays to be taken that calendar year.



## **Insurances**

The District has developed a broad, comprehensive set of employee benefit programs to supplement your regular wages as noted below.

### **State Disability (SDI)**

All employees are required to be covered by State Disability Insurance. This benefit is deducted each pay period from an employee's wages. This benefit is to protect employees who miss work due to a non-work related accident or illness. All employees are eligible.

The Supervisor or Department Head must inform the Human Resources Department of any employee who is absent from work due to illness for a period of seven calendar days or more.

A claim form can be retrieved from your doctor or any office of the Employment Development Department by telephone.

The employee may use accrued sick time during the seven-day waiting period.

The District will coordinate benefits, if available, to continue maximum wages to the employee while on disability leave.

### **Unemployment**

If your employment terminates, you may be eligible to receive unemployment insurance. To apply, an employee must file a claim with the Employment Development Department to determine eligibility to collect this benefit.

### **Health**

The District provides health insurance to all eligible employees through ACWA JPIA.

Regular full-time and regular part-time employees working thirty (30) hours or more per week and their dependents are eligible for group health insurance benefits. Eligibility begins the first of the month following thirty days of continuous employment with the District. The program offers hospital, medical and surgical benefits to the employee at a shared cost through payroll deductions.

### **Dental**

Regular full-time and regular part-time employees working thirty (30) hours or more per week and their dependents are covered by a group dental insurance plan. Eligibility for participation begins the first of the month following sixty days of continuous employment with the District. There is no cost to the employee for this benefit.

### **Vision**

Regular full-time and regular part-time employees working thirty (30) hours or more per week and their dependents are covered by a group vision insurance plan. Eligibility for participation begins the first of the month following sixty days of regular employment with the District. There is no cost to the employee for this benefit.

## **Eligible Dependents**

Eligible dependents for the above insurance plans are defined as set forth in the insurance enrollment materials.

For an eligible dependent to be eligible for coverages, a copy of a marriage license, State of California Declaration of Domestic Partnerships form (NP/SF DP-1), birth certificate, or other identifying paperwork will be required.

It is the employee's responsibility to notify the Human Resources Manager, in writing upon divorce, termination of Domestic Partnership, over-age dependent, or any event that changes the status of dependency.

A Summary Plan Description and information will be provided on these plans during the new employee orientation, and each year thereafter, during the open enrollment period, from the Human Resources Manager.

## **Life & Accidental Death & Dismemberment Insurance**

Regular full-time employees and regular part-time employees working thirty (30) hours or more per week are covered by a group life insurance plan. The life insurance benefit for employees is equal to two (2) times their annual salary up to a maximum of \$300,000. Eligibility begins the first of the month following sixty (60) days of continuous employment with the District.

In the event of accidental death, additional benefits are available in accordance with terms of the Accidental Death and Dismemberment Policy (AD&D).

It is the employee's responsibility to notify the Human Resources Manager, in writing, if there is a change such as name, address, beneficiary etc.

## **Short and Long Term Disability Insurance**

Upon completion of one year's continuous employment, regular full-time employees and regular part-time employees working thirty (30) hours or more per week are covered by a Short and Long Term Disability Insurance plan.

This policy provides for payment of a portion of regular wages in the event that an employee becomes sick or disabled for a period of over one month. There is no cost to the employee for this benefit.

## **Long Term Care Insurance**

Upon completion of one year's continuous employment, regular full-time employees and regular part-time employees working thirty (30) hours or more per week are covered by a Long Term Care Insurance plan.

This policy provides for payment in the event that an employee requires professional home health care or nursing home care due to a disability. There is a one year waiting period from the time the employee becomes disabled and provides for a benefit up to \$2,500 per month. There is no cost to the employee for this benefit. If an employee would like to voluntarily increase their monthly benefit at the low group rate, the employee can do so at their cost.

There is optional Long Term Care coverage available for the employee's eligible dependents. Premium for depend coverage is paid for by the employee.

Long Term Care Insurance can be continued even after the employee's termination of employment. Premiums would be paid for by the employee.

The District reserves the right and discretion to review, revise, or alter its insurance benefits including employee contributions, carriers, coverages and benefits provided.

THE ADOPTION AND CONTINUATION OF ANY OF THE INSURANCE PROGRAMS REFERRED TO IN THIS SECTION OF THE HANDBOOK ARE SUBJECT TO AND CONDITIONED UPON THE DISTRICT'S ABILITY TO SECURE AND MAINTAIN THE REQUIRED INSURANCE COVERAGE ON TERMS SATISFACTORY TO THE DISTRICT UNLESS MANDATED BY LAW.

## **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) was enacted to protect employees and their eligible family members by allowing them to continue their group health insurance under the employer's plan at affordable group rates. Employees are notified at hiring of their rights under this law and it is the employee's responsibility to notify the Human Resources Manager of any qualifying event within 60 days of the event.

## **Health Insurance Retirement Benefits (Retiree Medical Plan)**

The District will provide medical insurance coverage coordinated with the Federal Medicare Program, to eligible retired employees of the District. The benefit provided will be based on the retiree's date of hire and the applicable coverage tier. Employees are urged to contact the Human Resources Department for all available post retirement insurance programs and eligibility criteria.

### **Tier 1: Employees hired up to June 1, 2008**

All employees who are hired with the District through June 1, 2008, who elect to retire and who meet the eligibility requirements, will only be covered by such plan or plans as outlined below:

1. The District retains the discretion and option to cover employees who are hired as employees of the District through June 1, 2008, who elect to retire under any plan or plans thereafter selected by the District's staff and approved by the Board.
2. The District reserves the right and discretion to review, revise, or alter its Retiree Medical Plan including retiree contributions, carriers, coverage and benefits provided.
3. To be eligible the employee must be a) an active employee at the age of 55 and have b) been an active employee of the District for a minimum of ten (10) years of continuous employment.

4. The District and retiree will share in the premium cost of the Group Medical Plan insurance or Retiree Medical Plan insurance for the retiree and their spouse or registered domestic partner and eligible dependents. The shared cost will be consistent with the shared cost for active employees as approved by the Board.
5. During the period between age 55 and the Eligible Medicare Age the retiree and their spouse or domestic partner and eligible dependents will be provided medical coverage under the District's active employee Group Medical Plan.
6. At the Eligible Medicare Age, the retiree and their spouse or registered domestic partner will be provided medical insurance coverage that will be coordinated with the Federal Medicare Program. The retiree, spouse or registered domestic partner, will be required to obtain Medicare Parts A and B at their own expense. In this situation, Medicare will be primary and the health plan secondary. If the retiree, their spouse, or registered domestic partner is not eligible for Medicare, they will be responsible for paying the difference in premium when Medicare is not the primary coverage.
7. In the event a retiree's spouse, or registered domestic partner is younger, the spouse or registered domestic partner, may remain on the Group Medical Plan until they reach the Eligible Medicare Age. At the Eligible Medicare Age, they will be provided medical insurance coverage that will be coordinated with the Federal Medicare Program.
8. A surviving spouse or registered domestic partner of a retired employee or an active employee (who has met at least the minimum age and service requirement), may participate in the retiree health insurance program as long as the surviving spouse or registered domestic partner has not remarried.
9. An eligible spouse or registered domestic partner who is divorced from an eligible employee before the employee elects to participate in the retiree health insurance program will not be eligible to participate in the plan. A spouse or registered domestic partner who is divorced from an eligible employee after the employee elects to participate in the retiree health insurance plan may continue to participate in the plan only for the period mandated by COBRA-like events and only if the premiums are paid.
10. Only those spouses or registered domestic partners who are spouses or registered domestic partners of the retiree at the time of retirement will be covered. If a spouse or registered domestic partner dies after an employee's retirement and the retiree remarries, the new spouse or registered domestic partner will not be covered.

11. Participants in the Retiree Medical Plan that default on their portion of the premium payments will be terminated from the plan. They may continue to participate only for the period mandated by COBRA and only if the premiums are paid.
12. If a participant in the retiree insurance plan leaves the plan for any reason, including non-payment of their portion of the premium, they are ineligible to return.

**Tier 2: Employees hired after June 1, 2008**

All employees who are hired with the District after June 1, 2008, who elect to retire and who meet the eligibility requirements, will only be covered by such plan or plans as outlined below:

1. The District retains the discretion and option to cover employees who are hired as employees of the District after June 1, 2008, who elect to retire under any plan or plans thereafter selected by the District's staff and approved by the Board.
2. The District reserves the right and discretion to review, revise, or alter its Retiree Medical Plan including retiree contributions, carriers, coverage and benefits provided.
3. To be eligible the employee must be a) an active employee at the age of 60 and have b) been an active employee of the District for a minimum of twenty (20) years of continuous employment.
4. The District and retiree will share in the premium cost of the Group Medical Plan insurance or Retiree Medical Plan insurance for the retiree only. The shared cost will be consistent with the shared cost for active employees as approved by the Board.
5. During the period between 60 and the Eligible Medicare Age coverage will be provided to the retired employee under the active employee group plan until such time as the retiree reaches the Eligible Medicare Age.
6. At the Eligible Medicare Age, the retiree will be provided medical insurance coverage that will be coordinated with the Federal Medicare Program. The retired employee will be required to obtain Medicare Parts A and B at their own expense. In this situation, Medicare will be primary and the health plan secondary. If the retiree is not eligible for Medicare, they will be responsible for paying the difference in premium when Medicare is not the primary coverage.
7. When the employee retires, the District will discontinue paying medical premium costs for the employee's spouse, registered domestic partner, and eligible dependents.

8. The District will offer the retiree's spouse, registered domestic partner, and eligible dependents the option to continue participation in the Group Medical Plan pursuant to the provisions of COBRA. Continued coverage will be subject to the spouse, registered domestic partner, and eligible dependents paying, in full, all applicable medical premium costs associated with their individual coverage.
9. Participants in the Retiree Medical Plan that default on their portion of the premium payments will be terminated from the plan. They may continue to participate only for the period mandated by COBRA and only if the premiums are paid.
10. If a participant in the retiree insurance plan leaves the plan for any reason, including non-payment of their portion of the premium, they are ineligible to return.

### **Terminated Employees Not Eligible for Retiree Medical Plan**

Employees are ineligible to participate in the Retiree Medical Plan whose employment terminates for any reason other than retirement, including resignation or involuntary termination before enrolling in the retiree health insurance plan, the employee, their spouse, or registered domestic partner and their eligible dependents are ineligible to participate in the Retiree Medical Plan. The employee and their spouse or registered domestic partner and their eligible dependents can continue at the option of the employee pursuant to the provisions of the (COBRA). The District will not bear the cost of such coverage. Details concerning this provision can be obtained from the Human Resources Department.

Arrangements for payment in premium will be as agreed between the District and the employee and/or their spouse, and/or their registered domestic partner.

The District reserves the right and discretion to review, revise, or alter its Retiree Medical Plan including employee contributions, carriers, coverage and benefits provided.

## **Bereavement Leave**

The District grants leave of absence to employees in the event of the death of the employee's current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law, or grandparent-in-law.

An employee with such a death in the family may take up to 5 consecutive scheduled workdays off with pay with the approval of the District. The employee's supervisor may approve additional unpaid time off. The intent of this benefit is to allow you to make arrangements for and/or to attend the funeral.

Paid time off will not be charged against the employee's accumulated sick leave or vacation leave, but as bereavement leave.

## **Jury Duty Leave**

The District recognizes the importance of jury duty and encourages employees to take the opportunity when it arises to perform their civic duty.

Employees will receive full pay while serving jury duty up to two (2) pay periods in any calendar year. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received.

The District will pay the employee's regular straight time pay for jury duty. In no event shall such leave with pay, exceed two (2) pay periods in any calendar year. Jury duty leave in excess of two (2) pay periods may be taken as a personal leave of absence or paid vacation not to exceed four months.

If, during the two pay periods of jury duty, the employee is called upon by the District to work on a jury-duty day those working hours spent at the District will be paid by the District as overtime for non-exempt employees.

If the jury duty lasts longer than two pay periods and the employee has taken a personal leave of absence or paid vacation in order to complete his jury duty, any working time spent at the District on a jury-duty day, will be paid by the District as straight time.

Upon return to work you will be required to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule.

### **Fees Paid by the Court**

As a public employee, a waiver should be signed to avoid payment by the court. You may retain any mileage allowance

## **Time Off for Voting**

The District encourages employees to vote in official state and national sanctioned elections.

If you do not have sufficient time outside of working hours to vote in an official statewide election, you may take off enough working time to vote, including up to two hours off without loss of pay. This time should be taken at the beginning or the end of the regular working shift, whichever allows for more free time for voting and the least time off work. When possible, an employee requesting time off to vote shall give their supervisor at least two working days' notice.

The District may require employees to provide documentation to support their claim that they do not have sufficient time to vote outside of working hours.

## **Workers' Compensation**

The District provides a comprehensive workers' compensation insurance program at no cost to



the employees. All employees are covered by workers' compensation insurance for injuries or disability resulting from work-related injury. The workers' compensation benefits provided to injured employees may include medical, surgical and hospital treatment in addition to payment for loss of earnings and assistance to help qualified injured employees return to suitable employment.

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

- **Immediately** report any work-related injury to your supervisor;
- Seek medical treatment and follow-up care if required;
- Complete a written *Employee's Claim for Workers' Compensation Benefits* (DWC Form1) and return it to the Human Resources Manager; and
- Provide the District with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

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

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

The District has set up a "Return to Work" program to assist in the recovery process for an injured worker. It is the District's intent to work with the employee, carrier and medical providers to assure a productive work schedule at no additional risk to the employee's health whenever possible.

Employees needing follow-up medical appointments will be charged the time off from their accumulated sick leave after two hours per appointment.

Any medical appointments that cannot be scheduled after work hours will be paid up to two hours per appointment. Appointments should be made at the beginning or end of the regular work shift. Travel expenses to and from the treating physician will be reimbursed through the Workers Compensation Carrier.

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



## Workers' Compensation and FMLA/CFRA

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month period from the date leave is first taken.

## External Employee Education

The District encourages its employees to achieve their greatest potential through formal education in industry-related course work. Accordingly, policies for tuition reimbursement of education expenses are outlined below:

- All regular full-time employees of the District who have been employed by the District for six (6) consecutive months are eligible for education and training reimbursement. Incentive pay for obtaining college and university degrees and approved professional and/or occupational certificates is also available to these employees.
- El Toro Water District will reimburse for biennial re-certification of state, federal or county recognized certificate and registration programs.
- If a Certification/License exam is scheduled for a non-work day, the District will pay up to 4 hours straight time on the day of the exam. These hours will not count toward calculating overtime for the balance of the work-week. The District will allow up to 4 hours paid time off for a recognized certification exam scheduled for a work-day.
- The District will not pay for mileage to and from classes and will not recognize class time as hours worked for pay purposes.
- Only education and training completed on an employee's personal time is eligible for reimbursement and incentive pay under this policy. Certifications and/or degrees completed by attending classes or training during paid working hours are not eligible for reimbursement and/or incentive pay under this policy.

## Education and Training Tuition Reimbursement

- Requests for tuition reimbursement for classes taken above the Bachelor's degree level require special approval by the General Manager. Such requests will be subject to a more extensive process, including a costs/benefits analysis to determine the value to the District of the proposed courses or degree program. Educational reimbursement and incentive pay for the General Manager requires approval of the Board of Directors. Reimbursement for tuition and registration costs will be based on the California State University fee schedule. If an employee chooses to attend an accredited institution whose tuition is higher than the state university system, the employee will be required to pay the difference between the two.
- Eligible employees of the District must complete an Education Reimbursement Request Form, (available in the Human Resources Department) and receive approval prior to

enrollment in the classes. On this form, the employee will outline the curriculum and projected costs that will be involved. The application must be approved by the employee’s Department Head and the General Manager. The original application will be kept in the employee’s personnel file.

- Once the employee has completed the course with a passing grade of “C” or better, “Pass” or the equivalent, the District will reimburse the tuition costs. Reimbursement for the cost of supplies used in a course of study may be made if the District deems that the supplies are useful to the District and if such supplies are donated to the District. Maximum reimbursement for tuition and registration costs will be based on state university fees.
- For employees participating in an approved Master’s Program, the employee must complete the course with a passing grade of “B” or better to receive reimbursement for tuition, supplies, and registration costs.
- Reimbursement for the cost of books used in the course may be made if the District does not already have that set of books and if the employee donates the books to the District’s office library.
- Official grades and receipts will be submitted to the Human Resources Department. Upon verification that the courses and expenses were previously approved, Human Resources will submit a check request for reimbursement of fees to the employee.
- If an employee is eligible for Veteran’s benefits, and such benefits are less than the total cost of tuition and registration fees, the District will pay the difference required for the total reimbursement.

All funds received by an employee under this program within a twelve-month period prior to the date of voluntary termination of employment with the District shall be repaid by the employee.

**Occupational Certification Program/University and College Degrees Incentives**

District employees obtaining an Occupational Certificate/degree through an accredited program shall be eligible to receive an incentive payment, less applicable taxes, in the amount set forth below, provided the Occupational Certificate/degree exceeds the minimum job requirements of the employee’s position. The Occupational Certificate/degree must be job related, and/or provide a direct benefit to the District.

In no case shall an employee receive an incentive payment for obtaining more than one Associates, Bachelors or Master’s Degree unless the employee completes an additional 24 college level semester units towards the additional degree while being employed at the District.

<u>Degree/Certificate</u>	<u>Net Award</u>
Occupational Certificate	\$250.00
AA*	\$400.00
BA/BS	\$500.00
	\$750.00

Masters \$1,000.00

- \* In no case shall the District compensate an employee by more than \$750 for obtaining an Associates (AA) Degree and an Occupational Certificate, provided the college units of the Occupational Program Certificate are used to obtain an Associates (AA) Degree.

### **Certificate/License Incentives**

District employees shall be eligible to receive an incentive cash payment in the amount of \$250 for obtaining each Certificate/License, provided the Certificate/License exceeds the minimum job requirement established for the employee's position. Some examples of Certificates/Licenses that may be compensated for upon approval of the employee's Department Head and the General Manager are listed below.

- Collection System Maintenance – California Water Environment Association
- Wastewater Treatment Plant Operator – State Water Resources Control Board
- Water Treatment Operator – State Water Resources Control Board
- Water Distribution Operator – State Water Resources Control Board
- Backflow Prevention Device Tester – County of Orange
- Other Certificates/Licenses/Awards approved by the General Manager on a case-by-case basis upon the recommendation of the Department Head.

The District shall compensate the employee for the initial fee for the Certification/License and renewal but will not compensate the employee for any penalties for renewal or provide an incentive payment to employees required to pass an examination for Certification/License renewal. Any employee who is permitted to and successfully passes a higher grade Certification/License test by skipping a lower grade will be compensated for the grade(s) skipped as well as the grade achieved.

Employees are responsible for submitting proof of Degree or Certification/License to the Human Resources Department with a copy to their immediate supervisor. The Human Resources Department will review the Degree or Certificate/License to ensure compliance with this policy. If the Degree or Certificate/License does comply with this policy, a check request for Incentive Disbursement will be completed by the Human Resources Department and approved by the General Manager. The incentive check will be presented to the employee by the Board of Directors.

The cash incentive payment, less applicable taxes, will be made payable to the employee. The amount of the award and tax deducted will be included on the W-2 form issued to the employee.

### **Seminars, Conferences, Lectures and Meetings**

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of the District or the individual employees. Attendance at such activities, whether required by the District or requested by individual

employees, requires the written approval of your supervisor and the department head. To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance.

Attendance at any such event is subject to the following policies on reimbursement and compensation. For attendance at events required or authorized by the District, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, meals, transportation, and parking. Reimbursement policies regarding these expenses should be discussed with your supervisor or the Human Resources Manager in advance.

Employee attendance at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions generally may lead to improved job performance. While the District generally encourages all employees to improve their knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained as described previously.

## Employee Assistance Program

The employees of El Toro Water District are the District's most important asset. It is through their skill and efforts that ETWD continues to develop and retain its high quality performance. For this reason, the District takes special interest in the employees' health and well-being, both on the job and in their personal life.

The purpose of an **Employee Assistance Program** is to provide employees of the District with a professional problem solving service whereby any employee can work with a trained counselor to solve personal and/or job-related problems. The program's sole purpose is to support the employee in those difficult areas of their life which surface to adversely affect their work performance.

Employees may request assistance for all kinds of personal problems through the Employee Assistance Program. The Program provides three (3) visits every six (6) months at no cost to the employee. Should an employee be referred to another provider for additional counseling visits, some costs may be incurred. The EAP provider will refer employees to the most appropriate type of service at the most reasonable cost.

The EAP program is absolutely confidential. No information concerning any program will be released to anyone without the employee's written consent. The employer is not advised of any participation by employee.

Participation in the EAP will not affect future employment or career advancement, nor will participation protect an employee from disciplinary action for continued substandard job performance or rule infractions.

All employees of the El Toro Water District and their immediate family members, are eligible to request services from the District contracted Employee Assistance Provider. Eligibility will begin the first of the month following an employee's hire date. Immediate family members are defined as family members living in the same household as the employee.

El Toro Water District will pay the premium cost of this Employee Assistance Program benefit.

The following list is a sampling of the kinds of problems employees may wish to request help with:

- Crisis Intervention
- Marriage, Family and Relationship Counseling
- Addiction: alcohol, drugs, gambling
- Depression, anxiety and emotional concern
- Co-Dependence
- Work Issues or Vocation
- Financial or Legal Referrals
- Housing
- Parenting
- Lifestyle
- Grief and Loss
- Stress
- Adult Child of Alcoholic Parents
- Daycare
- Retirement
- Eating Disorder

Information will be provided to each employee by the Human Resources Department regarding the District's current EAP Provider. Periodic "Brown-bag" seminars will be held at District facilities to provide information on a variety of topics pertinent to employee health and well-being.

The Employee Assistance Program may also be utilized by the District in conjunction with the progressive discipline process established. In these instances, the employee may be required to seek the help of the EAP to solve the problems which may be related to poor job performance.

## **Lactation Policy**

The District recognizes lactating employees' rights to request lactation accommodation, and accommodates lactating employees by providing a reasonable amount of break time and a suitable lactation location to any employee who desires to express breast milk for their infant child, subject to any exemption allowed under applicable law.

If possible, the break time should run concurrently with your normally scheduled break time. Any break time to express breast milk that does not run concurrently with your normally scheduled break time is unpaid.

The lactation location will be private (shielded from view and free from intrusion from co-workers and the public) and located close to your work area. The location will be safe, clean and free of toxic or hazardous materials; have a surface to place a breast pump and other personal items;

have a place to sit; and have access to electricity or alternative devices (including, but not limited to extension cords or charging stations) needed to operate an electric or battery-powered breast pump. The District will also provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to your workspace. If a refrigerator cannot be provided, The District will provide another cooling device suitable for storing milk, such as an employer-provided cooler. The lactation location will not be a bathroom or restroom. The room or location may include an employee's private office if it otherwise meets the requirements of the lactation space. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space; however, use of the room for lactation takes priority over other uses for the time it is in use for lactation purposes.

Employees who desire lactation accommodations should contact the Human Resources Manager to request accommodations.

An employee's request may be provided orally, by email, or in writing, and need not be submitted on a specific form. The District will engage in an interactive process with the employee to determine when and where lactation breaks will occur. If the District cannot provide break time or a location that complies with this policy, the District will provide a written response to the employee's request.

The District will not tolerate discrimination or retaliation against employees who exercise their rights to lactation accommodation, including those who request time to express milk at work and/or who lodge a complaint related to the right to lactation accommodation. If the employee believes they have been denied reasonable break time or adequate space to express milk, or have been otherwise been denied their rights related to lactation accommodation, the employee has the right to file a complaint with the Labor Commissioner.

# Section VI

## Management / Employee Relations

## Open-Door Policy

Suggestions for improving El Toro Water District are always welcome. At some time, you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your complaints, questions, and suggestions also are of concern to the District.

If you have a complaint, suggestion or question, speak with your immediate supervisors as soon as possible. If you are not comfortable speaking to your immediate supervisor, please bring the issue to the Human Resources Manager or any other member of management.

Moreover, if you have raised the issue and if the problem persists, you may present it to the Human Resources Manager, who will investigate and provide a solution or explanation.

If the problem is not resolved, you may also present the problem to the General Manager, who will attempt to reach a final resolution.

While a written complaint will assist us in investigating your concerns, it is not required that you put your complaint in writing. If you need assistance with your complaint, or you prefer to make a complaint in person, contact human resources.

This procedure, which we believe is important for both you and the Company, cannot guarantee that every problem will be resolved to your satisfaction. However, the District values your observations and you should feel free to raise issues of concern without the fear of retaliation.

## Personnel Records

Employee files are confidential and shall be treated as such. You have a right to inspect or receive a copy of the personnel records that the District maintains relating to your performance or to any grievance concerning you. Certain documents may be excluded or redacted from your personnel file by law, and there are legal limitations on the number of requests that can be made.

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

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

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

If you request a copy of the contents of your file, you will be charged the actual cost of copying. Disclosure of personnel information to outside sources, other than your designated representative, will be limited. However, the District will cooperate with request from authorized



law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

## Changing Your Employee Information

Your current address and phone number and other employee information are essential for many purposes. Those changes should be noted in writing or via email as soon as possible. You are solely responsible to notify the human resources department of changes in your personal status including, but not limited to:

- Name and/or marital status
- Address and telephone number
- Number of eligible family members (such as changes due to marriage, divorce, birth, adoption, death, or when a dependent child reaches the age of 26)
- Tax payroll deductions
- Emergency contact information

When you make any changes that affect the amount of money deducted from your paycheck, it is your responsibility to give a copy of the paperwork to the payroll department so that changes can be made to your paycheck.

## Change in Employee Status

### Promotions/Transfers

When job openings occur, an application may be accepted from present staff to consider the employees skills to perform the work required. At the sole discretion of the District, external applications may also be sought and accepted to fill the job opening.

Promotions will be based upon merit, qualifications, competency, professional experience, general conduct of the employee and other considerations that are deemed appropriate for such promotion.

Promoted employees will be paid a salary of at least the minimum of the salary range for the new position. Promotions involving any salary increase above the minimum of the salary rate range for the new position will be determined and based on the scope and volume of the increased duties and responsibilities the employee assumes. In the event that the change of job title or position does not involve a change in salary grade, but does require the assumption of additional responsibilities, the employee may be considered for a salary increase. Any salary increase must be approved by the General Manager. Employees that receive a salary increase at the time of a promotion will not typically be eligible for any further increase at the end of the introductory evaluation period.

## Compensation Plan

The foundation for the District's compensation is based on pay for performance. Employees earn their compensation.

Factors considered in establishing the base salary for newly hired employees include education, previous work experience, position, grade level and other relevant factors.

Adjustments to the base salary for existing employees generally occur as a result of a performance evaluation, a promotion, a significant increase or decrease in job responsibilities, business circumstances and/or other relevant factors.

Merit increases, if any, are earned based on performance and in accord with current business circumstances of the District. There are no automatic salary increases. It is the District's objective to adjust a salary level that best represents performance level and responsibilities in accord with current business circumstances. Merit increases are subject to the terms of the District's Performance Based Compensation Pool Program.

## Performance Based Compensation Pool Program

### Budget Process

The Performance Based Compensation Pool Program (Program) rewards employees with salary merit increases directly tied to the employee's score on their annual performance evaluation. The Program budget is developed annually as part of the District's Operating Budget. Each year, during the development of the annual operating budget, staff presents a labor budget to the Board of Directors for approval. The labor budget defines and includes a budget for the Performance Based Compensation Pool Program. The Program budget includes both a merit component and a cost of living component based on the Consumer Price Index (CPI).

Merit Component	The merit percentage component of the labor budget proposal is equivalent to 3% of the total of the employees' salaries.
CPI Component	The CPI percentage component of the labor budget proposal is based on the "CPI for Urban Wage and Clerical Workers (CPI-W)" for the Los Angeles-Long Beach-Anaheim area published by the Bureau of Labor Statistics. The CPI component incorporates the annual average of the CPI for the previous calendar year published in January. The CPI component of the labor budget is determined by multiplying the CPI percentage by the total of the employees' salaries.

This sum of the Merit and CPI components represents the total of the Program budget. No employee is guaranteed any salary increase. The total Program budget will be allocated based on the performance evaluation score of each employee.

## Merit Pool Allocation

Following the completion of the annual performance evaluations near the end of the calendar year, staff will perform an allocation of the budgeted merit pool. Employees that receive a performance evaluation score with a calculated average score that is less than the value of the “Meets Expectations” score will not be eligible for a merit increase.

The range of salary increase percentages for eligible employees will be subject to a minimum and maximum. Exceptions to these limits must be approved by the General Manager.

Minimum <u>Merit</u> Salary Increase	The minimum merit increase percentage for eligible employees will be equivalent to the CPI percentage component of the merit pool.
Maximum <u>Merit</u> Salary Increase	The maximum merit increase percentage will be equivalent to the sum of the CPI percentage component and a merit component of 6%.

An allocation table will be prepared for approval by the General Manager that applies the performance evaluation scores to the range of salary increase percentages producing the salary increase amount for each employee. The allocation table shall demonstrate that the total sum of salary increases remains within the Program budget. Salary adjustments incorporating merit increases will be implemented in January of each calendar year.

## Top of Range

Merit increases shall not result in salaries that exceed the top of any defined salary range. Following the calculation of adjusted salaries, inclusive of merit increases, those salaries that exceed the defined salary range will be reduced to the top of the salary range and the remaining amount of the calculated merit increase provided as a lump sum Top of Range Award.

## Performance Evaluations

The District believes that regular performance evaluations provide the best method in assisting an employee to improve themselves and their job performance. Supervisors are strongly encouraged to discuss job performance and goals with employees on an informal basis throughout the year. Formal performance evaluations, using the District’s standard Performance Evaluation Form, are conducted to provide both management and employees the opportunity to discuss job tasks, identify and improve areas of weakness, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Evaluating and improving performance are two main objectives of the performance management system.

Performance Evaluations also give the District an opportunity to recognize an employee’s efforts and accomplishments. During the evaluation meeting, the employee will have an opportunity to discuss their job performance with their supervisor.

All employees entering full-time or part-time employment including promotions and transfers, with the District will be subject to an introductory evaluation period of up to six (6) months. An extension of the evaluation period may be needed at the discretion of the District. This period is used to evaluate an employee's capabilities, work habits, and overall performance. Any employment relationship can be terminated at will by the employee or the District at any time, including during or after the evaluation period with or without cause or advance notice. Newly hired employees may be considered for a compensation adjustment upon the successful completion of the introductory evaluation period. Any compensation adjustment must be approved by the General Manager. Promoted employees that received a salary increase at the time of the promotion are not typically eligible for a compensation adjustment upon the completion of the evaluation period.

An employee's first performance evaluation will take place after the employee completes the introductory evaluation period. Subsequent performance evaluations will be conducted at the end of each calendar year for all District employees. The frequency of performance evaluations is typically annual but may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Performance evaluations will be based on the District's standard Performance Evaluation Form and may review factors such as the quality and quantity of work, knowledge of the job, initiative, work attitude, and attitude toward others. Each review factor will be rated on a scale from Unsatisfactory to Outstanding. The definition of the review factors and the rating scale is located on the Performance Evaluation Form. The District uses a multi-tiered management approval process once the Performance Evaluation Form has been completed by the department supervisor to ensure equity.

The Performance Evaluation Form may be revised from time to time with the approval of the General Manager. The performance evaluations are intended to make employees aware of their progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the District and depend upon many factors in addition to performance. After the evaluation, the employee will be requested to sign the evaluation form simply to acknowledge that it has been presented to the employee, that the employee has discussed it with their supervisor, and that the employee is aware of its contents.

## **Salary Review Schedules and Range Adjustments**

The District is committed to maintaining compensation rates that are competitive within the same industry. Each job position within the District has been placed either individually or in groups with similar positions within salary grades. Minimum and maximum salary ranges have been established for each salary grade.

The management staff will annually review the salary ranges each year for market competitiveness and bring any recommended adjustments to the Board for their consideration before the end of each year. Changes in the placement of individual positions within salary grades require the approval of the General Manager.

Following approval of the annual operating budget the maximum and minimum salaries for each salary grade will be increased on approximately July 1<sup>st</sup> by the CPI percentage approved as part

of the labor budget. The adjustment of the salary ranges will not result in salary increases unless an employee falls below the minimum of the adjusted salary range at which point the employee's salary will be adjusted to the minimum of the salary range of the position.

## Employee Grievances or Concerns

The District encourages employees that may be experiencing work performance problems, employee-supervisory concerns, peer disturbances or other concerns to bring them to the attention of your respective supervisor or to the Manager of Human Resources.

## Corrective Process

The District recognizes the importance of all employees performing to the best of their abilities at all times. The Corrective Action Process is intended to give employees, advance notice, whenever possible, of concerns with their conduct or performance in order to provide an opportunity to correct such concerns when able to do so. The District may choose to utilize the corrective actions set forth below. This system of corrective action is not formal and the District may, in its sole discretion, utilize whatever form of corrective action it deems appropriate under the circumstances, up to, and including, immediate termination of employment. The District's decision to invoke any correction action in any particular case in no way limits or alters the at-will employment relationship.

- A. Oral or written warnings - The corrective process may take the form of an informal discussion. If the problem persists, a written corrective may then be issued confirming you have been made aware of any problem, that an interview has taken place and that you understand what must take place for satisfactory resolution.
- B. Suspension - an involuntary leave without pay.
- C. Demotion - reduction from a position in one class to a position in another class having a lower salary range. (Demotions resulting from organizational changes and layoffs are not considered disciplinary measures.
- D. Termination - discharge from service with the District.

As indicated in the Standards of Conduct section of this handbook, certain instances of gross misconduct could lead to immediate termination.

## Employee Property

An employee's personal property, including but not limited to lockers, packages, purses, and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of the District property, possession of dangerous weapons or firearms, or abuse of the District's drug and alcohol policy.

Neither the District nor its insurance carriers take any liability for your personal belongings. You

are encouraged to secure personal belongings to the best of your ability.

## **Fitness-For-Duty & Return-To-Work Evaluations**

The purpose of this policy is to determine an employee's ability to safely perform the essential job tasks of the employee's job with or without reasonable accommodation. This policy is not designed or intended to supersede employer requirements under any state or federal law or regulation and will be utilized in accordance with the law.

### **General Guidelines**

Each employee is responsible for maintaining their health in such a way that the employee can perform the essential functions of their job with or without reasonable accommodations. If a manager has reason to question the ability of an employee to perform the essential job functions, a Fitness for-Duty or Return-to- Work Evaluation may be requested.

- To determine the appropriateness of a Fitness-for-Duty or Return-to-Work Evaluation request, management must consult and receive approval from the General Manager.
- Time required by the employee to complete the Fitness-for-Duty / Return-to Work Evaluation is considered work time and may require an administrative leave. Time off for prescribed treatment (after the evaluation), mandatory or otherwise, will be charged to accrued sick leave and/or compensatory time.
- Results of the evaluation will be maintained confidentially and separate from the employee's personnel record.
- If a Fitness-for-Duty / Return-to-Work evaluation is necessary, the employee will be required to be examined by a treating, personal physician or specialist selected by the JPIA.
- Failure to attend a Fitness-for-Duty or Return-to-Work Evaluation may lead to disciplinary action, up to and including, termination.

### **Request for Reasonable Accommodation**

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Human Resources Manager, and discuss the need for an accommodation. The District will engage in an interactive process with the employee to identify possible accommodations, if any that will help the applicant or employee perform the job.

## **Expenses & Expense Accounts**

The District reimburses employees for approved business expenses. Employees who have incurred business expenses must submit required receipts and the Expense Reimbursement

Form to accounting each month.

### **Purpose**

1. To advance training and professionalism, the El Toro Water District (District) encourages and authorizes attendance at various schools, seminars and conferences by its employees. Employees may also be required to travel both in and outside the state to conduct official District business. The purpose of this travel and expense policy is to furnish rules, guidelines, and procedures for governing reimbursement for travel expenses, and to establish certain procedures concerning travel authorization, documentation, and accounting. The District's objectives are to allow travel arrangements, and activities for its employees that conserve District funds and that have a significant and meaningful link to the purposes, policies, and interests of the District.
2. "Travel" shall mean attendance at meetings, conferences, or other functions on District business at other than the employee's headquarters. Employees shall not be in travel status to the extent that they travel to perform job assignments related to District facilities within designated service or maintenance areas unless it is overnight.

### **Authorization for Travel**

Employees if authorized by their supervisors may travel anywhere within Orange County to carry out their assignments.

Other travel on District business by employees shall be undertaken only with the prior approval of the General Manager, or the Assistant General Manager.

### **Travel Arrangements**

To ensure the accuracy of travel arrangements and compliance with district policy, all employees will be required to complete all the appropriate travel forms. The forms will then be submitted to the Board Secretary or designee for processing.

Employees traveling on District business may make all travel arrangements and registrations through the Board Secretary or designee. All such payment and registration requests must be submitted in a timely manner to allow sufficient time for normal processing.

### **Policy**

1. Employees are expected to exercise good judgment and a proper regard for economy in incurring expenses.
2. When required, the district will prepay airfares, lodging costs and conference registration fees. All such payment requests must allow sufficient time for normal processing and approval prior to payment.



3. When traveling on official District business, employees are encouraged to utilize their personal credit cards and/or cash for all expenses, and then to request reimbursement for such expense. However, in circumstances where the use of such credit cards and/or cash is deemed impractical, and where the total expense is expected to exceed fifty (\$50.00), the District may provide an advance of funds. Such advance shall not exceed one hundred percent (100%) for the total estimated expense.
4. Within ten (10) working days after completion of a trip, a travel expense report should be submitted to the Board Secretary or designee.
5. Paid receipts for lodging, rail or airfares and conference registration fees are required if such expenses have been incurred. All other receipts received in the normal course of business shall also be attached.
6. There is no objection to an employee's spouse and/or other family member accompanying them on an official trip, provided that their presence does not detract from the employee's performance of duty. However, the District will not reimburse any expenses attributable to any companion.
7. In any situation where extraordinary travel expenses are expected to be incurred, or where this Policy does not adequately cover the situation or would result in an undue hardship, exceptions may be made with prior approval.
8. An employee may use any mode of transportation, designated or approved, including airline, railroad, bus or automobile. Reimbursement will be based on the following paragraphs.
  - A. Travel shall be by the most direct route. If an indirect route is used, the additional costs shall be at the employee's personal expense. Whenever air travel is used, an advance travel request shall be submitted to the Board Secretary or designee in order to obtain the lowest possible fare.
  - B. Air travel reimbursement shall be limited to economy fares including all applicable fee charges and taxes where such service is available. Travel to and from airports shall be by the most cost effective method.
  - C. Reimbursement for the use of private cars, except those receiving a car allowance, shall be at the rate as established by the Internal Revenue Services (IRS). Mileage reimbursement shall be limited to the economy fare for air travel. Parking charges at the destination will be reimbursed in accordance with the provisions of this policy.
  - D. Reimbursement for the use of rental cars will be allowed only when such use has been approved in advance. Maximum reimbursement for car rental will be for a full-size car.



- E. Travel in District vehicles may be approved when circumstances warrant it. When traveling in a District vehicle, receipts shall be secured for the purchase of gas, oil, and other supplies necessary in-route. These amounts shall be shown on the expense report with a notation that a District vehicle was used, indicating the District unit number, the license plate number and make of the vehicle. The amount of the charge shall be typed opposite the transportation category.
- If emergency repairs are necessary, they shall be paid for by the person to whom the car is assigned. All receipts for such payments must be furnished in order to obtain reimbursement.
- F. It is expected that hotel and motel reservations will be made in advance whenever possible, and that lodging will be secured at rates considered reasonable for the particular destination. "Government rates" or "commercial rates" shall be requested at hotels and motels offering these discounts.
- G. Reimbursement for lodging shall be limited to the minimum number of nights required to conduct the assigned District business. If an employee chooses to arrive earlier or stay later, the additional lodging and other expenses related to this decision will be the employee's personal expense.
- H. Generally, an employee shall not use lodging unless the destination is a 75-mile or more drive from the District's Administration Office or unless there is a very early or late official meeting that could justify the employee staying overnight at the destination.
- I. Any room service charges appearing on the hotel bill shall be deducted from the bill and reimbursed in accordance with the provisions of this policy.
- J. Local and long distance telephone and computer access charges will be reimbursed when such charges are incurred in conducting official District business or making essential personal calls such as a "safe arrival call." Charges will be shown on a separate line of the travel expense report and shall, therefore, be deducted from the hotel bill.
- K. When meals are associated with employee travel the following policies and procedures will apply:
- i. Maximum allowance to cover meals, including meal tips, will be provided as follows:

Breakfast	\$15.00
Lunch	\$20.00
Dinner	\$30.00

Under certain meeting or conference circumstances the maximum meal allowance may not be sufficient. In such cases, the General Manager has the authority to

review and, if deemed appropriate, may approve the expenditure. Under similar instances involving the General Manager, the President of the Board of Directors shall review, and if deemed appropriate, may approve the expenditure.

- ii. No reimbursement shall be made for meals, other than during travel, without prior approval.
  - iii. No reimbursement shall be made for alcohol at any time.
  - iv. For travel that requires less than a full day, and for the day of departure and day of return on longer trips, the above amounts will be allowed for the meals actually required. All meal allowances shall be entered on the appropriate lines of the Travel Expense Report, with receipt(s) attached.
  - v. When conference, seminar or school registration fees include one or more meals, or where individual meals are otherwise provided, no amount shall be entered for this meal on the travel expense form.
  - vi. Paid itemized receipts for meals, in addition to any credit card receipts, are required if meal expenses have been incurred.
- L. At times when other expenses associated with travel are required, employees will be reimbursed for all business expenses necessary to conduct the assigned District business. Examples include, but not limited to the following:
- i. Airport parking charges when air travel is used.
  - ii. Parking charges at the destination hotel or garage when transportation is by private or rental car.
  - iii. Airport bus/shuttle, or taxi fares where free airport bus/shuttle service is not available.
  - iv. Conference, seminar or school registration fees.
  - v. Local transportation (only as required for official District business).
  - vi. A reasonable amount will be allowed for baggage handling, laundry and dry cleaning for employees attending a conference or school of more than one week in length. All receipts for such expense must be submitted with the travel expense report.
  - vii. No reimbursement will be made for personal expenses such as newspapers, magazines, haircuts, shoeshines, excessive personal telephone calls, taxi fares to and from restaurants, and other personal expenses.

### **Safety Shoes**

- A. The District requires all of its field employees to wear steel-toed safety shoes. A new employee is required to have at least one serviceable pair of such shoes on the first day of work. The District will either pay the shoe store directly or reimburse an employee for the actual cost of such safety shoes, not to exceed \$200.00. Proof of Purchase will be required before reimbursement can be made.
- B. Each twelve-month period thereafter, the District will either pay the shoe store directly or reimburse an employee for the actual cost of purchasing or maintaining said steel-toed safety shoes, not to exceed \$200.00. These allowances are not cumulative.
- C. At the discretion of the employee's Department Head, repairs to an existing pair of boots or purchase of a second pair of boots may be authorized during the fiscal year at a cost not to exceed \$200.00. Proof of repair or purchase is required before reimbursement can be made.

### **Meal Allowance**

If an employee is required to work beyond his regularly scheduled shift and through a commonly, recognized mealtime, the employee shall be entitled to a meal at the District's expense. Amounts are to be paid from petty cash funds upon receipt of proof of purchase.

### **Transportation**

In certain instances, where employees are required to frequently utilize private vehicles on approved District business, a regular monthly allowance may be paid for this purpose. The amount of this monthly allowance is set by the Board of Directors. Employees covered by this provision will be notified individually of the amount to be assigned. Said employees will not be paid an additional amount on a per mile basis.

### **Mileage Allowance**

- A. Certain employees are required to take a District vehicle home at the close of work for use in returning to District work sites in the event of an emergency and are required to return such vehicle to the District duty site at the next commencement of work. Use of said vehicle shall be limited to business purposes only. No personal use of same is permitted.
- B. Employees who drive their personal vehicles on approved District business shall be reimbursed at the rate prescribed by the Internal Revenue Service's standards, as adjusted from time to time. Business use of personal vehicles

shall be approved in advance by the employee's supervisor. Employees receiving a monthly vehicle allowance pursuant to Paragraph III above will not be eligible for such reimbursement.

### **Uniforms and Safety Equipment**

- A. Uniforms and safety equipment will be provided and maintained by the District to all field and plant personnel. Field and plant personnel are required to be attired in the prescribed uniform during their working hours.
- B. Uniforms, tools, keys and I.D. cards issued to the employee by the District must be returned to the District prior to or at the time of departure from employment with ETWD.

### **Personal Cell Phone Allowance**

Employees whose job duties include the frequent need for a cell phone, and who have not been issued a District cell phone, may receive extra compensation, in the form of a cell phone allowance, to cover business-related costs on their personal cell phone. No further reimbursement for cell phone costs is available to employees who receive such an allowance.

- A. Employees eligible for a cell phone allowance generally include employees whose job assignment regularly requires emergency call back, irregular work hours or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. The General Manager shall give final approval on all cell phone allowances.
- B. The standard monthly cell phone allowance amount shall be \$60.00 per month for a smartphone and \$40.00 per month for a phone without data. No further reimbursement for cell phone costs is available to employees who receive an allowance.
- C. The approved cell phone allowance will be paid on the first check of the month as part of the employee's paycheck and will be subject to all applicable payroll taxes. The allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.
- D. The employee must retain an active cell phone contract as long as a cell phone allowance is in place. The employee must provide their Department Head and the District's IT department with their current cell phone number and immediately notify both parties if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty and respond when called for District business.
- E. Employees may choose the cellular service provider and plan design of their choice.
- F. Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Use of the phone in any manner contrary to local, state, or

federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

- G. If, prior to the end of the cell phone contract, a personal decision by the employee, or employee misconduct, or misuse of the phone, results in the cell phone allowance being discontinued or the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation.

For example, if an employee resigns, and no longer wants to retain the current cell phone contract for personal purposes, any cancellation charges will be the employee's responsibility.

If you have any questions about the District's expense reimbursement policy, contact your supervisor.

# Section VII

# District Property

## Employer Property

In an era of rapidly advancing electronic technology El Toro Water District recognizes the need to manage the use of its computer systems, maintain a secure work place, and create a work environment in which employee productivity is enhanced. The following District property (this is not meant to be an exhaustive list) must be maintained according to District rules and regulations. They must be kept clean and are to be used only for work-related purposes.

- Lockers
- Furniture / Desks
- Computers,
- Phones and Cell Phones
- Data processing equipment/ software and;
- Vehicles

The District reserves the right to inspect all District property including computer or phone data or messages to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Prior authorization must be obtained before any District property may be removed from the premises.

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

The District may periodically need to assign and/or change "passwords" and personal codes for

- email
- voice mail
- cell phones
- computers

These communication technologies and related storage media and databases are to be used only for District business and they remain the property of El Toro Water District.

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

No personal locks may be used on District-provided lockers unless the employee furnishes a copy of the key or the combination to the lock. Unauthorized use of a personal lock by an employee may result in losing the right to use a District locker.

For security reasons, employees should not leave personal belongings of value in the workplace. Terminated employees should remove any personal items at the time they leave the District. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

## Electronic and Social Media

The District uses various forms of electronic communications including, but not limited to, communications via computers, email, fax machines, telephones, mobile phones, smart phones, text messaging, internet, PDAs, etc. All electronic communications are official District records and are the property of the District. The District reserves the right to access and disclose all messages sent through its system for any purpose.

Messages transmitted over the electronic communications system should be limited to District business activities, for the accomplishment of business related tasks, or communications directly related to District business, administration, or practices.

The following general policies apply:

- Computers and all data transmitted through the District servers are District property owned by the District for the purpose of conducting District business. These items must be maintained according to the District rules and regulations. Computers must be kept clean and employees must exercise care to prevent loss and damage. Prior authorization must be obtained before any District property may be removed from the premises.
- All electronic communications also remain the sole property of the District and are to be used for District business. For example, email messages are considered District records.
- Electronic information created by an employee using any computer or any means of electronic communication is also the property of the District and remains the property of the District.
- Information stored in the District computers and file servers is the property of the District and may not be distributed outside the District in any form whatsoever without the written permission of the General Manager.
- Violation of any of the provisions of this policy, whether intentional or not, will subject the District employees to disciplinary action, up to and including termination.

### Monitoring of District Property

The District reserves the right to inspect all District property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. The District computers and all electronic communications and electronic information are subject to monitoring and no one should expect privacy regarding such use. The District reserves the right to access, review and monitor electronic files, information, messages, text messages, e-mail, Internet history, browser-based webmail systems and other digital archives and to access, review and monitor the use of computers, software, and electronic communications to ensure that no misuse or violation of District policy or any law occurs. E-mail may be monitored by the District and there is no expectation of privacy. Assume that e-mail may be accessed, forwarded, read or heard by someone other than the intended recipient, even if marked as "private."

Employee passwords may be used for purposes of security but the use of a password does not affect the District's ownership of the electronic information or ability to monitor the information. The District may override an employee's password for any reason.



Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by the District management.

### **Prohibited Use**

All existing District policies apply to employee use of computers, electronic communications, electronic information, and the Internet. This includes policies that deal with misuse of District assets or resources. It is a violation of District policy to use computers, electronic communications, electronic information, or the Internet, in a manner that: is discriminatory harassing or obscene; constitutes copyright or trademark infringement; violates software licensing rules; is illegal; or is against District policy. It is also a violation of policy to use computers, electronic communications, electronic information, or the Internet to communicate confidential or sensitive information or trade secrets.

The display of any kind of sexually explicit multimedia content, message, or document on any District computer is a violation of the District's policy against sexual harassment. This description of prohibited usage is not exhaustive and it is within the discretion of the District to determine if there has been a violation of this policy. Employees that engage in prohibited use will be subject to discipline and/or immediate termination.

This policy is not intended to limit the ability of employees to discuss with other employees the terms and conditions of their employment, including such topics as wages, job performance, workload, supervisors, or staffing.

### **Computer and Internet Use**

The District provides computers, electronic communications, electronic information and information technology resources, including the Internet, to its employees to help them do their job. Generally, these District resources and property should be used only for business related purposes; however, there are a few exceptions:

- To send and receive necessary and occasional personal communications;
- To use the telephone system, cell phones or smart phones for brief and necessary personal calls or messages; and
- To access the Internet for brief personal searches and inquiries during meal times or other breaks, [or outside of work hours] provided that employees adhere to all other usage policies.

Any personal usage of District property must not interfere with the employee's work performance, take away from work time, consume supplies, slow other users, slow the servers or computer systems, or tie up printers or other shared resources, or violate any District policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information. All policies relating to monitoring usage of District property apply.

### **Social Media**

The District uses social media in limited circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between people online. If you have specific questions about which programs the District deems to be social media, consult with the public relations representative or information technology manager.

Use of Internet based programs such as Facebook, Linked In, and Twitter (this is not meant to be an exhaustive list) may be used in furtherance of District goals. However, only authorized individuals are allowed to speak/write in the name of the District using the social media tools of the District.

Your supervisor will authorize you in writing if you can use these District social media tools to perform your job duties. Authorized individuals using the District social media tools shall identify themselves honestly, accurately and completely and comply with all District policies in using this media.

Your authorization is limited to business purposes and personal use of these District social media tools or programs is prohibited and can result in discipline up to and including termination. All policies relating to monitoring usage of District property apply.

Employees can use their own personal devices to engage in social media during non-working times, such as breaks and meal periods, all other District policies against inappropriate usage, including the District's no tolerance for discrimination, harassment or retaliation in the workplace, and protection of confidential and trade secret information apply.

### **Employee-owned Devices**

The District recognizes that occasional use of the employee's own computers (including hand held devices) and electronic communications may occur during working time. The District allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time or violate any District policy. All other District policies, including the District's no tolerance for discrimination, harassment or retaliation in the workplace apply. The District reserves the right to adjust this policy on a case by case basis as it deems appropriate.

## **Voice Mail**

The phone system is equipped with a very efficient and easy to use voice mail system. You should change your voice mail message if you are going to be out of the office.

## **Personal Use of Company Cell Phone**

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

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

Employees who are provided a District cell phone may use it to send and receive occasional and limited personal communications. Any personal usage of a District-issued cell phone must

not interfere with the employee's work performance, take away from work time, or violate any District policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information. Employees are responsible for paying for additional time or data usage in excess of any rate plan maintained by the District.

## **Housekeeping**

All employees are expected to keep their work areas clean and organized. Employees using common areas such as lunch rooms, locker rooms, and restrooms are expected to keep them sanitary.

### **Lunch / Break Rooms**

The District has kitchens for your use during breaks and at lunch. It is important that you clean up after yourself. Do not leave any dirty dishes, dispose of trash properly, wipe off the counters, and clean the inside of the microwave if there is any splattering of food during cooking.

Coffee, tea, and hot chocolate are available for your use and convenience, so help yourself. These items are for consumption while at work and not to be taken home. If you find that the coffee pot is running low, please make the next pot of coffee. If you're not sure how to make the coffee, ask someone to help you. When the coffee has been made, throw the grounds in the garbage (not in the sink), and rinse the basket.

The daily paper is delivered to the office and is for everyone's use and convenience. Please leave the papers in the break room and wait until the end of day if you need to cut out an article or coupon.

The refrigerator is available for your convenience. However, there are several employees using the refrigerator, so please limit the amount of items you put in it. The refrigerator will be cleaned out periodically, so please throw away any old items and take home any dishes, Tupperware, etc. If you have items that you want to keep, please put your name on them. The District is not responsible for thrown out items.

## **Parking**

Employees may park their vehicles in designated areas, if space permits. Employees may not use parking areas specifically designated for customers, vendors, or District vehicles. The District is not responsible for any loss or damage to employee vehicles or contents while parked on District property.

## **Guests and Visitors**

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

## **Children at Work**

The District prefers that children not be brought to the office in lieu of child care. If you need to take time off to care for your child, you can utilize accrued sick leave, vacation, request time without pay, or make other arrangements.

In the event of an “emergency situation” where you find it necessary to bring your child to the workplace, your child must not interfere with your job or your co-workers and you must get prior approval from your supervisor.

## **Off-Duty Use of Facilities**

Employees are prohibited from remaining on the District premises or making use of District facilities while not on duty. Employees are expressly prohibited from using District facilities, District property, or District equipment for personal use. This policy is not intended to limit the ability of employees to use the Company's email systems to communicate with other employees regarding the terms and conditions of their employment during non-working times, including such topics as wages, job performance, workload, supervisors or staffing.

## **Smoking**

In accordance with California State law, the entire building is considered a nonsmoking area, including use of electronic smoking devices, such as electron cigarettes, pipes, hookahs, and vaping devices. Employees must smoke in the designated smoking area. An ashtray has been provided and must be used.

## **Supplies**

It is the District's intent to provide you with everything you need to do your job. Basic supplies are kept in various areas throughout the offices. Please check with your supervisor for these locations. Any special order must be approved by your manager before submitting it for ordering.

# Section VIII

# Employee Conduct

## Prohibited Conduct

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

- Falsifying employment records, employment information, or other District records and giving false or misleading information during the application and/or selection process ;
- Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily;
- Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee's;
- Theft and deliberate or careless damage or destruction of any District property, or the property of any employee or customer;
- Removing or borrowing District property without prior authorization;
- Unauthorized opening of, or tampering with, locks in desks, doors, cabinets, etc., or unauthorized use of or duplication of keys.
- Misuse of electronic systems (email, internet, fax, phones) per policy.
- Unauthorized use or misuse of District monies, equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on District property;
- Threatening or intimidating other employees, supervisors, vendors, or customers;
- Participating in horseplay or practical jokes on District time or on District premises;
- Carrying firearms or any other dangerous weapons on District premises at any time;
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- Using abusive, vulgar, threatening or intimidating language at any time on District premises;
- Causing, creating, or participating in a disruption of any kind during working hours on District property or to fellow employees, visitors, or customers at any time;
- Violation of District punctuality and attendance policies. Absences protected by state or federal law do not count as violations of this policy. Protected paid sick time under California law does not count as a violation of this policy.

- Failing to obtain permission to leave work for any reason during normal working hours, not including meal and rest periods;
- Failing to observe working schedules, including rest and lunch periods;
- Sleeping or malingering on the job;
- Working overtime without authorization or refusing to work assigned overtime;
- Violating any safety, health, security or District policy, rule, procedure or violation of the District's drug and alcohol policy;
- Committing a fraudulent act or a breach of trust under any circumstances;
- Failure to immediately report the loss of a California driver's license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Division of Motor Vehicles. This rule applies only to those employees who must maintain such a license as a condition of their employment.
- Failure to report involvement in an accident occurring on the District's premises, or involving the District's equipment, or giving false information in accident or insurance reports.
- Violating the Company's anti-harassment or equal employment opportunity policies; and
- Failing to promptly report work-related injury or illness.

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

## **Business Conduct and Ethics**

The District and its employees must, at all times, comply with all applicable laws and regulations. Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their manager. The District expects its employees to conduct themselves in a businesslike manner and perform duties conscientiously, honestly, and in accordance with the best interests of the District. Employees should respect the confidentiality of information acquired in the course of their work. Regardless of circumstances, if an employee senses that a course of action may involve a conflict of interest, fraud, and/or dishonesty, they should immediately communicate all facts to their supervisor, Department Head, the Human Resources Manager, or the General Manager.

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

## Punctuality and Attendance

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

It is recognized that you will have periodic absences for illness or personal matters, but recurring and excessive absences and/or tardiness adversely affects productivity, morale, work flow, and service and directly impacts the District's ability to meet its challenging goals. The professionalism that you bring to your position and the District is valued and it is anticipated that you will manage your own good attendance.

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

If you are unable to report for work on any particular day, you must under all but the most extenuating circumstances call your supervisor before the time you are scheduled to begin working for that day.

Excessive absenteeism or tardiness will not be tolerated. The District utilizes a system of corrective action, at its sole discretion, in cases of misconduct or unacceptable performance, including absenteeism and tardiness. The use of such a system does not waive either the District's or your right to terminate employment at any time with or without cause. If the number of absences within the most recent 12-month period is excessive, you may be subject to corrective action, at the discretion of the District, to make you aware of problems and to create an action plan to resolve issues.

Your manager will consider State and Federal laws, family and medical leave issues, the demands of different work units, the District's policy, your performance, your attendance history, and individual circumstances when assessing appropriate steps to correct attendance up to and including termination.

If you fail to report to work for three consecutive workdays without notice or approval by your supervisor, the District may consider that you have voluntarily abandoned or quit your job and your employment may be terminated.

The District intends to maintain a positive environment that supports its goals while recognizing individual needs and circumstances. If attendance issues arise, please speak with your manager who can discuss the impact of your attendance on the District's goals and your individual performance.

Absences protected by local, state and federal law do not count as a violation of the punctuality and attendance policy. Paid sick time protected under California law does not count as a violation of this policy. The attendance policy of the District will be followed only to the extent allowed by law.



## Drug and Alcohol - Free Workplace

El Toro Water District is committed to a safe and healthful work environment for all employees. The District is concerned about employees being under the influence of alcohol, marijuana, illegal drugs and/or controlled substances at work. Use of these substances, whether on or off the job can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair District operations. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the District to the risks of property loss or damage, or injury to other persons.

Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and may seriously impair the employee's value to the District.

The following rules and standards of conduct apply to all employees either on District property or when performing District related business elsewhere or during the workday (including meals and rest periods). The following are strictly prohibited by District policy:

- Being under the influence of, or impaired by, an illegal or controlled substance, alcohol or marijuana while on the job.
- Using or possessing illegal or controlled substances, alcohol or marijuana while on the job (including the illegal use of prescription drugs and possessing drug paraphernalia)
- Manufacturing, distributing, selling, or purchasing of an illegal or controlled substance, alcohol or marijuana while on the job or conducting District business.
- A District employee is prohibited from working or being subject to call in if impaired by alcohol, marijuana or any illegal or controlled substance.
- Driving a District vehicle while under the influence of alcohol, marijuana or any illegal or controlled substance.
- An employee must notify their supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of District equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the District may require medical clearance.
- Compliance with this policy is a condition of employment. Disciplinary action will be taken against those who violate this policy. The District may also bring the matter to the attention of appropriate law enforcement authorities.

### SEARCHES

In order to enforce this policy and promote a safe, productive and efficient workplace, the District has the right to search and inspect all District property, including but not limited to lockers, storage areas, furniture, District vehicles, and other places under the common control of the District, or joint control of the District, and employees. No employee has any expectation of privacy in any District building, property, or communications system. The District reserves the

right to conduct searches of employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off Company property will not be tolerated because such conduct, even though off duty, reflects adversely on the District. In addition, the District must keep people who sell or possess controlled substance off Company premises in order to keep the controlled substances themselves off the premises.

## **DRUG AND ALCOHOL TESTING**

The District has discretion to test a current employee for alcohol or drugs in the following instances:

### **1. Reasonable Suspicion Testing**

The District may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. Testing must be approved by the Human Resources Manager or the General Manager, or a designee.

“Reasonable suspicion” is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol at work. In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion and discuss the matter with the Human Resources Manager. If there is a reasonable suspicion of drug or alcohol abuse at work, the employee will be relieved from duty and placed on sick leave until the test results are received.

### **2. Post-Accident Testing**

The District may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the “reasonable suspicion” factors described above are present.

## **Employee's Responsibilities**

A District employee must:

- Not report to work or be on standby or on-call status while their ability to perform job duties is impaired due to on or off duty alcohol, marijuana or drug use;
- Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol or marijuana at any time while on District property or while on duty for the District at any location;
- Not directly or indirectly through a third-party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol or marijuana to any employee while either or both are on duty;

- Notify their supervisor, before beginning work, when taking any medications or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of District equipment;
- Notify the department director of any criminal conviction for a drug violation that occurred in the workplace within no more than five days after such conviction;
- Notify the supervisor immediately of facts or reasonable suspicions when the employee observes behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others;
- Consent to drug or alcohol, or marijuana testing and searches pursuant to this policy; and
- Follow the District's drug, marijuana and alcohol-free workplace policy.

### **Drug Free Awareness Program**

Counseling and treatment of drug and alcohol related problems are available through the District's Employee Assistance Program provider.

The District will encourage and reasonably accommodate employees with alcohol, marijuana or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol or marijuana use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

### **Safety Sensitive Personnel**

El Toro Water District has numerous employees who work in safety-sensitive positions such as in a confined-space, or with hazardous material or operating and maintaining vehicles and heavy equipment. The Department of Transportation has determined their own definition of a safety-sensitive employee as one in any position requiring the use of a Class "A" or Class "B" commercial driver's license, or a Class "C" with a hazardous waste certificate commercial driver's license.

The Department of Transportation has set standards for the testing of drug and alcohol use for all employees with a Class A or Class B commercial driver's license, or a Class "C" with a hazardous waste certificate commercial driver's license. All safety-sensitive employees, as defined by the Department of Transportation (DOT), are required to comply with the Department

of Transportation regulations **in addition to** El Toro Water District's requirements as set forth above.

***The Department of Transportation policy is in accordance with regulations of the Department of Transportation and only those safety-sensitive employees of El Toro Water District whose position requires the use of a Class "A" or Class "B" commercial driver's license, or a Class C" with a hazardous waste certificate commercial driver's license will be subject to the terms and conditions as set forth in the policy.***

## **Prohibited Use of Company Cell Phone While Driving**

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

If your job requires that you keep your cell phone or other wireless communication device turned on while you are driving, you must use a hands-free, voice-operated device at all times. Under no circumstances should employees place phone calls while operating a motor vehicle while driving on District business and/or District time. Violating this policy is a violation of law and a violation of District rules.

Writing, sending, or reading text-based communication - including text messaging, instant messaging, e-mail, web browsing and use of smart phone applications - on any wireless device or cell phone while driving is also prohibited under this policy unless the device is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send, or listen, and it is used in that manner while driving.

Violating this policy is a violation of law and a violation of District rules.

## **Conducting Personal Business**

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

## **Confidential Information**

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

In the course of your work, you may have access to trade secrets or similarly protected proprietary or confidential information regarding El Toro Water District's business (such as financial data, research and development, marketing, business plans or strategies, suppliers, business partners or customers). You have a responsibility to prevent revealing or divulging any such information unless it is necessary for you to do so in the performance of your duties or as required by law.

Access to, or disclosure of, confidential information should be on a "need-to-know" basis and must be authorized by your supervisor, the Human Resources Manager or the General Manager. Any breach of this policy will not be tolerated and legal action may be taken by the District.

This policy does not prohibit employees from confidentially disclosing trade secret, proprietary or confidential information to federal, state and local government officials, or to an attorney, when done to report or investigate a suspected violation of the law. Employees may also disclose the information in certain court proceedings if specific procedures to protect the information are followed. Nothing in this policy is intended to conflict with 18 U.S.C. sec. 1833(b) or create liability for disclosures of trade secrets that are expressly allowed by 18 U.S.C. sec. 1833(b).

## **Customer Relations**

Employees are expected to be polite, courteous, prompt, and attentive to every customer. When an employee encounters an uncomfortable situation that the employee does not feel capable of handling, your supervisor should be called immediately.

Ours is a service business and all of us must remember that the customer always comes first. Our customers ultimately pay all of our wages.

Customers are to be treated courteously and given proper attention at all times. Never regard a customer's question or concern as an interruption or an annoyance. You must respond to inquiries from customers, whether in person or by telephone, promptly and professionally.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received.

Through your conduct, show your desire to assist the customer in obtaining the help the employee needs. If you are unable to help a customer, find someone who can.

All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

Never argue with a customer. If a problem develops, or if a customer remains dissatisfied, ask your supervisor or Department Head to intervene.

## **Dress Codes and Other Personal Standards**

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean and tasteful. Avoid clothing that can create a safety hazard. Department managers may issue more specific guidelines.

Employees required to wear uniforms provided by the District must take care of their uniforms and report any wear or damage to their supervisor. Instructions regarding cleaning and maintenance of uniforms will be provided.

This dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, sex, gender identity or gender expression, religion, national

origin or any other class protected by federal, state or local law. For more information, see the Harassment, Discrimination and Retaliation Prevention Policy in this Handbook. Employees who need a reasonable accommodation because of religious beliefs, observances or practices should contact the Human Resources Manager and discuss the need for accommodation.

## **News Media Contacts**

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

## **Off-Duty Conduct**

While the District does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the District's legitimate business interests. Off-duty conduct by an employee that directly conflicts with the District's essential business interests and disrupts business operations will not be tolerated.

## **Political Activity**

Many employees participate in political activities on their own time. Company time, facilities, property or equipment (including all computers, networks, and electronic equipment) must not be used for an employee's outside political activities. El Toro Water District will not reimburse any employee for political contributions, and employees should not attempt to receive or facilitate such reimbursements.

Absent a formal statement by the District announcing any political endorsements, employees must not, through their own actions, speech, contributions, or written communication, mislead others to believe that the District officially endorses or opposes any candidates for political office that the District itself has not publicly announced. District employees are entitled to their own personal position.

The District will not discriminate against employees based on their lawful political activity engaged in outside of work.

# Section IX

# Safety and Health

## Health and Safety

All employees are responsible for their own safety, as well as that of others in the work place. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your supervisor or to the Human Resources Department. In compliance with California law, and to promote the concept of a safe work place, the District maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the Human Resources Department or with the Safety Officer.

- The District will abide by the requirements of the California Occupational Safety and Health Act.
- The employee's attire and hair must not present a safety hazard or prevent full and proper utilization of safety equipment.
- All employees are required to attend safety meetings as scheduled and complete all safety trainings as assigned
- All employees are required to read, understand and follow the Injury and Illness Prevention Plan of the District.
- The District maintains a Safety Committee made up of employees selected from various departments of the District. Membership on the Committee is by invitation and changes periodically. The purpose of the Committee is to investigate accidents and to review safety practices in order to make recommendations to management.

In compliance with Proposition 65, The District will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

## Employees Who Are Required to Drive

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

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

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

Employees who drive their own vehicles on District business will be reimbursed at the standard mileage rate determined by the IRS.



## Heat Illness

The District is concerned with employee health and safety. Employees who work outside may be exposed to extreme temperatures or adverse working conditions, particularly in the summer months. All supervisors are trained in the recognition and prevention of heat illness.

Employees who work outside are encouraged to frequently drink water. Employees who work outside are also allowed and encouraged to take a cool-down rest in the shade of at least five minutes (in addition to the time needed to access the shade) when needed to protect themselves from overheating. These preventative cool-down rests are paid time.

Please refer to the Company's Injury Illness and Prevention Program or talk to your supervisor for details on how to ensure you are protected from heat illness dangers.

## Security

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

The building is secured with electronic pads for access. You will be issued an identification badge upon hire. This identification badge will allow you access into the building and between buildings. Your identification badge should not be shared with anyone.

The District's workplace security program is described in detail in the District's Illness and Injury Prevention Program (IIPP).

## 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.

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

The District has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination.

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

A threat includes, but is not limited to, any indication of intent to harm a person or damage District property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. The following are examples of threats and acts that shall be considered violent - this list is in no way all-inclusive:

<b>Example</b>	<b>Type of Threat</b>
Saying, "Do you want to see your next birthday?"	Indirect
Writing, "Employees who kill their supervisors have the right Idea."	Indirect
Saying, "I'm going to punch your lights out."	Direct
Making a hitting motion or obscene gesture	Nonverbal
Displaying weapons	Extreme
Stalking or otherwise forcing undue attention on someone, whether romantic or hostile	Extreme
Taking actions likely to cause bodily harm or property damage	Acts of violence

The District's workplace violence program is described in detail in the District's Emergency Response Plan.

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

You may report an incident to any supervisor, Department Head, the Human Resources Manager, or the General Manager.

## **Ergonomics**

El Toro Water District is subject to Cal/OSHA ergonomics standards for minimizing workplace repetitive motion injuries. The District will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. The District encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

The District believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being, and is essential to our business. We intend to provide appropriate resources to create a risk-free environment. If you have any questions about ergonomics, please contact the Human Resources Manager.

# Section X

# Termination

As a District employee, you have the status of “employee at will,” meaning that you have no contractual right expressed or implied to remain in the District’s employ. The District may terminate your employment, or you may terminate your employment with or without cause, and with or without notice, at any time.

## **Voluntary Resignation**

Voluntary resignation results when an employee voluntarily quits their employment at the District, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, their supervisor (unless the absence is protected by law).

An employee who resigns should submit their resignation in writing to their Supervisor, indicating date of resignation and stating the reason for leaving. Such notice should be submitted at least two (2) weeks before the effective date of resignation.

## **Involuntary Termination and Progressive Discipline**

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

## **Reductions in Force**

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

In determining which employees will be subject to layoff, the District will take into account, among other things, operation and requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the employee's length of service.

## **Property Return upon Separation**

All District-owned property, including, but not limited to vehicles, keys, tools, equipment, laptops, cell phones, PDAs, uniforms, identification badges, credit cards, proprietary information, and any other job related materials must be returned immediately upon termination of employment.

## **Final Paycheck**

You will receive your final paycheck on the next regularly scheduled pay day or earlier if it is required by law.

## **Benefits**

Medical, Dental, and Vision benefits end on the last day of the month of your employment. Life, Long Term Care, and Disability coverages require “active” employment; therefore coverage for these two ends on your last day worked. COBRA notification will be sent directly to your home.

For the 401(k) plan, and if you are enrolled in the Deferred Compensation Plan, you will need to complete the necessary termination forms that will be provided to you during your exit interview. You should contact the plan carrier to ensure you completely understand your options.

## **Employee References**

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

By policy, the District discloses only the dates of employment and the title of the last position held of former employees.

# Section XI

# Confirmation of Receipt

## Confirmation of Receipt

I have received my copy of the El Toro Water District's (the "District"), Employee Handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook.

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

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

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

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

Date: \_\_\_\_\_



# CLEAN COPY OF ETWD EMPLOYEE HANDBOOK

September 2020



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# Section I

# General Employment

# Policies

## **Introductory Statement**

Welcome! As an employee of El Toro Water District (the "District"), you are an important member of a team effort. We hope that you will find your position with the District rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to the success of the District.

This employee handbook is intended to explain the terms and conditions of employment and applies to all employees. Written employment contracts between the District and some individuals may supersede some of the provisions of this handbook.

This handbook summarizes the policies and practices in effect at the time of publication. This handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here. Your supervisor or manager will be happy to answer any questions you may have.

Each employee will be given a copy of the District's employee handbook and is held responsible for reading, understanding and being familiar with the obligations imposed by this Handbook. The signed Acknowledgement Form included with the employee handbook will be placed in the individual employee's personnel file as documentation of employee having read it and agreed to abide by its rules and regulations. While the provisions of the Handbook provide a general overview of the District's programs, terms and conditions and limitations, if any discrepancies should occur, the official plan documents, where applicable, will govern these brief summaries and any interpretation needed will be at the District's sole discretion.

## **Right to Revise**

This employee handbook contains the employment policies and practices of the District in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded.

The District reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and must be approved by the District's Board of Directors and General Manager.

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

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

## **At-Will Employment Status**

The District's personnel are employed on an at-will basis. Employment at-will means that the employment relationship may be terminated, with or without cause and with or without advance notice at any time by the employee or the District. Nothing in this handbook shall limit the right to terminate at-will employment.

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

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

## **Harassment, Discrimination and Retaliation Prevention**

El Toro Water District is an equal opportunity employer. El Toro Water District is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or other unprofessional conduct based on:

- Race
- Religion (including religious dress and grooming practices)
- Color
- Sex/gender(including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned) and sexual orientation
- National origin (including language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under federal law.
- Ancestry
- Physical or mental disability
- Medical condition
- Genetic information/characteristics
- Marital status/registered domestic partner\* status)
- Age (40 and over)
- Sexual orientation
- Military or veteran status
- Any other basis protected by federal, state or local law or ordinance or regulation

El Toro Water District also prohibits discrimination, harassment, disrespectful or unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

In addition, the District prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

\*Domestic partner as used throughout this Handbook means those domestic partners that are registered with the California Secretary of State's office and meet the criteria specified in Section 279 of the California Family Code.

All such conduct violates District policy.

### **Harassment Prevention**

The District's policy prohibiting harassment applies to all persons involved in the operation of the District. The District prohibits harassment, disrespectful or unprofessional conduct by any employee of the District, including supervisors, managers and co-workers. The District's anti-harassment policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract and other persons with whom you come into contact while working.

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

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

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

Prohibited harassment is not just sexual harassment but harassment based on any protected category.



## **Non-Discrimination**

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

Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity performing substantially similar work, as defined by the California Fair Pay Act and federal law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages. However, El Toro Water District is not obligated to disclose the wages of other employees.

## **Anti-Retaliation**

The District will not retaliate against you for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees or coworkers.

## **Reasonable Accommodation**

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

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

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. The District will engage in an interactive process with the employee to identify possible accommodations, if any that will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the District will make the accommodation.

The District will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees or co-workers.

## **Complaint Process**

If you believe that you have been the subject of harassment, discrimination, retaliation or other prohibited conduct, bring your complaint to your supervisor or to:

- The Human Resources Manager
- Any other District Supervisor or Manager
- The Assistant General Manager
- The General Manager

as soon as possible after the incident. You can bring your complaint to any of these individuals. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the Human Resources Manager. Please provide all known details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory.

The District encourages all individuals to report any incidents of harassment, discrimination, retaliation or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against or that you have been retaliated against for resisting, complaining or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at [www.dfeh.ca.gov](http://www.dfeh.ca.gov) and [www.eeoc.gov](http://www.eeoc.gov).

Supervisors must refer all complaints involving harassment, discrimination, retaliation or other prohibited conduct to the Human Resources Manager of the District so the District can try to resolve the complaint.

When the District receives allegations of misconduct, it will immediately undertake a fair, timely, thorough and objective investigation of the allegations in accordance with all legal requirements. The District will reach reasonable conclusions based on the evidence collected.

The District will maintain confidentiality to the extent possible. However, the District cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

Complaints will be:

- Responded to in a timely manner
- Kept confidential to the extent possible
- Investigated impartially by qualified personnel in a timely manner
- Documented and tracked for reasonable progress
- Given appropriate options for remedial action and resolution
- Closed in a timely manner

If the District determines that harassment, discrimination, retaliation or other prohibited conduct has occurred, appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The District also will take appropriate action to deter future misconduct.

Any employee determined by the District to be responsible for harassment, discrimination, retaliation or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

# Section II

## Hiring & Employment

## **New Hires**

The District is committed to full compliance with all federal immigration laws. These laws require that all individuals comply with employment verification rules and regulations within the required time frame. This procedure has been established by law and requires that every individual provide satisfactory evidence of their identity and legal authority to work in the United States no later than three business days after the first day of employment.

## **Introductory Period**

The first six months of continuous employment at the District is considered an introductory period, including internal promotions and transfers. During this time, you will learn your responsibilities, get acquainted with fellow employees and determine whether or not you are happy with your job. Your supervisor will evaluate your capabilities, work habits, and overall performance. The initial evaluation period may be extended at the discretion of the General Manager due to business reasons or because of permitted time off taken by the employee. Completion of the initial evaluation period with a satisfactory performance rating is a requirement for continued employment with the District.

Completion of the introductory period does not entitle you to remain employed by the District for any definite period of time. Status as an at-will employee does not change. The employment relationship may be terminated with or without cause and with or without advance notice, at any time by you or the District.

## **Employee Classifications**

Employees will be classified as either a full-time regular employee or a part-time regular employee as indicated below.

### **Full-Time Regular Employees**

Regular full-time employees are those who have satisfactorily served the required six-month introductory period and are scheduled for and do work 40 hours a week. Regular full-time employees are eligible for most employee benefits as described later in this handbook. Benefit eligibility may depend on length of continuous service. Benefit eligibility requirements may also be imposed by the plans themselves or by the law.

### **Part-Time Regular Employees**

Regular part-time employees are those who have satisfactorily served the required six-month introductory period and are scheduled for and do work fewer than 40 hours per week, and employment is expected to continue for an indefinite period of time.

Part-time employees who work fewer than 40 hours per week but at least 30 hours per week are eligible for some District benefits, as described later in this handbook, on a prorated base, except insurance benefits which do not require pro-ration. Benefit eligibility may depend on length of continuous service. Benefit eligibility requirements may also be imposed by the plans themselves or by the law.

Part-time employees who are scheduled to work fewer than 30 hours per week are eligible for some District benefits as described later in this handbook. Benefit eligibility may depend on length of continuous service. Benefit eligibility requirements may also be imposed by the plans themselves or by the law.

### **Temporary Employees**

Temporary employees are those employed for a short-term period or to perform a specific task. Short-term assignments generally are periods of six months or fewer; however, such assignments may be extended. Temporary employees are not eligible for employee benefits; however, are eligible for sick leave benefits as described later in this handbook. Benefits as required by law shall be provided consistent with the requirements of the law.

### **Exempt or Non-Exempt**

Each employee is designated as either non-exempt or exempt.

### **Exempt Employees**

Employees are not paid for overtime work. The General Manager will make the determination of exempt or non-exempt status in accordance with the District's practices and the standards of the law. Exempt employees shall be paid their regular salary on a biweekly basis without regard to hours worked. Such persons are expected to render such services as may be necessary to meet the tasks assigned to them, and are expected to work all hours assigned to them which should average at least 40 hours per week. Vacation, sick, and other leaves shall be recorded as taken.

### **Non-exempt Employees**

Any employee, who is not classified as an "exempt" employee, is deemed a "non-exempt" employee. Non-exempt employees include all employees who are covered by the overtime provisions of the Federal Fair Labor Standards Act. They receive overtime pay for overtime work.

The requirements to determine this status are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor). See the Human Resources Manager if you have any questions.

## **Job Duties**

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

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

## Work Schedules

The District observes a flexible work schedule. Flexible work schedules may be consistent for the entire department (all staff working the same flexible schedule) or contain flexible schedules on an individual basis taking into consideration workloads, the need for department collaboration, customer and/or vendor relations and the overall District and departmental needs. In most instances, the flexible work schedule will be on a departmental basis.

### Alternative Workweek

The District has elected an alternative workweek schedule. This work schedule was presented and approved by a vote of at least 2/3 of the affected work units. This schedule was established in order to gain the maximum efficiency for the District and allow the employees additional opportunities to enjoy their non-work hours.

Eligibility to participate in the alternative program is subject at all times to the needs of the District and may be modified as those needs dictate. Certain positions may be ineligible for participation due to necessary work schedules.

The District offers two types of alternative work schedules, a 9/80 work schedule and a 4/10 work schedule. These alternative work schedules are assigned based on department and business needs as approved by the General Manager.

A 9/80 workweek consists of seven (7) consecutive days (168 hours) beginning on midday on Friday (four hours into the scheduled shift) to midday the following Friday. The majority of the employees will have every other Friday off. For those employees with a scheduled day off other than Friday, the workweek will begin at midday on their regular alternative scheduled day off.

A 4/10 workweek consists of seven (7) consecutive days (168 hours) beginning on Saturday at 12:01 a.m. and ending the following Saturday at 12:00 a.m.

Those employees who are on a 9/80 work week will report for eight 9-hour days and one 8-hour day in a two-week period. The tenth work day is a day off. Those employees on a 4/10 work week will report for four 10-hour days in a one-week period with the 5th work day is a day off.

Department managers will notify new employees at the time of hire of the days and schedule they will work.

### Optional Flexible Work Schedules

The available work schedules for a nine (9) hour day are shown in the table below. Within the 9/80 work schedule, the work schedule for an eight (8) hour day will end one hour earlier than the table shown below.

<b>Start:</b>	<b>End:</b>	<b>Meal Period:</b>	<b>Start:</b>	<b>End:</b>	<b>Meal Period:</b>
6:30	4:00	30 minutes	6:30	4:30	60 minutes
7:00	4:30	30 minutes	7:00	5:00	60 minutes
7:30	5:00	30 minutes	7:30	5:30	60 minutes
8:00	5:30	30 minutes			

The schedule for the 4/10 workweek begins at 6:00 a.m. to 4:30 p.m. with a thirty minute lunch break.

Your supervisor will assign your individual work schedule. If changes in your work schedule are required or desired, your manager will notify you or respond to your request at the earliest opportunity. You may be required to work overtime or hours other than those normally scheduled. It is the District's intent to allow you maximum flexibility in scheduling your time while still meeting the needs of the District. The work schedule may be changed at the discretion of the General Manager due to business necessity.

All employees are expected to be at their desks or workstations at the start of their scheduled shifts, ready to work.

### **Emergency Work Schedule**

In the event of an emergency declared by the District, the County of Orange, the Governor of California or the President of the United States, the General Manager may elect to implement a modified work schedule. The modified workweek will vary by department as approved by the General Manager and in compliance with law.



# Section III

## Wages

## Payment of Wages

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

Paychecks are normally available at the main office and are distributed by the Department Head or the payroll department or their delegate. If you observe an error on your check, please report it immediately to your supervisor.

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

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

### Overtime

Wages for non-exempt employees on a 9/80 workweek will be paid as follows:

- Regular rate of pay (straight time rate) for all hours up to and including 9 hours in a regular scheduled work day.
- Hours worked over 9 hours per day will be paid at one and one-half the straight time rate, up to and including 12 hours.
- Hours worked over 12 hours per day will be paid at two times the straight time rate (double time).
- Hours worked over 40 straight time hours in a work week will be paid at one and one-half the straight time rate.

Wages for non-exempt employees on a 4/10 workweek will be paid as follows:

- Regular rate of pay (straight time rate) for all hours up to and including 10 hours in a regular scheduled work day.
- Hours worked over 10 hours per day will be paid at one and one-half the straight time rate, up to and including 12 hours.
- Hours worked over 12 hours per day will be paid at two times the straight time rate (double time).
- Hours worked over 40 straight time hours in a work week will be paid at one and one-half the straight time rate.

Overtime will be paid for hours worked on a day that is not a regularly scheduled workday in any workweek, including any seventh consecutive workday, if all scheduled hours are worked prior, at the rate of:

- Time-and-one-half for the first eight hours in a day
- Double time after eight hours in a day

The District will acknowledge hours paid under the sick, vacation, holiday, personal business, bereavement, and jury duty pay as hours worked for the purpose of calculating overtime pay.

Overtime must be authorized by the employee's supervisor and/or Department Head prior to the overtime being worked.

In the event of an emergency declared by the District, the County of Orange, the Governor of California or the President of the United States, the General Manager may elect to implement a modified work schedule. In the event a modified work schedule is implemented, wages will be paid as follows:

- Regular rate of pay (straight time rate) for all hours up to and including 12 hours in a regular scheduled work day.
- Hours worked over 12 hours per day will be paid at two times the straight time rate (double time).
- Hours worked over 40 straight time hours in a work week will be paid at one and one-half the straight time rate. For purposes of calculating overtime, Emergency Administrative Leave will not count towards the 40 straight time hours.

In the event of an emergency, the Fair Labor Standards Act (FLSA) Section 3(s)(1)(C) supersedes the definition of overtime pay previously defined in this Section.

During the period a modified work schedule is in effect, On-Call employees will record time worked after the operating hours of their home department as overtime. The time required to process the transfer of the primary On-Call vehicle to the subsequent on-call employee, including transfer of the vehicle to the District yard, cleaning the vehicle and completing the vehicle inventory will be recorded as straight time regardless of the On-Call employees designated shift.

## **Reporting-Time Pay**

The District will comply with all applicable regulations regarding reporting-time pay for non-exempt employees.

The District will pay a minimum of two hours of pay to employees who are required to report to work on a day other than their normally scheduled workday.

The District will not pay employees who report to work but are unable to work under the following circumstances:

- Interruption of work because of the failure of any or all public utilities; or
- Interruption of work because of natural causes or other circumstances beyond the District's power to control.

On-call employees are paid according to the on-call policy.

## **Timekeeping Requirements**

All non-exempt employees are required to use a time keeping software to record time worked for payroll purposes. All time worked must be accurately reported on your time record.

Non-exempt employees must record their own time in the timekeeping reporting system on a daily basis.

Non-exempt employees are not allowed to work "off the clock." Working off the clock violates District policy. Any work performed before or after a regularly scheduled shift must be approved in advance by your supervisor. If you perform any off-the-clock work, please report the work to your supervisor.

Non-exempt employees also must record their time whenever they leave their work site for any reason other than for District business or for scheduled breaks.

Non-exempt employees will be required to certify that their time record is accurate. By certifying your time is correct, you are also certifying that you have taken all of your breaks and meal periods for that pay period.

Entering time on another employee's timecard, allowing another employee to enter time on your timecard, or altering a timecard is not permissible and is subject to disciplinary action.

Any errors on your timecard should be reported immediately to your supervisor.

Please also refer to the District's Meal and Rest Break Policy.

## **Sick and Vacation Time**

For employees working a 9-hour day, when absent for a full day, accrued sick or vacation time will be deducted in 9-hour increments. For employees working a 10-hour day, when absent for a full day, accrued sick or vacation time will be deducted in 10-hour increments. Otherwise, sick and vacation time may be taken in 15-minute increments. For five-day 8-hour schedules, if an employee is absent for a full day, accrued sick or vacation time will be deducted in 8-hour increments. Otherwise sick and vacation time may be taken in 15-minute increments.

## **Holiday Pay**

Holiday pay is based on the employee's regularly scheduled hours for that work day.

When a Districts recognized, and scheduled holiday falls on an employee's regularly scheduled work day, and the employee is a non-exempt employee and required to work, the employee will be paid overtime wages at one and one-half times the employee's hourly rate. In addition, the employee will be entitled to compensation for the recognized holiday.

If the employee works in a department that is required to be staffed seven days a week (The WRP), and the designated holiday falls on a non-scheduled work day, the employee may designate another day to take the holiday and be paid at straight time. The designated day must be in the same pay period.

## Overtime for Non-exempt Employees

Due to varying workloads, employees may be required to work overtime as necessary. The District will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by a supervisor with the exception of on-call overtime activities. The District provides compensation for all overtime hours worked by non-exempt employees in accordance with state and federal law as follows:

- All hours worked in excess of nine hours, if you are on a 9/80 work schedule and ten hours, if you are on a 4/10 work schedule, in one workday or 40 hours in one workweek will be treated as overtime. Since we are on an alternative workweek schedule, the work day will differ depending on your individual schedule. Your supervisor will assign your workday schedule;
- Compensation for hours in excess of 40 for the workweek, or in excess of eight and not more than 12 for the workday, and for the first eight hours on the seventh consecutive day of work in one workweek, shall be paid at a rate one and one-half times the employee's regular rate of pay;
- Compensation for hours in excess of 12 in one workday and in excess of eight on the seventh consecutive workday in a workweek shall be paid at double the regular rate of pay;
- In all cases, the District will acknowledge hours paid under the sick, vacation, holiday pay, personal business, bereavement, and jury duty provisions of the District as hours worked for purposes of computing overtime pay.
- Exempt employees may have to work hours beyond their normal schedules as work demands require. No overtime compensation will be paid to exempt employees.

## Garnishments

A garnishment is a court order requiring the District to remit part of an employee's wages to a third party in payment of a just debt. Because garnishments involve the District in its employees' private financial affairs, it is requested that you handle your finances appropriately.

## Payroll Deductions

State and federal law require the District to make proper deductions on its employees' behalf. Amounts withheld vary according to earnings, marital status, and number of exemptions claimed.

Required deductions include Federal Income Tax, FICA "Medicare Only" Contribution, State Income Tax and SDI.

## Social Security

El Toro Water District employees are not participants in the Social Security program. However, those employees hired after April 1, 1986 are required to contribute to the Federal Medicare program. The District also contributes to the program.

## **Deductions for Exempt Employees**

Employees paid on a "salary basis" regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, exempt employees will receive full salary for any workweek in which they perform any work, regardless of the number of days or hours worked. Exempt employees may not be paid for any workweek in which they perform no work, subject to the District benefits programs and policies. No deductions from salary may be made for time when work is not available, provided the exempt employee is ready, willing, and able to work. Deductions from pay are permissible when an exempt employee

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

Partial day deductions from available accrued vacation or sick leave balances will also be made by the District when applicable in 4 hour or half day increments.

## **Meal and Rest Periods**

### **Rest Breaks**

All non-exempt employees are entitled to uninterrupted rest break periods during their workday. If you are a non-exempt employee, you will be paid for all such break periods.

### **Number of Rest Breaks**

You will be authorized and permitted one (1) 15-minute rest break for every four (4) hours you work (or major fraction thereof, which is defined as any amount of time over two (2) hours). A rest break need not be authorized for employees whose total daily work time is less than three and one half (3.5) hours.

You will be relieved of all duty during your rest break periods. You are free to come and go as you please and are free to leave the premises. You are expected to return to work promptly at the end of any rest break.

If you work a shift from three and one-half (3.5) to six (6) hours in length you will be entitled to one (1) fifteen-minute rest break. If you work more than six (6) hours and up to 10 hours, you will be entitled to two (2) fifteen-minute rest breaks. If you work more than 10 hours and up to 14 hours, you will be entitled to three (3) fifteen-minute rest breaks.

For shifts in excess of 14 hours, you will continue to be entitled to additional paid 15 minute rest breaks for every four (4) hours you work, or major fraction thereof.

### **Timing of Rest Breaks**

You are authorized and permitted to take a rest break in the middle of each four-hour work period.

Your rest break will be scheduled by your supervisor.

### **Meal Period**

All non-exempt employees will be provided an uninterrupted unpaid meal period of at least 30 minutes if you work more than five (5) hours in a workday. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. During your meal period, you are free to come and go as you please and are free to leave the premises. You are expected to return to work promptly at the end of any meal period.

If your total work period for the day is more than five hours per day but no more than six hours, you may waive the meal period. This cannot be done without the mutual consent of you and your supervisor. You must discuss any such waiver with your supervisor in advance.

The waiver must be in writing.

### **Timing of Meal Period**

Your meal period will be provided no later than the end of your fifth hour of work. For example, if you begin work at 7:00 a.m., you must start your meal period by 11:59 a.m. (which is before the end of your fifth hour of work).

Your meal period will be scheduled by your supervisor.

### **Second Meal Period**

If you work more than 10 hours in a day, you will be provided a second, unpaid meal period of at least 30 minutes. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. There will be no control over your activities during your meal period. During your meal period, you are free to leave the premises and are free to come and go as you please. You are expected to return to work promptly at the end of any meal period.

Depending on the circumstances, you may be able to waive your second meal period if you took the first meal period and if your total hours worked for the day is no more than twelve hours. This cannot be done without the mutual consent of you and your supervisor and must be in writing. You must discuss any such waiver with your supervisor in advance.

### **Timing of Second Meal Period**

This second meal period will be provided no later than the end of your 10th hour of work. For example, if you begin work at 7:00 a.m., you must start your second meal period by 4:59 p.m. (which is before the end of your tenth hour of work).

Your second meal period will be scheduled by supervisor.

## **Recording Meal Periods**

By certifying your time is correct on your time card, you are also certifying that you have taken your meal break.

Employees are not allowed to work "off the clock." All work time must be accurately reported on your time record.

If for any reason you are not provided a meal period in accordance with our policy, or if you are in any way discouraged or impeded from taking your meal period, you will be required to report to the Human Resources Manager and document the reason for the missed meal period or time worked.

## **Makeup Time**

The District allows the use of makeup time when non-exempt employees need time off to tend to personal obligations. Makeup time worked will not be paid at an overtime rate. Employees may take time off and then make up the time later in the same workweek, or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek.

Makeup time requests must be submitted in writing to your supervisor, with your signature, on the District-provided form. Requests will be considered for approval based on the legitimate business needs of the District at the time the request is submitted. A separate written request is required for each occasion the employee requests makeup time.

If you request time off that you will make up later in the week, you must submit your request at least one week in advance of the desired time off. If you request to work makeup time first in order to take time off later in the week, you must submit your request at least one week working the makeup time. Your makeup time request must be approved in writing before you take the requested time off or work makeup time, whichever is first.

All makeup time must be worked in the same workweek as the time taken off. Employees may not work more than 11 hours in a day or 40 hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

If you take time off and are unable to work the scheduled makeup time for any reason, the hours missed will normally be unpaid. However, your supervisor may arrange with you another day to make up the time if possible, based on scheduling needs. If you work makeup time in advance of time you plan to take off, you must take that time off, even if you no longer need the time off for any reason.

An employee's use of makeup time is completely voluntary. The District does not encourage, discourage, or solicit the use of makeup time

## **On-Call (Standby Pay)**

Certain Operation's Department employees are required to be available to answer emergency calls and perform certain routine weekend or holiday inspections on a one week rotational basis. Employees who are on-call are required to carry a cell phone and they must be able to respond to any emergency within thirty (30) minutes. Four (4) employees are required to be on-call; a



primary on-call employee, a secondary on-call employee, a sewer collection crew employee, and a WRP employee.

The primary on-call person is classified as a Maintenance Worker I, II or III who functions as the first responder to customer service requests, SCADA alarms, performs routine and/or assigned special after hours and weekend and holiday inspections. The secondary on-call person is classified as a Crew Chief or Foreman and functions as a back-up to the primary on-call person and provides supervisory assistance and direction as necessary. The sewer collection on-call person is on-call to respond to after-hours sewer spills, stoppages and other sewer related problems and emergencies as necessary. The Water Recycling Plant on-call employee is on-call to respond to after-hours Water Recycling Plant related problems as necessary.

For all Field Operations, Plant and Collections personnel, the on-call status will begin for one week starting Monday morning at the beginning of the regular shift and ending at the beginning of the regular shift on the following Monday morning.

All on-call employees will be required to respond to all calls received after hours, and on weekends or holidays and to perform other duties as required.

For this on-call service, the on-call employees will be paid a flat rate of \$350.00 per week in addition to hours actually worked at regular and overtime rates.

Pay starts from the time the employee departs from home or place where the call is received and continues until the employee returns to their home or place where the call was received. However, travel time to and from work assignment shall not exceed 30 minutes in each direction.

## **Pay Differentials**

The District will pay a shift differential when an employee is regularly scheduled to work on the weekends. The employee will be paid additional compensation of \$.75 per hour actually worked. Shift Differential pay does not apply to employee working on-call/standby hours.

## **Emergency Administrative Leave**

The District strives to be prepared for catastrophic events that may force shutdown, partial shutdown or significant modification of operations. Emergency Administrative Leave (“EAL”) may be utilized to cover employee absences due to work unavailability because of a Major Public Disaster. Understanding that the provision of some basic services may require some level of skeletal or flex staffing, the General Manager is authorized to provide EAL on an intermittent or staggered basis.

*“Major Public Disaster”*: A “Major Public Disaster” is an incident that is of the severity and magnitude that effective response is beyond the capability of the state or affected local governments. In order to qualify as a “Major Public Disaster”, the event must have caused a governmental authority, such as the President of the United States, the Governor of California or the Board of Supervisors of the County of Orange to declare a formal state of emergency. This definition shall be interpreted consistently with 44 CFR § 206.2(a)(17), which includes events such as hurricane, tornado, tsunami, earthquake, volcanic eruption, or pandemic. A declaration of

emergency by the District Board of Directors will also authorize the General Manager to provide EAL.

*Qualifying Circumstances:* Access to up to 160 hours per employee of EAL may be provided per affected employee, at the discretion of the General Manager, only in circumstances that meet the following criteria:

- A Major Public Disaster has caused or could cause the unavoidable closure of all or part of District's operations in a manner that could result in layoff or furlough. Circumstances causing such closure include but are not limited to (1) destruction or severe damage of District's facilities or infrastructure; (2) inability or severe difficulty accessing District's facilities due to destruction or damage of transportation corridors; or (3) unavailability of sufficient personnel to operate the affected facility or department because of illness or injury associated with the Major Public Disaster.
- The General Manager has adopted an Emergency Operations Plan that utilizes EAL in a manner to (1) best serve the District's operations; (2) address public health or safety concerns associated with the Major Public Disaster; (3) maintain necessary staffing while limiting the need for permanent layoffs or furloughs; and (4) best maintain the District's ability to resume full operations and services when possible.
- The intended employee-recipient's workload has been severely impacted by the Major Public Disaster such that the employee-recipient is either unable to report to work, has been directed not to report to work or there is insufficient work within the relevant department or facility to warrant full staffing.

The extension of EAL beyond the original 160 hours per employee defined herein may be granted with the approval of the Board of Directors.

# Section IV

# Leaves of Absence

## General Information

Several types of unpaid leaves of absence are available to eligible employees under the District's policies.

### Summary of Rules

- No leave of absence without pay will be granted in excess of the required length of leave as set forth by the state and federal guidelines unless approved by the General Manager
- An employee who fails to return to work on the first workday following the expiration of the approved leave period, will be deemed to have abandoned their job which constitutes voluntarily resignation.
- A leave of absence will not change an employee's length of service status.
- A discretionary leave of absence may be given only with the approval of the General Manager.
- During disability and personal leaves of absence, sick and vacation time will continue to accumulate, as long as benefits are being coordinated and/or paid. Holidays will also be paid out as long as benefits are being coordinated and/or paid.
- To initiate a medical leave of absence, the District must receive a physician's written statement certifying the need for the leave, the anticipated duration of the leave, and the anticipated return to work date. If an extension of the leave of absence is required, an additional request in writing prior to the expiration date of the original leave must be received.
- The District reserves the right to request a physician's written statement with respect to any absences due to the illness of the employee or the illness of a family member for whom kin-care leave is being requested.
- Employees while on a leave of absence must communicate with the District on a regular basis regarding their status and anticipated return to work.
- Medical insurance, life insurance and other group insurance coverage will continue during the approved leave of absence. If a leave is taken unpaid, employees will be billed for their portion of the premium. Any employee who returns to work from a medical, pregnancy related disability or workers compensation leave of absence MUST provide a "Return to Work" notification from their treating physician.
- False statements made to secure a leave of absence shall constitute cause for termination.

- Coordination of benefits will occur upon the employee's request where applicable.

## Family and Medical Leave

California's California Family Rights Act (CFRA) and the federal Family and Medical Leave Act (FMLA) provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- You have been employed with the District for a total of at least 12 months prior to the commencement of leave. The 12 months of employment must have accumulated within the previous seven years (certain exceptions apply);
- You have worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- You are employed at a work site where there are 50 or more employees within a 75 mile radius.

Leave may be taken for one or more of the following reasons:

- The birth of your child, or placement of a child with you for adoption or foster care (FMLA/CFRA);
- Your incapacity due to pregnancy, prenatal medical care or child birth (FMLA only);
- For a serious health condition that makes you unable to perform your job (FMLA/CFRA);
- To care for your spouse, child, or parent who has a serious health condition (FMLA/CFRA);
- To care for your registered domestic partner (CFRA only).

For additional information about eligibility for family/medical leave, contact the Human Resources Manager.

## Military Family Leave Entitlements

- Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- Eligible employees may also take a special leave entitlement of up to 26 weeks of leave during a single 12-month period to care for a covered service member. (FMLA/CFRA for 12 weeks if the care provider is eligible for both, followed by 14 weeks of (FMLA only), or 26 weeks of FMLA only if leave is not CFRA covered leave). A covered service member is either:
  - A current member of the Armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or
  - A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is

undergoing medical treatment, recuperation, or therapy for a serious injury or illness. \*

\*The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition."

### **Calculating the 12-month Period**

For purposes of calculating the 12-month period during which 12 weeks of FMLA or qualifying exigency leaves may be taken, District uses a rolling year. The 12-month period begins on the first day of the leave.

Under most circumstances, leave under federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period.

For leave to care for a covered service member, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered service member is for a maximum of 26 workweeks during a 12-month period.

### **Pregnancy, Childbirth or Related Conditions and Baby Bonding**

Leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (the California Family Rights Act (CFRA)). However, time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under federal law (the Family and Medical Leave Act (FMLA)). Employees who take time off for pregnancy disability and who are eligible for FMLA will also be placed on FMLA that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth the employee may apply for leave under the CFRA, for purposes of baby bonding. \*

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the District will grant a request for a CFRA (for birth/placement of a child) of less than two weeks' duration on any two occasions. The District may also grant additional requests for leave lasting less than two weeks at its discretion. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

\*If you are not eligible for baby bonding leave because you work at a work site with less than 50 employees in a 75-mile radius, you may be eligible for time off to bond with a new child under the New Parent Leave Act (if you meet the eligibility requirement under this law). For more information, contact the Human Resources Manager.

### **Leave Procedures**

The following procedures shall apply when an employee requests family medical leave:

- Please contact the Human Resources Manager as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption

or foster care, or planned medical treatment for your serious health condition or that of a family member, you must notify the District at least 30 days before leave is to begin. You must consult with your supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of your health care provider or the health care provider of your child, parent, or spouse.

- If you cannot provide 30 days' notice, the District must be informed as soon as is practical.
- If the Family and Medical Leave Act/California Family Rights Act request is made because of your own serious health condition, the District may require, at its expense, a second opinion from a health care provider that the District chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the District.
- If the second opinion differs from the first opinion, the District may require, at its expense, you to obtain the opinion of a third health care provider designated or approved jointly by you and the District. The opinion of the third health care provider shall be considered final and binding on you and the District.

### **Certification**

The District requires you to provide certification. You will have 15 calendar days from the District's request for certification to provide it to the District, unless it is not practicable to do so. The District may require recertification from the health care provider if you request additional leave upon expiration of the time period in the original certification. (*For example, if you need two weeks of family and medical leave, but following the two weeks you need intermittent leave, a new medical certification will be requested and required.*) If you do not provide medical certification in a timely manner to substantiate the need for family and medical leave, the District may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave.

If the leave is needed to care for a sick child, spouse, or parent, you must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants your participation.

When both parents are employed by the District, and request simultaneous leave for the birth or placement for adoption or foster care of a child, the District will not grant more than a total of 12 workweeks family/medical leave for this reason.

If your serious health condition is the reason for leave, you must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Your inability to work at all or perform any one or more of the essential functions of your position because of the serious health condition.

If you are absent because of your own serious health condition, the District will also require a medical release to return to work form or certification from your health care provider that you are able to resume work.

Failure to a release to return to work certificate from your health care provider will result in denial of reinstatement until the certificate is obtained.

### **Leave Related to Military Service**

A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification by the service member's health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

### **Health and Benefit Plans**

If you are taking family medical leave you will be allowed to continue participating in any health and welfare benefit plans in which you were enrolled before the first day of the leave (for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if you had continued in employment for the duration of such leave. The District will continue to make the same premium contribution as if you had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, the District may recover premiums paid to maintain health coverage if you fail to return to work following family/medical leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work. The right to continued group health coverage during pregnancy disability leave is a separate and distinct entitlement from the CFRA entitlement.

Payment of the employee's share of the health premium is due at the same time it would be made by payroll deduction.

### **Substitution of Paid Leave**

Generally, FMLA/CFRA leave is unpaid. The District may require, or you may choose, to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, you must comply with the District's normal paid leave policies. For more information on those specific circumstances requiring or allowing the substitution of paid leave contact the Human Resources Manager.

### **Reinstatement**

Under most circumstances, upon return from family/medical leave, you will be reinstated to your original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had the employee not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.



Reinstatement after family/medical leave may be denied to certain salaried "key" employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the work site at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the District's operations;
- The employee is notified of the District's intent to refuse reinstatement at the time the District determines the refusal is necessary; and
- If leave has already begun, the District gives the employee a reasonable opportunity to return to work following the notice described previously.

### **Time Accrual**

Please contact the Human Resources Manager with any questions regarding accrual of other District provided paid leave benefits (such as vacation, personal time or sick leave) during unpaid FMLA/CFRA leave.

### **Carryover**

Leave granted under any of the reasons provided by state and federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement (26-workweek entitlement if leave is to care for a service member) in any 12-month period. No carryover of unused leave from one 12-month period to the next 12 month period is permitted.

### **Intermittent Leave**

You may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for your serious health condition or a qualifying family member and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is thirty (30) minutes.

## **Extended Medical Leave**

A medical leave of absence may be granted for non-work-related medical disabilities (other than pregnancy, childbirth, and related medical conditions) with a doctor's written certificate of disability. Extended disability leaves will also be considered on a case-by-case basis, consistent with the District's obligations under federal and state disability laws.

Employees should request any leave in writing as far in advance as possible. If you are granted a medical leave, El Toro Water District will pay you sick pay for the period of time equivalent to your accumulated sick pay earned. You also may use any paid vacation and/or personal time previously accrued if you have exhausted your accumulated sick pay.

A medical leave begins on the first day your doctor certifies that you are unable to work, and ends when your doctor certifies that you are able to return to work. Your supervisor will supply you with a form for your doctor to complete, showing the date you were disabled and the estimated date you will be able to return to work. An employee returning from a medical disability leave must present a doctor's certificate declaring fitness to return to work.

If returning from a non-work-related medical leave, you will be offered the same position you held at the time your leave began, if available. If your former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, your return to work will depend on job openings existing at the time of your scheduled return. The District makes no guarantees of reinstatement, and your return will depend on your qualifications for existing openings.

California workers' compensation laws govern work-related injuries and illnesses. California pregnancy disability laws govern leaves taken because of pregnancy, childbirth, and related medical conditions. An employee that needs reasonable accommodations should contact a District representative with day-to-day personnel responsibilities and discuss the need for an accommodation or the Human Resources Manager.

Any leave taken under this provision qualifying as leave under the state and/or federal Family and Medical Leave Acts will be counted as family/medical leave and charged to your entitlement of 12 workweeks of family/medical leave in a 12-month period, and governed by the rules relating to family/medical leave.

## **Pregnancy Disability Leave**

If you are pregnant, have a related medical condition, or are recovering from childbirth, please review this policy. Any employee planning to take pregnancy disability leave should advise the human resources department as early as possible. The individual should make an appointment with the Human Resources Manager to discuss the following conditions:

- Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months of leave per pregnancy (the working days you normally would work in one-third of a year or 17 1/3 weeks). Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care, doctor-ordered bed rest, as well as other reasons. Your healthcare provider determines how much time you need for your disability.
- The District will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy.
- Employees who need to take pregnancy disability must inform the District when a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable (such as the expected birth of a child or a planned medical treatment for yourself), employees must provide at least 30 days advance notice before the pregnancy disability leave or transfer is to begin. Employees must consult with the Human Resources Manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the employee's health care provider;

- For emergencies or events that are unforeseeable, we need you to notify the District, at least verbally, as soon as practical after you learn of the need for the leave.
- Failure to comply with these notice requirements may result in delay of leave, reasonable accommodation, or transfer;
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide the District with a written certification from a health care provider for need of PDL, reasonable accommodation or transfer. The certification must be returned no later than 15 calendar days after it is requested by the District. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation or transfer. Please see the human resources department for a medical certification form to give to your health provider.
- Leave returns will be allowed only when the employee's physician sends a release;
- An employee will be required to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation or personal time (if otherwise eligible to take the time) during a pregnancy disability leave; and
- Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of thirty (30) minutes.

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

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

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. In some instances, an employer can recover from an employee premium paid to maintain health coverage if the employee fails to return following pregnancy disability leave. PDL may impact other benefits or a seniority date. Please contact the human resources department for more information.

## Personal Leave

Under special circumstances, a personal leave of absence that does not qualify as FMLA/CFRA or PDL, or other leave provided by State or Federal law, may be granted to an employee upon submission of a written request which states the projected beginning and ending date and the specified reasons for the request of leave. Such personal leave without pay is subject to approval at the sole discretion of the General Manager.

Requests for personal leave should be limited to unusual circumstances requiring an absence of longer than two weeks. Approved personal absences of shorter duration are not normally treated as leaves, but rather as excused absences without pay.

False statements made to secure a leave of absence shall be subject to disciplinary measure up to and including termination. The District may require the employee to use accrued sick leave, vacation or personal days during this leave of absence.

When you are placed on a personal leave of absence, an effort will be made to hold your position open for the period of the approved leave. However, the District will not guarantee reinstatement after a personal leave of absence.

## Paid Family Leave

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

## School and Child Care Activities Leave

Employees are encouraged to participate in the school or child care activities of their child(ren).

The absence is subject to all of the following conditions:

- Time off under this policy can only be used by parents, guardians, grandparents, stepparents, foster parents or a person who stands *in loco parentis* to one or more children of the age to attend kindergarten through grade 12 or a licensed child care provider;
- The amount of time off for school or child care activities described below cannot exceed a total of 40 hours each year;
- Covered employees can use the time off to find, enroll or reenroll a child in a school or with a licensed child care provider or to participate in activities of the child's school or licensed child care provider. The time off for these purposes cannot exceed eight hours

in any calendar month. Employees planning to take time off for these purposes must provide reasonable advance notice to their supervisor.

- Covered employees can also use time off to address a "child care provider or school emergency" if the employee gives notice to the employer. A child care provider or school emergency means that the employee's child cannot remain in a school or with a child care provider due to one of the following:
  - The school or child care provider has requested that the child be picked up, or has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child to be picked up from the school or child care provider;
  - Behavioral or discipline problems;
  - Closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
  - A natural disaster, including, but not limited to, fire, earthquake or flood.
- Employees must provide their supervisor with documentation from the school or licensed child care provider verifying that they were engaged in these child related activities on the day and time of the absence;
- If more than one parent is employed by the District, the first employee to request such leave will receive the time off. Another parent will receive the time off only if the leave is approved by their supervisor;
- Employees must use Vacation or Personal leave in order to receive compensation for this time off; and
- Employees who do not have paid time off available will take the time off without pay.

## **School Appearances Involving Suspension**

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert their supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

## **Military Leave**

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

One week of the vacation leave will be used to satisfy the seven-day waiting period.

## **Military Spouse Leave**

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

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

## **Civil Air Patrol Leave**

No employee with more than 90 days of service shall be disciplined for taking time off to perform emergency duty as a volunteer in the California Civil Air Patrol. If you are a Civil Air Patrol volunteer, please alert your supervisor that you may have to take time off for emergency duty. When taking time off for emergency duty, please alert your supervisor before doing so, giving as much advance notice as possible.

Up to 10 days of leave for duty may be taken each year. However, leave for a single emergency mission cannot exceed three days, unless the emergency is extended by the entity in charge of the operation and the extension of leave is approved by the District.

## **Domestic Violence, Sexual Assault or Stalking Leave and Accommodation**

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

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

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

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

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

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

## **Domestic Violence, Sexual Assault or Stalking Leave for Treatment**

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

You may request leave for any of the following purposes:

- To seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- To obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- To obtain psychological counseling related to experiencing domestic violence, sexual assault or stalking;
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking including temporary or permanent relocation.

Please provide reasonable advance notice of the need for leave unless advance notice is not feasible. Contact your supervisor or the human resources department.

The District will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

The length of unpaid leave an employee may take is limited to 12 weeks provided for in the federal Family and Medical Leave Act of 1993 for eligible employees.

## **Victims of Crime Leave**

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

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

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

Any absence from work to attend judicial proceedings or proceedings involving victim rights will be unpaid, unless you choose to take paid time off.

For more information regarding this leave (including whether you are covered, when and what type of documentation is required, and which type of paid time off can be used), please contact a District representative with day-to-day personnel responsibilities or the Human Resources Manager.

## **Organ and Bone Marrow Donor Leave**

Employees who are donors for organ or bone marrow may take paid time off as follows:

- Employees must be employed for at least a 90-day period immediately before the beginning of leave.
- Employees may take up to 30 business days of paid leave, and up to an additional 30 business days of unpaid leave in any one-year period for the purpose of donating an organ to another person. The one-year period is calculated from the date the employee begins the leave.
- Employees may take up to 5 business days of leave in any one-year period for the purpose of donating bone marrow to another person. The one-year period is calculated from the date the employee's leave begins.
- During the leave for organ/bone marrow donors, the District will continue to provide and pay for any group health plan benefits the employee was enrolled in prior to the leave of absence.
- Leave taken for the purpose of organ or bone marrow donation is not leave for the purpose of family medical leave under the federal Family and Medical Leave Act or the state California Family Rights Act.

Employees who wish to take a leave of absence to donate bone marrow or an organ will be required to provide written verification of the need for leave, including confirmation that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

The District requires that employees taking leave for organ donation use two weeks of accrued but unused sick leave, personal time and/or vacation.

The District requires that employees taking leave for bone marrow donation use five days of accrued but unused sick leave, personal time and/or vacation.

Once a Donor has exhausted the required paid sick, personal time and/or vacation leave, the employee will be paid for the remaining leave of absence, if additional leave is needed, up to the maximum allowed by law.



## **Volunteer Civil Service Personnel**

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

If you are an official volunteer firefighter, reserve peace officer or emergency rescue personnel, please alert your supervisor if you have training. Volunteer firefighters, reserve peace officers and emergency rescue personnel may take up to a total of fourteen days per calendar year to engage in fire, law enforcement or emergency rescue training.

## **Leave Donation Program**

The District has a leave donation program that is meant to provide assistance to employees who are suffering from a crisis event that has resulted in a need for additional time off in excess of their available sick or other paid time. The program allows eligible employees to voluntarily donate time from their available sick or vacation leave to their co-workers in accordance with the policy.

This policy is strictly voluntary. The policy does not guarantee any employee the right to extended leave beyond what is provided for by the District's stated policy and its legal obligations. Final approval of receipt of any sick or vacation leave donation and of the ability to donate accrued leave rests with the General Manager.

Donations made under this policy shall be deemed to be equivalent one hour increments and are not based on the job classification or salary of the donating employee or the recipient employee.

### **Eligibility to Donate**

In order for you to donate sick or vacation leave to another employee you must:

- Be employed by the District for one year
- Donate sick or vacation leave in units of 1 hour
- Donate no more than 18 hours
- Not be currently on an approved leave of absence

Employees who donate leave are not permitted to reduce their own sick or vacation leave credit to less than 80 hours because they may experience their own need for time off.

### **Guidelines for Receipt of Leave Donation**

Employees, who would like to receive donated sick or vacation time from co-workers, must have a crisis event as determined by the Human Resources Manager along with the General

Manager. The donated time can only be used for time off related to the approved crisis event. Recipient employees must use their own available paid leave time prior to using any donated time. Employees who receive donated sick or vacation time may receive no more than 480 hours (12 weeks) within a rolling 12 month period. The leave donation program does not guarantee the recipient employee the right to extended leave beyond the District's stated policy and its legal obligations. The decision as to whether a personal leave should be granted, whether there is a crisis event, or whether the employee can receive donated sick time is within the discretion of the District.

Any donated sick time that is in excess of the time used by the recipient for the approved crisis event will be returned to the donor. There is no "cash" value to the recipient of the donated sick time.

### **Procedure**

Employees who wish to donate sick time to a co-worker must make a written request to the Human Resources Manager who will confirm eligibility. The request must be approved by the General Manager.

The identity of donors will remain confidential.

Donations under the program are voluntary and no employee will be subject to intimidation or disparate treatment for participating in or declining to participate in the leave donation program. Misrepresenting or falsifying the need to receive donated leave under this program is grounds for discipline, including termination.

# Section V

# Benefits

## Benefits Overview

The District has developed a broad, comprehensive set of employee benefit programs to supplement your regular wages. Benefit eligibility may be dependent upon your employee classification (full-time versus part-time, for example) and on length of continuous employment at the District. Eligibility requirements may also be imposed by the plans themselves.

Upon becoming eligible for certain employee benefit plans, you will receive Summary Plan Descriptions which describe the benefits in greater detail. For information regarding employee benefits and to answer any questions you may have contact the Human Resources Manager.

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

The District offers the following employee benefits:

- Vacation
- Sick Leave
- Personal Business
- Holidays
- Medical Insurance
- Dental Insurance
- Vision Insurance
- Life Insurance
- Short and Long Term Disability Insurance
- 401(k) Retirement Plan
- 457 Deferred Compensation Plan
- Long Term Care
- Employee Assistance Program
- Educational Reimbursement

## Vacation

All regular full-time employees and regular part-time employees who work at a minimum of 30 hours per week are eligible for vacation pay subject to the conditions below.

Regular full-time employees will accrue vacation time as shown below. Regular part-time employees who work 30 hours per week or more will accrue vacation on a pro-rated basis. Part-time employees who work less than 30 hours per week shall not accrue vacation leave. Temporary employees are not eligible for vacation benefits.

Vacation accrual begins with the employees first day of service and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment.

Regular full-time employees are entitled to accrue:

Hours Accrued Per Completed Years of Employment:

<u>Bi-Weekly Pay Period</u>	<u>Employment</u>	<u>Annually</u>
3.08	0 - 5	80
4.62	6 -15	120
6.15	15+	160

### **Availability and Maximum Carry Over**

The District recognizes the value of rest and relaxation and encourages all employees to take all accrued vacation time earned during a calendar year. If an employee does not take all of the vacation earned, the unused hours will be carried over to the following year.

The District requires that an employee take a minimum of 50% of total annual hours accrued of vacation time each calendar year. Exceptions to this requirement must be approved by the General Manager. In the event that an employee has taken that amount of vacation during a calendar year and is still unable to reduce accrued hours to less than 160 hours on December 31 of said calendar year or less than 240 hours for employees hired on or after July 1, 1997, the District will pay the value of the excess hours computed at the employee's hourly pay rate in effect during the last payroll of the current year.

For employees hired before July 1, 1997, hours transferred from sick time will be added to vacation time after the normal refunds have been calculated as stated above.

Employees hired on or after July 1, 1997 will not be able to transfer sick time hours to vacation time.

Active service commences with an employee's first day of work and continues thereafter unless broken by an absence without pay, a leave of absence, or termination of employment.

Employees become eligible to take accrued vacation after six months of active service as work schedules permit. Employees cannot take vacation time during the introductory period unless approved by the Department Head. Vacation schedules must be coordinated and cleared with your supervisor.

The District schedules determine permissible vacation periods, which employees may need to defer or otherwise adjust accordingly.

An employee whose employment terminates will be paid for accrued unused vacation days on a pro rata basis. Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements. The employee's supervisor or Department Head will make final determinations and must approve your vacation schedule in advance.

### **Required Use of Vacation before Unpaid Leave**

If you are taking an unpaid leave of absence, there are circumstances where you may be required to use your accrued and unused vacation before taking unpaid leave or having unpaid absences. In other circumstances, you can choose to use vacation before taking unpaid leave or having unpaid absences, but it is not required. It will depend on the type of leave you are taking and/or federal and state leave requirements.

Please contact the Human Resources Manager to discuss coordination of your benefits.

## **Sick Leave**

Sick leave is a form of insurance that employees accumulate in order to minimize the economic hardships that may result from short-term illness or injury to employees or their immediate family. It is intended to be used only when actually required to recover from illness or injury; sick leave is not intended to be used in lieu of vacation. Time off for medical and dental appointments will be treated as sick leave.

### **Sick Pay Amount and Accrual for Regular Employees Who Are Full-Time or Part-Time Working at Least 30 Hours per Week**

The District offers paid sick leave to **regular full-time employees** at a rate of eight (8) hours per month. **Regular part-time employees** working less than forty (40) and a minimum of thirty (30) hours per week will accrue sick leave on a prorated basis. Unused sick leave hours carry over until they reach a cap of 960 hours, at which time they will be treated as set forth further below.

### **Sick Pay Amount and Accrual for Temporary and Part-Time Employees Working Less than 30 Hours per Week**

Temporary and part-time employees working less than 30 hours per week will be eligible for sick leave under the Healthy Workplaces/ Families Act at a rate of one hour of paid sick time for every 30 hours worked up to a maximum accrual of 48 hours of paid sick time.

Accrued, unused time under this policy will carry over each year up to a maximum of 48 hours per calendar year. Unused sick time is not paid out at the time of separation from employment. However, temporary or part-time employees working less than 30 hours per week who are re-employed with the Water District within one year of separation will have their accrued unused bank of sick leave made available to them upon re-hire.

### **Sick Leave Benefits Accrual and Pay-Out for Regular Employees Working Full-Time or Part-Time at least 30 Hours per Week**

#### Employees hired prior to July 1, 1997

On December 31 of any given year, any excess sick balance over 960 hours will be transferred to Vacation time. A formula of five percent (5%) times the number of complete years employed will be applied to the excess hours over 960 to determine the number of hours to be transferred. The maximum portion of the excess sick balance to be transferred will not exceed 100%. Hours transferred under the terms of this paragraph will be considered after regular vacation hours have been calculated.-

#### Employees hired on or after July 1, 1997:

On December 31 of any given year, any excess sick balance over 960 hours will not be transferred to vacation time but will be paid to the employee at 50% of the excess hours over 960.

### **Payment of Sick Leave upon Termination**

A portion of accumulated sick leave will be paid upon termination of employment.

A formula of five percent (5%) times the number of complete years employed will be applied to the hours accumulated. The maximum portion of accumulated sick leave to be paid will not exceed 100%.

### **Coordination of Sick Benefits**

During a period of time when an employee is disabled and collecting payment from Worker's Compensation, Disability or Paid Family Leave, if the employee has available sick time they can elect to pay the difference between the employee's regular straight time rate of pay and the amount paid to the employee by Worker's Compensation, Disability or Paid Family Leave.

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

### **Qualifying Reasons for Paid Sick Leave**

Paid sick time can be used for the following reasons:

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

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

- A child defined as a biological, foster or adopted child; a stepchild; or a legal ward, regardless of the age or dependency status of the child. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if they are not your legal child.
- A "parent" defined as a biological, foster or adoptive parent; a stepparent; or a legal guardian of an employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if they are not your legal parent.
- A spouse.
- A registered domestic partner.
- A grandparent.
- A grandchild.
- A sibling.

A notification from a doctor that you are able to return to work may be required for any absences due to illness or injury of longer than three (3) days. A doctor's note may be required if you are on written warning, or exhibiting a pattern of excessive use of Sick Leave.

Abusive or excessive use of sick leave may result in disciplinary action, up to and including termination.

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

### **Use of Paid Sick Leave**

If the need for paid sick leave is foreseeable, employees shall provide advance oral or written notification to their supervisor. If the need for paid sick leave is not foreseeable, you must contact your supervisor as soon as practicable. A phone call, email, or text message is acceptable providing you receive a response back from your supervisor acknowledging your absence. If your supervisor is unavailable, you should contact your Department Head or the Human Resources Manager. If you become sick during the day, you must notify your supervisor, or if unavailable, the Department Head or Human Resources Manager.

A Time off Request Form must be completed upon return to work, approved by the employee's Department Head and submitted to payroll for processing. Each department head is responsible for reporting sick leave taken by an employee under their supervision. Time cards are to be used by all non-exempt employees.

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

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

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will be paid up to a maximum of two hours per appointment. If you have accrued and unused paid sick leave, the additional absences from work will be paid with the use of paid sick leave. Appointments should be made at the beginning or end of the regular work shift.

### **Personal Business Leave**

The District recognizes that occasionally an employee is required to be away from work to take care of serious personal matters other than personal illness, and has therefore provided for limited time off with pay.

With the consent of the Department Head, an employee will be allowed up to eighteen (18) hours leave with pay each calendar year to take care of personal matters which cannot be handled during normal off duty hours.



Personal Business time will be charged against the Employee's Personal Business account. At the end of each calendar year, up to (18) hours will be transferred from sick to Personal Business to the extent the employee has such sick time. At no time will the Personal Business Account exceed 18 hours. This transfer from sick to Personal Business will only occur once a year.

Personal Business time off can be taken as minimal as fifteen minute increments.

All Personal Business will be paid out at 100% at the time of termination.

## Holidays

All regular full-time employees and regular part-time employees who work a minimum of 30 hours are eligible for holiday pay subject to the conditions below. Regular part-time employees who are scheduled to work less than 30 hours per week will be eligible for holiday hours on a pro-rated basis and their regular work schedule.

The District observes the following paid holidays:

New Year's Day	Thanksgiving Day
President's Day	The Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	The Employee's Birthday
Labor Day	Floating Holiday*
Veterans Day	

\*The Floating Holiday will be selected by the employee and approved by their Supervisor at least two weeks in advance of taking the day off. Floating Holidays must be used prior to the last day of the calendar year.

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

If a holiday occurs during vacation, an employee's vacation time will not be charged for that day.

To be eligible for holiday pay, you must be regularly scheduled to work on the day on which the holiday is observed and must work your regularly scheduled working days immediately preceding and immediately following the holiday, unless an absence on either day is approved in advance by your supervisor or the absence is otherwise protected by law. If you are a non-exempt employee, and are required to work on a paid scheduled holiday, the employee will be paid overtime wages at one and one-half times the employee's hourly rate. In addition, the employee will be entitled to compensation for the recognized holiday

When one of the District's holidays as outlined above, falls on a closed Friday, that holiday will then be used as an additional floating holiday for that calendar year.

A holiday schedule will be released at the beginning of each year observing all holidays and any additional floating holidays to be taken that calendar year.

## **Insurances**

The District has developed a broad, comprehensive set of employee benefit programs to supplement your regular wages as noted below.

### **State Disability (SDI)**

All employees are required to be covered by State Disability Insurance. This benefit is deducted each pay period from an employee's wages. This benefit is to protect employees who miss work due to a non-work related accident or illness. All employees are eligible.

The Supervisor or Department Head must inform the Human Resources Department of any employee who is absent from work due to illness for a period of seven calendar days or more.

A claim form can be retrieved from your doctor or any office of the Employment Development Department by telephone.

The employee may use accrued sick time during the seven-day waiting period.

The District will coordinate benefits, if available, to continue maximum wages to the employee while on disability leave.

### **Unemployment**

If your employment terminates, you may be eligible to receive unemployment insurance. To apply, an employee must file a claim with the Employment Development Department to determine eligibility to collect this benefit.

### **Health**

The District provides health insurance to all eligible employees through ACWA JPIA.

Regular full-time and regular part-time employees working thirty (30) hours or more per week and their dependents are eligible for group health insurance benefits. Eligibility begins the first of the month following thirty days of continuous employment with the District. The program offers hospital, medical and surgical benefits to the employee at a shared cost through payroll deductions.

### **Dental**

Regular full-time and regular part-time employees working thirty (30) hours or more per week and their dependents are covered by a group dental insurance plan. Eligibility for participation begins the first of the month following sixty days of continuous employment with the District. There is no cost to the employee for this benefit.

### **Vision**

Regular full-time and regular part-time employees working thirty (30) hours or more per week and their dependents are covered by a group vision insurance plan. Eligibility for participation begins the first of the month following sixty days of regular employment with the District. There is no cost to the employee for this benefit.

## **Eligible Dependents**

Eligible dependents for the above insurance plans are defined as set forth in the insurance enrollment materials.

For an eligible dependent to be eligible for coverages, a copy of a marriage license, State of California Declaration of Domestic Partnerships form (NP/SF DP-1), birth certificate, or other identifying paperwork will be required.

It is the employee's responsibility to notify the Human Resources Manager, in writing upon divorce, termination of Domestic Partnership, over-age dependent, or any event that changes the status of dependency.

A Summary Plan Description and information will be provided on these plans during the new employee orientation, and each year thereafter, during the open enrollment period, from the Human Resources Manager.

## **Life & Accidental Death & Dismemberment Insurance**

Regular full-time employees and regular part-time employees working thirty (30) hours or more per week are covered by a group life insurance plan. The life insurance benefit for employees is equal to two (2) times their annual salary up to a maximum of \$300,000. Eligibility begins the first of the month following sixty (60) days of continuous employment with the District.

In the event of accidental death, additional benefits are available in accordance with terms of the Accidental Death and Dismemberment Policy (AD&D).

It is the employee's responsibility to notify the Human Resources Manager, in writing, if there is a change such as name, address, beneficiary etc.

## **Short and Long Term Disability Insurance**

Upon completion of one year's continuous employment, regular full-time employees and regular part-time employees working thirty (30) hours or more per week are covered by a Short and Long Term Disability Insurance plan.

This policy provides for payment of a portion of regular wages in the event that an employee becomes sick or disabled for a period of over one month. There is no cost to the employee for this benefit.

## **Long Term Care Insurance**

Upon completion of one year's continuous employment, regular full-time employees and regular part-time employees working thirty (30) hours or more per week are covered by a Long Term Care Insurance plan.

This policy provides for payment in the event that an employee requires professional home health care or nursing home care due to a disability. There is a one year waiting period from the time the employee becomes disabled and provides for a benefit up to \$2,500 per month. There is no cost to the employee for this benefit. If an employee would like to voluntarily increase their monthly benefit at the low group rate, the employee can do so at their cost.

There is optional Long Term Care coverage available for the employee's eligible dependents. Premium for depend coverage is paid for by the employee.

Long Term Care Insurance can be continued even after the employee's termination of employment. Premiums would be paid for by the employee.

The District reserves the right and discretion to review, revise, or alter its insurance benefits including employee contributions, carriers, coverages and benefits provided.

THE ADOPTION AND CONTINUATION OF ANY OF THE INSURANCE PROGRAMS REFERRED TO IN THIS SECTION OF THE HANDBOOK ARE SUBJECT TO AND CONDITIONED UPON THE DISTRICT'S ABILITY TO SECURE AND MAINTAIN THE REQUIRED INSURANCE COVERAGE ON TERMS SATISFACTORY TO THE DISTRICT UNLESS MANDATED BY LAW.

## **Consolidated Omnibus Budget Reconciliation Act (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) was enacted to protect employees and their eligible family members by allowing them to continue their group health insurance under the employer's plan at affordable group rates. Employees are notified at hiring of their rights under this law and it is the employee's responsibility to notify the Human Resources Manager of any qualifying event within 60 days of the event.

## **Health Insurance Retirement Benefits (Retiree Medical Plan)**

The District will provide medical insurance coverage coordinated with the Federal Medicare Program, to eligible retired employees of the District. The benefit provided will be based on the retiree's date of hire and the applicable coverage tier. Employees are urged to contact the Human Resources Department for all available post retirement insurance programs and eligibility criteria.

### **Tier 1: Employees hired up to June 1, 2008**

All employees who are hired with the District through June 1, 2008, who elect to retire and who meet the eligibility requirements, will only be covered by such plan or plans as outlined below:

1. The District retains the discretion and option to cover employees who are hired as employees of the District through June 1, 2008, who elect to retire under any plan or plans thereafter selected by the District's staff and approved by the Board.
2. The District reserves the right and discretion to review, revise, or alter its Retiree Medical Plan including retiree contributions, carriers, coverage and benefits provided.
3. To be eligible the employee must be a) an active employee at the age of 55 and have b) been an active employee of the District for a minimum of ten (10) years of continuous employment.

4. The District and retiree will share in the premium cost of the Group Medical Plan insurance or Retiree Medical Plan insurance for the retiree and their spouse or registered domestic partner and eligible dependents. The shared cost will be consistent with the shared cost for active employees as approved by the Board.
5. During the period between age 55 and the Eligible Medicare Age the retiree and their spouse or domestic partner and eligible dependents will be provided medical coverage under the District's active employee Group Medical Plan.
6. At the Eligible Medicare Age, the retiree and their spouse or registered domestic partner will be provided medical insurance coverage that will be coordinated with the Federal Medicare Program. The retiree, spouse or registered domestic partner, will be required to obtain Medicare Parts A and B at their own expense. In this situation, Medicare will be primary and the health plan secondary. If the retiree, their spouse, or registered domestic partner is not eligible for Medicare, they will be responsible for paying the difference in premium when Medicare is not the primary coverage.
7. In the event a retiree's spouse, or registered domestic partner is younger, the spouse or registered domestic partner, may remain on the Group Medical Plan until they reach the Eligible Medicare Age. At the Eligible Medicare Age, they will be provided medical insurance coverage that will be coordinated with the Federal Medicare Program.
8. A surviving spouse or registered domestic partner of a retired employee or an active employee (who has met at least the minimum age and service requirement), may participate in the retiree health insurance program as long as the surviving spouse or registered domestic partner has not remarried.
9. An eligible spouse or registered domestic partner who is divorced from an eligible employee before the employee elects to participate in the retiree health insurance program will not be eligible to participate in the plan. A spouse or registered domestic partner who is divorced from an eligible employee after the employee elects to participate in the retiree health insurance plan may continue to participate in the plan only for the period mandated by COBRA-like events and only if the premiums are paid.
10. Only those spouses or registered domestic partners who are spouses or registered domestic partners of the retiree at the time of retirement will be covered. If a spouse or registered domestic partner dies after an employee's retirement and the retiree remarries, the new spouse or registered domestic partner will not be covered.

11. Participants in the Retiree Medical Plan that default on their portion of the premium payments will be terminated from the plan. They may continue to participate only for the period mandated by COBRA and only if the premiums are paid.
12. If a participant in the retiree insurance plan leaves the plan for any reason, including non-payment of their portion of the premium, they are ineligible to return.

**Tier 2: Employees hired after June 1, 2008**

All employees who are hired with the District after June 1, 2008, who elect to retire and who meet the eligibility requirements, will only be covered by such plan or plans as outlined below:

1. The District retains the discretion and option to cover employees who are hired as employees of the District after June 1, 2008, who elect to retire under any plan or plans thereafter selected by the District's staff and approved by the Board.
2. The District reserves the right and discretion to review, revise, or alter its Retiree Medical Plan including retiree contributions, carriers, coverage and benefits provided.
3. To be eligible the employee must be a) an active employee at the age of 60 and have b) been an active employee of the District for a minimum of twenty (20) years of continuous employment.
4. The District and retiree will share in the premium cost of the Group Medical Plan insurance or Retiree Medical Plan insurance for the retiree only. The shared cost will be consistent with the shared cost for active employees as approved by the Board.
5. During the period between 60 and the Eligible Medicare Age coverage will be provided to the retired employee under the active employee group plan until such time as the retiree reaches the Eligible Medicare Age.
6. At the Eligible Medicare Age, the retiree will be provided medical insurance coverage that will be coordinated with the Federal Medicare Program. The retired employee will be required to obtain Medicare Parts A and B at their own expense. In this situation, Medicare will be primary and the health plan secondary. If the retiree is not eligible for Medicare, they will be responsible for paying the difference in premium when Medicare is not the primary coverage.
7. When the employee retires, the District will discontinue paying medical premium costs for the employee's spouse, registered domestic partner, and eligible dependents.

8. The District will offer the retiree's spouse, registered domestic partner, and eligible dependents the option to continue participation in the Group Medical Plan pursuant to the provisions of COBRA. Continued coverage will be subject to the spouse, registered domestic partner, and eligible dependents paying, in full, all applicable medical premium costs associated with their individual coverage.
9. Participants in the Retiree Medical Plan that default on their portion of the premium payments will be terminated from the plan. They may continue to participate only for the period mandated by COBRA and only if the premiums are paid.
10. If a participant in the retiree insurance plan leaves the plan for any reason, including non-payment of their portion of the premium, they are ineligible to return.

### **Terminated Employees Not Eligible for Retiree Medical Plan**

Employees are ineligible to participate in the Retiree Medical Plan whose employment terminates for any reason other than retirement, including resignation or involuntary termination before enrolling in the retiree health insurance plan, the employee, their spouse, or registered domestic partner and their eligible dependents are ineligible to participate in the Retiree Medical Plan. The employee and their spouse or registered domestic partner and their eligible dependents can continue at the option of the employee pursuant to the provisions of the (COBRA). The District will not bear the cost of such coverage. Details concerning this provision can be obtained from the Human Resources Department.

Arrangements for payment in premium will be as agreed between the District and the employee and/or their spouse, and/or their registered domestic partner.

The District reserves the right and discretion to review, revise, or alter its Retiree Medical Plan including employee contributions, carriers, coverage and benefits provided.

## **Bereavement Leave**

The District grants leave of absence to employees in the event of the death of the employee's current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law, or grandparent-in-law.

An employee with such a death in the family may take up to 5 consecutive scheduled workdays off with pay with the approval of the District. The employee's supervisor may approve additional unpaid time off. The intent of this benefit is to allow you to make arrangements for and/or to attend the funeral.

Paid time off will not be charged against the employee's accumulated sick leave or vacation leave, but as bereavement leave.

## **Jury Duty Leave**

The District recognizes the importance of jury duty and encourages employees to take the opportunity when it arises to perform their civic duty.

Employees will receive full pay while serving jury duty up to two (2) pay periods in any calendar year. You should notify your supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received.

The District will pay the employee's regular straight time pay for jury duty. In no event shall such leave with pay, exceed two (2) pay periods in any calendar year. Jury duty leave in excess of two (2) pay periods may be taken as a personal leave of absence or paid vacation not to exceed four months.

If, during the two pay periods of jury duty, the employee is called upon by the District to work on a jury-duty day those working hours spent at the District will be paid by the District as overtime for non-exempt employees.

If the jury duty lasts longer than two pay periods and the employee has taken a personal leave of absence or paid vacation in order to complete his jury duty, any working time spent at the District on a jury-duty day, will be paid by the District as straight time.

Upon return to work you will be required to provide written verification from the court clerk of performance of jury service. If work time remains after any day of jury selection or jury duty, you will be expected to return to work for the remainder of your work schedule.

### **Fees Paid by the Court**

As a public employee, a waiver should be signed to avoid payment by the court. You may retain any mileage allowance

## **Time Off for Voting**

The District encourages employees to vote in official state and national sanctioned elections.

If you do not have sufficient time outside of working hours to vote in an official statewide election, you may take off enough working time to vote, including up to two hours off without loss of pay. This time should be taken at the beginning or the end of the regular working shift, whichever allows for more free time for voting and the least time off work. When possible, an employee requesting time off to vote shall give their supervisor at least two working days' notice.

The District may require employees to provide documentation to support their claim that they do not have sufficient time to vote outside of working hours.

## **Workers' Compensation**

The District provides a comprehensive workers' compensation insurance program at no cost to



the employees. All employees are covered by workers' compensation insurance for injuries or disability resulting from work-related injury. The workers' compensation benefits provided to injured employees may include medical, surgical and hospital treatment in addition to payment for loss of earnings and assistance to help qualified injured employees return to suitable employment.

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

- **Immediately** report any work-related injury to your supervisor;
- Seek medical treatment and follow-up care if required;
- Complete a written *Employee's Claim for Workers' Compensation Benefits* (DWC Form1) and return it to the Human Resources Manager; and
- Provide the District with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

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

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

The District has set up a "Return to Work" program to assist in the recovery process for an injured worker. It is the District's intent to work with the employee, carrier and medical providers to assure a productive work schedule at no additional risk to the employee's health whenever possible.

Employees needing follow-up medical appointments will be charged the time off from their accumulated sick leave after two hours per appointment.

Any medical appointments that cannot be scheduled after work hours will be paid up to two hours per appointment. Appointments should be made at the beginning or end of the regular work shift. Travel expenses to and from the treating physician will be reimbursed through the Workers Compensation Carrier.

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

## **Workers' Compensation and FMLA/CFRA**

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month period from the date leave is first taken.

## **External Employee Education**

The District encourages its employees to achieve their greatest potential through formal education in industry-related course work. Accordingly, policies for tuition reimbursement of education expenses are outlined below:

- All regular full-time employees of the District who have been employed by the District for six (6) consecutive months are eligible for education and training reimbursement. Incentive pay for obtaining college and university degrees and approved professional and/or occupational certificates is also available to these employees.
- El Toro Water District will reimburse for biennial re-certification of state, federal or county recognized certificate and registration programs.
- If a Certification/License exam is scheduled for a non-work day, the District will pay up to 4 hours straight time on the day of the exam. These hours will not count toward calculating overtime for the balance of the work-week. The District will allow up to 4 hours paid time off for a recognized certification exam scheduled for a work-day.
- The District will not pay for mileage to and from classes and will not recognize class time as hours worked for pay purposes.
- Only education and training completed on an employee's personal time is eligible for reimbursement and incentive pay under this policy. Certifications and/or degrees completed by attending classes or training during paid working hours are not eligible for reimbursement and/or incentive pay under this policy.

## **Education and Training Tuition Reimbursement**

- Requests for tuition reimbursement for classes taken above the Bachelor's degree level require special approval by the General Manager. Such requests will be subject to a more extensive process, including a costs/benefits analysis to determine the value to the District of the proposed courses or degree program. Educational reimbursement and incentive pay for the General Manager requires approval of the Board of Directors. Reimbursement for tuition and registration costs will be based on the California State University fee schedule. If an employee chooses to attend an accredited institution whose tuition is higher than the state university system, the employee will be required to pay the difference between the two.
- Eligible employees of the District must complete an Education Reimbursement Request Form, (available in the Human Resources Department) and receive approval prior to

enrollment in the classes. On this form, the employee will outline the curriculum and projected costs that will be involved. The application must be approved by the employee's Department Head and the General Manager. The original application will be kept in the employee's personnel file.

- Once the employee has completed the course with a passing grade of "C" or better, "Pass" or the equivalent, the District will reimburse the tuition costs. Reimbursement for the cost of supplies used in a course of study may be made if the District deems that the supplies are useful to the District and if such supplies are donated to the District. Maximum reimbursement for tuition and registration costs will be based on state university fees.
- For employees participating in an approved Master's Program, the employee must complete the course with a passing grade of "B" or better to receive reimbursement for tuition, supplies, and registration costs.
- Reimbursement for the cost of books used in the course may be made if the District does not already have that set of books and if the employee donates the books to the District's office library.
- Official grades and receipts will be submitted to the Human Resources Department. Upon verification that the courses and expenses were previously approved, Human Resources will submit a check request for reimbursement of fees to the employee.
- If an employee is eligible for Veteran's benefits, and such benefits are less than the total cost of tuition and registration fees, the District will pay the difference required for the total reimbursement.

All funds received by an employee under this program within a twelve-month period prior to the date of voluntary termination of employment with the District shall be repaid by the employee.

### **Occupational Certification Program/University and College Degrees Incentives**

District employees obtaining an Occupational Certificate/degree through an accredited program shall be eligible to receive an incentive payment, less applicable taxes, in the amount set forth below, provided the Occupational Certificate/degree exceeds the minimum job requirements of the employee's position. The Occupational Certificate/degree must be job related, and/or provide a direct benefit to the District.

In no case shall an employee receive an incentive payment for obtaining more than one Associates, Bachelors or Master's Degree unless the employee completes an additional 24 college level semester units towards the additional degree while being employed at the District.

<u>Degree/Certificate</u>	<u>Net Award</u>
Occupational Certificate	\$250.00
AA*	\$400.00
BA/BS	\$500.00
	\$750.00

Masters

\$1,000.00

- \* In no case shall the District compensate an employee by more than \$750 for obtaining an Associates (AA) Degree and an Occupational Certificate, provided the college units of the Occupational Program Certificate are used to obtain an Associates (AA) Degree.

### **Certificate/License Incentives**

District employees shall be eligible to receive an incentive cash payment in the amount of \$250 for obtaining each Certificate/License, provided the Certificate/License exceeds the minimum job requirement established for the employee's position. Some examples of Certificates/Licenses that may be compensated for upon approval of the employee's Department Head and the General Manager are listed below.

- Collection System Maintenance – California Water Environment Association
- Wastewater Treatment Plant Operator – State Water Resources Control Board
- Water Treatment Operator – State Water Resources Control Board
- Water Distribution Operator – State Water Resources Control Board
- Backflow Prevention Device Tester – County of Orange
- Other Certificates/Licenses/Awards approved by the General Manager on a case-by-case basis upon the recommendation of the Department Head.

The District shall compensate the employee for the initial fee for the Certification/License and renewal but will not compensate the employee for any penalties for renewal or provide an incentive payment to employees required to pass an examination for Certification/License renewal. Any employee who is permitted to and successfully passes a higher grade Certification/License test by skipping a lower grade will be compensated for the grade(s) skipped as well as the grade achieved.

Employees are responsible for submitting proof of Degree or Certification/License to the Human Resources Department with a copy to their immediate supervisor. The Human Resources Department will review the Degree or Certificate/License to ensure compliance with this policy. If the Degree or Certificate/License does comply with this policy, a check request for Incentive Disbursement will be completed by the Human Resources Department and approved by the General Manager. The incentive check will be presented to the employee by the Board of Directors.

The cash incentive payment, less applicable taxes, will be made payable to the employee. The amount of the award and tax deducted will be included on the W-2 form issued to the employee.

### **Seminars, Conferences, Lectures and Meetings**

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of the District or the individual employees. Attendance at such activities, whether required by the District or requested by individual

employees, requires the written approval of your supervisor and the department head. To obtain approval, any employee wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and the nature, purpose, and justification for attendance.

Attendance at any such event is subject to the following policies on reimbursement and compensation. For attendance at events required or authorized by the District, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Acceptable expenses generally include registration fees, materials, meals, transportation, and parking. Reimbursement policies regarding these expenses should be discussed with your supervisor or the Human Resources Manager in advance.

Employee attendance at authorized outside activities will be considered hours worked for non-exempt employees and will be compensated in accordance with normal payroll practices.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions generally may lead to improved job performance. While the District generally encourages all employees to improve their knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained as described previously.

## **Employee Assistance Program**

The employees of El Toro Water District are the District's most important asset. It is through their skill and efforts that ETWD continues to develop and retain its high quality performance. For this reason, the District takes special interest in the employees' health and well-being, both on the job and in their personal life.

The purpose of an **Employee Assistance Program** is to provide employees of the District with a professional problem solving service whereby any employee can work with a trained counselor to solve personal and/or job-related problems. The program's sole purpose is to support the employee in those difficult areas of their life which surface to adversely affect their work performance.

Employees may request assistance for all kinds of personal problems through the Employee Assistance Program. The Program provides three (3) visits every six (6) months at no cost to the employee. Should an employee be referred to another provider for additional counseling visits, some costs may be incurred. The EAP provider will refer employees to the most appropriate type of service at the most reasonable cost.

The EAP program is absolutely confidential. No information concerning any program will be released to anyone without the employee's written consent. The employer is not advised of any participation by employee.

Participation in the EAP will not affect future employment or career advancement, nor will participation protect an employee from disciplinary action for continued substandard job performance or rule infractions.

All employees of the El Toro Water District and their immediate family members, are eligible to request services from the District contracted Employee Assistance Provider. Eligibility will begin the first of the month following an employee's hire date. Immediate family members are defined as family members living in the same household as the employee.

El Toro Water District will pay the premium cost of this Employee Assistance Program benefit.

The following list is a sampling of the kinds of problems employees may wish to request help with:

- Crisis Intervention
- Marriage, Family and Relationship Counseling
- Addiction: alcohol, drugs, gambling
- Depression, anxiety and emotional concern
- Co-Dependence
- Work Issues or Vocation
- Financial or Legal Referrals
- Housing
- Parenting
- Lifestyle
- Grief and Loss
- Stress
- Adult Child of Alcoholic Parents
- Daycare
- Retirement
- Eating Disorder

Information will be provided to each employee by the Human Resources Department regarding the District's current EAP Provider. Periodic "Brown-bag" seminars will be held at District facilities to provide information on a variety of topics pertinent to employee health and well-being.

The Employee Assistance Program may also be utilized by the District in conjunction with the progressive discipline process established. In these instances, the employee may be required to seek the help of the EAP to solve the problems which may be related to poor job performance.

## **Lactation Policy**

The District recognizes lactating employees' rights to request lactation accommodation, and accommodates lactating employees by providing a reasonable amount of break time and a suitable lactation location to any employee who desires to express breast milk for their infant child, subject to any exemption allowed under applicable law.

If possible, the break time should run concurrently with your normally scheduled break time. Any break time to express breast milk that does not run concurrently with your normally scheduled break time is unpaid.

The lactation location will be private (shielded from view and free from intrusion from co-workers and the public) and located close to your work area. The location will be safe, clean and free of toxic or hazardous materials; have a surface to place a breast pump and other personal items;

have a place to sit; and have access to electricity or alternative devices (including, but not limited to extension cords or charging stations) needed to operate an electric or battery-powered breast pump. The District will also provide access to a sink with running water and a refrigerator suitable for storing milk in close proximity to your workspace. If a refrigerator cannot be provided, The District will provide another cooling device suitable for storing milk, such as an employer-provided cooler. The lactation location will not be a bathroom or restroom. The room or location may include an employee's private office if it otherwise meets the requirements of the lactation space. Multi-purpose rooms may be used as lactation space if they satisfy the requirements for space; however, use of the room for lactation takes priority over other uses for the time it is in use for lactation purposes.

Employees who desire lactation accommodations should contact the Human Resources Manager to request accommodations.

An employee's request may be provided orally, by email, or in writing, and need not be submitted on a specific form. The District will engage in an interactive process with the employee to determine when and where lactation breaks will occur. If the District cannot provide break time or a location that complies with this policy, the District will provide a written response to the employee's request.

The District will not tolerate discrimination or retaliation against employees who exercise their rights to lactation accommodation, including those who request time to express milk at work and/or who lodge a complaint related to the right to lactation accommodation. If the employee believes they have been denied reasonable break time or adequate space to express milk, or have been otherwise been denied their rights related to lactation accommodation, the employee has the right to file a complaint with the Labor Commissioner.

# Section VI

## Management /

### Employee Relations



## **Open-Door Policy**

Suggestions for improving El Toro Water District are always welcome. At some time, you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your complaints, questions, and suggestions also are of concern to the District.

If you have a complaint, suggestion or question, speak with your immediate supervisors as soon as possible. If you are not comfortable speaking to your immediate supervisor, please bring the issue to the Human Resources Manager or any other member of management.

Moreover, if you have raised the issue and if the problem persists, you may present it to the Human Resources Manager, who will investigate and provide a solution or explanation.

If the problem is not resolved, you may also present the problem to the General Manager, who will attempt to reach a final resolution.

While a written complaint will assist us in investigating your concerns, it is not required that you put your complaint in writing. If you need assistance with your complaint, or you prefer to make a complaint in person, contact human resources.

This procedure, which we believe is important for both you and the Company, cannot guarantee that every problem will be resolved to your satisfaction. However, the District values your observations and you should feel free to raise issues of concern without the fear of retaliation.

## **Personnel Records**

Employee files are confidential and shall be treated as such. You have a right to inspect or receive a copy of the personnel records that the District maintains relating to your performance or to any grievance concerning you. Certain documents may be excluded or redacted from your personnel file by law, and there are legal limitations on the number of requests that can be made.

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

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

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

If you request a copy of the contents of your file, you will be charged the actual cost of copying. Disclosure of personnel information to outside sources, other than your designated representative, will be limited. However, the District will cooperate with request from authorized

law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

## **Changing Your Employee Information**

Your current address and phone number and other employee information are essential for many purposes. Those changes should be noted in writing or via email as soon as possible. You are solely responsible to notify the human resources department of changes in your personal status including, but not limited to:

- Name and/or marital status
- Address and telephone number
- Number of eligible family members (such as changes due to marriage, divorce, birth, adoption, death, or when a dependent child reaches the age of 26)
- Tax payroll deductions
- Emergency contact information

When you make any changes that affect the amount of money deducted from your paycheck, it is your responsibility to give a copy of the paperwork to the payroll department so that changes can be made to your paycheck.

## **Change in Employee Status**

### **Promotions/Transfers**

When job openings occur, an application may be accepted from present staff to consider the employees skills to perform the work required. At the sole discretion of the District, external applications may also be sought and accepted to fill the job opening.

Promotions will be based upon merit, qualifications, competency, professional experience, general conduct of the employee and other considerations that are deemed appropriate for such promotion.

Promoted employees will be paid a salary of at least the minimum of the salary range for the new position. Promotions involving any salary increase above the minimum of the salary rate range for the new position will be determined and based on the scope and volume of the increased duties and responsibilities the employee assumes. In the event that the change of job title or position does not involve a change in salary grade, but does require the assumption of additional responsibilities, the employee may be considered for a salary increase. Any salary increase must be approved by the General Manager. Employees that receive a salary increase at the time of a promotion will not typically be eligible for any further increase at the end of the introductory evaluation period.

## Compensation Plan

The foundation for the District’s compensation is based on pay for performance. Employees earn their compensation.

Factors considered in establishing the base salary for newly hired employees include education, previous work experience, position, grade level and other relevant factors.

Adjustments to the base salary for existing employees generally occur as a result of a performance evaluation, a promotion, a significant increase or decrease in job responsibilities, business circumstances and/or other relevant factors.

Merit increases, if any, are earned based on performance and in accord with current business circumstances of the District. There are no automatic salary increases. It is the District’s objective to adjust a salary level that best represents performance level and responsibilities in accord with current business circumstances. Merit increases are subject to the terms of the District’s Performance Based Compensation Pool Program.

## Performance Based Compensation Pool Program

### Budget Process

The Performance Based Compensation Pool Program (Program) rewards employees with salary merit increases directly tied to the employee’s score on their annual performance evaluation. The Program budget is developed annually as part of the District’s Operating Budget. Each year, during the development of the annual operating budget, staff presents a labor budget to the Board of Directors for approval. The labor budget defines and includes a budget for the Performance Based Compensation Pool Program. The Program budget includes both a merit component and a cost of living component based on the Consumer Price Index (CPI).

Merit Component	The merit percentage component of the labor budget proposal is equivalent to 3% of the total of the employees’ salaries.
CPI Component	The CPI percentage component of the labor budget proposal is based on the “CPI for Urban Wage and Clerical Workers (CPI-W)” for the Los Angeles-Long Beach-Anaheim area published by the Bureau of Labor Statistics. The CPI component incorporates the annual average of the CPI for the previous calendar year published in January. The CPI component of the labor budget is determined by multiplying the CPI percentage by the total of the employees’ salaries.

This sum of the Merit and CPI components represents the total of the Program budget. No employee is guaranteed any salary increase. The total Program budget will be allocated based on the performance evaluation score of each employee.

## Merit Pool Allocation

Following the completion of the annual performance evaluations near the end of the calendar year, staff will perform an allocation of the budgeted merit pool. Employees that receive a performance evaluation score with a calculated average score that is less than the value of the “Meets Expectations” score will not be eligible for a merit increase.

The range of salary increase percentages for eligible employees will be subject to a minimum and maximum. Exceptions to these limits must be approved by the General Manager.

Minimum Merit Salary Increase	The minimum merit increase percentage for eligible employees will be equivalent to the CPI percentage component of the merit pool.
Maximum Merit Salary Increase	The maximum merit increase percentage will be equivalent to the sum of the CPI percentage component and a merit component of 6%.

An allocation table will be prepared for approval by the General Manager that applies the performance evaluation scores to the range of salary increase percentages producing the salary increase amount for each employee. The allocation table shall demonstrate that the total sum of salary increases remains within the Program budget. Salary adjustments incorporating merit increases will be implemented in January of each calendar year.

## Top of Range

Merit increases shall not result in salaries that exceed the top of any defined salary range. Following the calculation of adjusted salaries, inclusive of merit increases, those salaries that exceed the defined salary range will be reduced to the top of the salary range and the remaining amount of the calculated merit increase provided as a lump sum Top of Range Award.

## Performance Evaluations

The District believes that regular performance evaluations provide the best method in assisting an employee to improve themselves and their job performance. Supervisors are strongly encouraged to discuss job performance and goals with employees on an informal basis throughout the year. Formal performance evaluations, using the District’s standard Performance Evaluation Form, are conducted to provide both management and employees the opportunity to discuss job tasks, identify and improve areas of weakness, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. Evaluating and improving performance are two main objectives of the performance management system.

Performance Evaluations also give the District an opportunity to recognize an employee’s efforts and accomplishments. During the evaluation meeting, the employee will have an opportunity to discuss their job performance with their supervisor.

All employees entering full-time or part-time employment including promotions and transfers, with the District will be subject to an introductory evaluation period of up to six (6) months. An extension of the evaluation period may be needed at the discretion of the District. This period is used to evaluate an employee's capabilities, work habits, and overall performance. Any employment relationship can be terminated at will by the employee or the District at any time, including during or after the evaluation period with or without cause or advance notice. Newly hired employees may be considered for a compensation adjustment upon the successful completion of the introductory evaluation period. Any compensation adjustment must be approved by the General Manager. Promoted employees that received a salary increase at the time of the promotion are not typically eligible for a compensation adjustment upon the completion of the evaluation period.

An employee's first performance evaluation will take place after the employee completes the introductory evaluation period. Subsequent performance evaluations will be conducted at the end of each calendar year for all District employees. The frequency of performance evaluations is typically annual but may vary depending upon length of service, job position, past performance, changes in job duties, or recurring performance problems.

Performance evaluations will be based on the District's standard Performance Evaluation Form and may review factors such as the quality and quantity of work, knowledge of the job, initiative, work attitude, and attitude toward others. Each review factor will be rated on a scale from Unsatisfactory to Outstanding. The definition of the review factors and the rating scale is located on the Performance Evaluation Form. The District uses a multi-tiered management approval process once the Performance Evaluation Form has been completed by the department supervisor to ensure equity.

The Performance Evaluation Form may be revised from time to time with the approval of the General Manager. The performance evaluations are intended to make employees aware of their progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases and promotions are solely within the discretion of the District and depend upon many factors in addition to performance. After the evaluation, the employee will be requested to sign the evaluation form simply to acknowledge that it has been presented to the employee, that the employee has discussed it with their supervisor, and that the employee is aware of its contents.

## **Salary Review Schedules and Range Adjustments**

The District is committed to maintaining compensation rates that are competitive within the same industry. Each job position within the District has been placed either individually or in groups with similar positions within salary grades. Minimum and maximum salary ranges have been established for each salary grade.

The management staff will annually review the salary ranges each year for market competitiveness and bring any recommended adjustments to the Board for their consideration before the end of each year. Changes in the placement of individual positions within salary grades require the approval of the General Manager.

Following approval of the annual operating budget the maximum and minimum salaries for each salary grade will be increased on approximately July 1<sup>st</sup> by the CPI percentage approved as part

of the labor budget. The adjustment of the salary ranges will not result in salary increases unless an employee falls below the minimum of the adjusted salary range at which point the employee's salary will be adjusted to the minimum of the salary range of the position.

## **Employee Grievances or Concerns**

The District encourages employees that may be experiencing work performance problems, employee-supervisory concerns, peer disturbances or other concerns to bring them to the attention of your respective supervisor or to the Manager of Human Resources.

## **Corrective Process**

The District recognizes the importance of all employees performing to the best of their abilities at all times. The Corrective Action Process is intended to give employees, advance notice, whenever possible, of concerns with their conduct or performance in order to provide an opportunity to correct such concerns when able to do so. The District may choose to utilize the corrective actions set forth below. This system of corrective action is not formal and the District may, in its sole discretion, utilize whatever form of corrective action it deems appropriate under the circumstances, up to, and including, immediate termination of employment. The District's decision to invoke any correction action in any particular case in no way limits or alters the at-will employment relationship.

- A. Oral or written warnings - The corrective process may take the form of an informal discussion. If the problem persists, a written corrective may then be issued confirming you have been made aware of any problem, that an interview has taken place and that you understand what must take place for satisfactory resolution.
- B. Suspension - an involuntary leave without pay.
- C. Demotion - reduction from a position in one class to a position in another class having a lower salary range. (Demotions resulting from organizational changes and layoffs are not considered disciplinary measures.
- D. Termination - discharge from service with the District.

As indicated in the Standards of Conduct section of this handbook, certain instances of gross misconduct could lead to immediate termination.

## **Employee Property**

An employee's personal property, including but not limited to lockers, packages, purses, and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of the District property, possession of dangerous weapons or firearms, or abuse of the District's drug and alcohol policy.

Neither the District nor its insurance carriers take any liability for your personal belongings. You

are encouraged to secure personal belongings to the best of your ability.

## **Fitness-For-Duty & Return-To-Work Evaluations**

The purpose of this policy is to determine an employee's ability to safely perform the essential job tasks of the employee's job with or without reasonable accommodation. This policy is not designed or intended to supersede employer requirements under any state or federal law or regulation and will be utilized in accordance with the law.

### **General Guidelines**

Each employee is responsible for maintaining their health in such a way that the employee can perform the essential functions of their job with or without reasonable accommodations. If a manager has reason to question the ability of an employee to perform the essential job functions, a Fitness for-Duty or Return-to- Work Evaluation may be requested.

- To determine the appropriateness of a Fitness-for-Duty or Return-to-Work Evaluation request, management must consult and receive approval from the General Manager.
- Time required by the employee to complete the Fitness-for-Duty / Return-to Work Evaluation is considered work time and may require an administrative leave. Time off for prescribed treatment (after the evaluation), mandatory or otherwise, will be charged to accrued sick leave and/or compensatory time.
- Results of the evaluation will be maintained confidentially and separate from the employee's personnel record.
- If a Fitness-for-Duty / Return-to-Work evaluation is necessary, the employee will be required to be examined by a treating, personal physician or specialist selected by the JPIA.
- Failure to attend a Fitness-for-Duty or Return-to-Work Evaluation may lead to disciplinary action, up to and including, termination.

### **Request for Reasonable Accommodation**

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result. Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact the Human Resources Manager, and discuss the need for an accommodation. The District will engage in an interactive process with the employee to identify possible accommodations, if any that will help the applicant or employee perform the job.

## **Expenses & Expense Accounts**

The District reimburses employees for approved business expenses Employees who have incurred business expenses must submit required receipts and the Expense Reimbursement

Form to accounting each month.

### **Purpose**

1. To advance training and professionalism, the El Toro Water District (District) encourages and authorizes attendance at various schools, seminars and conferences by its employees. Employees may also be required to travel both in and outside the state to conduct official District business. The purpose of this travel and expense policy is to furnish rules, guidelines, and procedures for governing reimbursement for travel expenses, and to establish certain procedures concerning travel authorization, documentation, and accounting. The District's objectives are to allow travel arrangements, and activities for its employees that conserve District funds and that have a significant and meaningful link to the purposes, policies, and interests of the District.
2. "Travel" shall mean attendance at meetings, conferences, or other functions on District business at other than the employee's headquarters. Employees shall not be in travel status to the extent that they travel to perform job assignments related to District facilities within designated service or maintenance areas unless it is overnight.

### **Authorization for Travel**

Employees if authorized by their supervisors may travel anywhere within Orange County to carry out their assignments.

Other travel on District business by employees shall be undertaken only with the prior approval of the General Manager, or the Assistant General Manager.

### **Travel Arrangements**

To ensure the accuracy of travel arrangements and compliance with district policy, all employees will be required to complete all the appropriate travel forms. The forms will then be submitted to the Board Secretary or designee for processing.

Employees traveling on District business may make all travel arrangements and registrations through the Board Secretary or designee. All such payment and registration requests must be submitted in a timely manner to allow sufficient time for normal processing.

### **Policy**

1. Employees are expected to exercise good judgment and a proper regard for economy in incurring expenses.
2. When required, the district will prepay airfares, lodging costs and conference registration fees. All such payment requests must allow sufficient time for normal processing and approval prior to payment.



3. When traveling on official District business, employees are encouraged to utilize their personal credit cards and/or cash for all expenses, and then to request reimbursement for such expense. However, in circumstances where the use of such credit cards and/or cash is deemed impractical, and where the total expense is expected to exceed fifty (\$50.00), the District may provide an advance of funds. Such advance shall not exceed one hundred percent (100%) for the total estimated expense.
4. Within ten (10) working days after completion of a trip, a travel expense report should be submitted to the Board Secretary or designee.
5. Paid receipts for lodging, rail or airfares and conference registration fees are required if such expenses have been incurred. All other receipts received in the normal course of business shall also be attached.
6. There is no objection to an employee's spouse and/or other family member accompanying them on an official trip, provided that their presence does not detract from the employee's performance of duty. However, the District will not reimburse any expenses attributable to any companion.
7. In any situation where extraordinary travel expenses are expected to be incurred, or where this Policy does not adequately cover the situation or would result in an undue hardship, exceptions may be made with prior approval.
8. An employee may use any mode of transportation, designated or approved, including airline, railroad, bus or automobile. Reimbursement will be based on the following paragraphs.
  - A. Travel shall be by the most direct route. If an indirect route is used, the additional costs shall be at the employee's personal expense. Whenever air travel is used, an advance travel request shall be submitted to the Board Secretary or designee in order to obtain the lowest possible fare.
  - B. Air travel reimbursement shall be limited to economy fares including all applicable fee charges and taxes where such service is available. Travel to and from airports shall be by the most cost effective method.
  - C. Reimbursement for the use of private cars, except those receiving a car allowance, shall be at the rate as established by the Internal Revenue Services (IRS). Mileage reimbursement shall be limited to the economy fare for air travel. Parking charges at the destination will be reimbursed in accordance with the provisions of this policy.
  - D. Reimbursement for the use of rental cars will be allowed only when such use has been approved in advance. Maximum reimbursement for car rental will be for a full-size car.

- E. Travel in District vehicles may be approved when circumstances warrant it. When traveling in a District vehicle, receipts shall be secured for the purchase of gas, oil, and other supplies necessary in-route. These amounts shall be shown on the expense report with a notation that a District vehicle was used, indicating the District unit number, the license plate number and make of the vehicle. The amount of the charge shall be typed opposite the transportation category.

If emergency repairs are necessary, they shall be paid for by the person to whom the car is assigned. All receipts for such payments must be furnished in order to obtain reimbursement.

- F. It is expected that hotel and motel reservations will be made in advance whenever possible, and that lodging will be secured at rates considered reasonable for the particular destination. "Government rates" or "commercial rates" shall be requested at hotels and motels offering these discounts.
- G. Reimbursement for lodging shall be limited to the minimum number of nights required to conduct the assigned District business. If an employee chooses to arrive earlier or stay later, the additional lodging and other expenses related to this decision will be the employee's personal expense.
- H. Generally, an employee shall not use lodging unless the destination is a 75-mile or more drive from the District's Administration Office or unless there is a very early or late official meeting that could justify the employee staying overnight at the destination.
- I. Any room service charges appearing on the hotel bill shall be deducted from the bill and reimbursed in accordance with the provisions of this policy.
- J. Local and long distance telephone and computer access charges will be reimbursed when such charges are incurred in conducting official District business or making essential personal calls such as a "safe arrival call." Charges will be shown on a separate line of the travel expense report and shall, therefore, be deducted from the hotel bill.
- K. When meals are associated with employee travel the following policies and procedures will apply:

- i. Maximum allowance to cover meals, including meal tips, will be provided as follows:

Breakfast	\$15.00
Lunch	\$20.00
Dinner	\$30.00

Under certain meeting or conference circumstances the maximum meal allowance may not be sufficient. In such cases, the General Manager has the authority to

review and, if deemed appropriate, may approve the expenditure. Under similar instances involving the General Manager, the President of the Board of Directors shall review, and if deemed appropriate, may approve the expenditure.

- ii. No reimbursement shall be made for meals, other than during travel, without prior approval.
  - iii. No reimbursement shall be made for alcohol at any time.
  - iv. For travel that requires less than a full day, and for the day of departure and day of return on longer trips, the above amounts will be allowed for the meals actually required. All meal allowances shall be entered on the appropriate lines of the Travel Expense Report, with receipt(s) attached.
  - v. When conference, seminar or school registration fees include one or more meals, or where individual meals are otherwise provided, no amount shall be entered for this meal on the travel expense form.
  - vi. Paid itemized receipts for meals, in addition to any credit card receipts, are required if meal expenses have been incurred.
- L. At times when other expenses associated with travel are required, employees will be reimbursed for all business expenses necessary to conduct the assigned District business. Examples include, but not limited to the following:
- i. Airport parking charges when air travel is used.
  - ii. Parking charges at the destination hotel or garage when transportation is by private or rental car.
  - iii. Airport bus/shuttle, or taxi fares where free airport bus/shuttle service is not available.
  - iv. Conference, seminar or school registration fees.
  - v. Local transportation (only as required for official District business).
  - vi. A reasonable amount will be allowed for baggage handling, laundry and dry cleaning for employees attending a conference or school of more than one week in length. All receipts for such expense must be submitted with the travel expense report.
  - vii. No reimbursement will be made for personal expenses such as newspapers, magazines, haircuts, shoeshines, excessive personal telephone calls, taxi fares to and from restaurants, and other personal expenses.

### **Safety Shoes**

- A. The District requires all of its field employees to wear steel-toed safety shoes. A new employee is required to have at least one serviceable pair of such shoes on the first day of work. The District will either pay the shoe store directly or reimburse an employee for the actual cost of such safety shoes, not to exceed \$200.00. Proof of Purchase will be required before reimbursement can be made.
- B. Each twelve-month period thereafter, the District will either pay the shoe store directly or reimburse an employee for the actual cost of purchasing or maintaining said steel-toed safety shoes, not to exceed \$200.00. These allowances are not cumulative.
- C. At the discretion of the employee's Department Head, repairs to an existing pair of boots or purchase of a second pair of boots may be authorized during the fiscal year at a cost not to exceed \$200.00. Proof of repair or purchase is required before reimbursement can be made.

### **Meal Allowance**

If an employee is required to work beyond his regularly scheduled shift and through a commonly, recognized mealtime, the employee shall be entitled to a meal at the District's expense. Amounts are to be paid from petty cash funds upon receipt of proof of purchase.

### **Transportation**

In certain instances, where employees are required to frequently utilize private vehicles on approved District business, a regular monthly allowance may be paid for this purpose. The amount of this monthly allowance is set by the Board of Directors. Employees covered by this provision will be notified individually of the amount to be assigned. Said employees will not be paid an additional amount on a per mile basis.

### **Mileage Allowance**

- A. Certain employees are required to take a District vehicle home at the close of work for use in returning to District work sites in the event of an emergency and are required to return such vehicle to the District duty site at the next commencement of work. Use of said vehicle shall be limited to business purposes only. No personal use of same is permitted.
- B. Employees who drive their personal vehicles on approved District business shall be reimbursed at the rate prescribed by the Internal Revenue Service's standards, as adjusted from time to time. Business use of personal vehicles

shall be approved in advance by the employee's supervisor. Employees receiving a monthly vehicle allowance pursuant to Paragraph III above will not be eligible for such reimbursement.

### **Uniforms and Safety Equipment**

- A. Uniforms and safety equipment will be provided and maintained by the District to all field and plant personnel. Field and plant personnel are required to be attired in the prescribed uniform during their working hours.
- B. Uniforms, tools, keys and I.D. cards issued to the employee by the District must be returned to the District prior to or at the time of departure from employment with ETWD.

### **Personal Cell Phone Allowance**

Employees whose job duties include the frequent need for a cell phone, and who have not been issued a District cell phone, may receive extra compensation, in the form of a cell phone allowance, to cover business-related costs on their personal cell phone. No further reimbursement for cell phone costs is available to employees who receive such an allowance.

- A. Employees eligible for a cell phone allowance generally include employees whose job assignment regularly requires emergency call back, irregular work hours or other job related factors that require the employee to routinely utilize a cell phone to enhance their ability to perform their job duties. The General Manager shall give final approval on all cell phone allowances.
- B. The standard monthly cell phone allowance amount shall be \$60.00 per month for a smartphone and \$40.00 per month for a phone without data. No further reimbursement for cell phone costs is available to employees who receive an allowance.
- C. The approved cell phone allowance will be paid on the first check of the month as part of the employee's paycheck and will be subject to all applicable payroll taxes. The allowance does not constitute an increase to base pay, and will not be included in the calculation of percentage increases to base pay due to salary increases, promotions, etc.
- D. The employee must retain an active cell phone contract as long as a cell phone allowance is in place. The employee must provide their Department Head and the District's IT department with their current cell phone number and immediately notify both parties if the number changes. Employees receiving a cell phone allowance are expected to carry the cell phone on their person both on and off duty and respond when called for District business.
- E. Employees may choose the cellular service provider and plan design of their choice.
- F. Because the employee owns the cell phone personally, and the allowance provided is taxable income, the employee may use the phone for both business and personal purposes, as needed. Use of the phone in any manner contrary to local, state, or

federal laws will constitute misuse, and will result in immediate termination of the cell phone allowance.

- G. If, prior to the end of the cell phone contract, a personal decision by the employee, or employee misconduct, or misuse of the phone, results in the cell phone allowance being discontinued or the need to end or change the cell phone contract, the employee will bear the cost of any fees associated with that change or cancellation.

For example, if an employee resigns, and no longer wants to retain the current cell phone contract for personal purposes, any cancellation charges will be the employee's responsibility.

If you have any questions about the District's expense reimbursement policy, contact your supervisor.

# Section VII

# District Property

## Employer Property

In an era of rapidly advancing electronic technology El Toro Water District recognizes the need to manage the use of its computer systems, maintain a secure work place, and create a work environment in which employee productivity is enhanced. The following District property (this is not meant to be an exhaustive list) must be maintained according to District rules and regulations. They must be kept clean and are to be used only for work-related purposes.

- Lockers
- Furniture / Desks
- Computers,
- Phones and Cell Phones
- Data processing equipment/ software and;
- Vehicles

The District reserves the right to inspect all District property including computer or phone data or messages to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Prior authorization must be obtained before any District property may be removed from the premises.

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

The District may periodically need to assign and/or change "passwords" and personal codes for

- email
- voice mail
- cell phones
- computers

These communication technologies and related storage media and databases are to be used only for District business and they remain the property of El Toro Water District.

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

No personal locks may be used on District-provided lockers unless the employee furnishes a copy of the key or the combination to the lock. Unauthorized use of a personal lock by an employee may result in losing the right to use a District locker.

For security reasons, employees should not leave personal belongings of value in the workplace. Terminated employees should remove any personal items at the time they leave the District. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.



## **Electronic and Social Media**

The District uses various forms of electronic communications including, but not limited to, communications via computers, email, fax machines, telephones, mobile phones, smart phones, text messaging, internet, PDAs, etc. All electronic communications are official District records and are the property of the District. The District reserves the right to access and disclose all messages sent through its system for any purpose.

Messages transmitted over the electronic communications system should be limited to District business activities, for the accomplishment of business related tasks, or communications directly related to District business, administration, or practices.

The following general policies apply:

- Computers and all data transmitted through the District servers are District property owned by the District for the purpose of conducting District business. These items must be maintained according to the District rules and regulations. Computers must be kept clean and employees must exercise care to prevent loss and damage. Prior authorization must be obtained before any District property may be removed from the premises.
- All electronic communications also remain the sole property of the District and are to be used for District business. For example, email messages are considered District records.
- Electronic information created by an employee using any computer or any means of electronic communication is also the property of the District and remains the property of the District.
- Information stored in the District computers and file servers is the property of the District and may not be distributed outside the District in any form whatsoever without the written permission of the General Manager.
- Violation of any of the provisions of this policy, whether intentional or not, will subject the District employees to disciplinary action, up to and including termination.

### **Monitoring of District Property**

The District reserves the right to inspect all District property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. The District computers and all electronic communications and electronic information are subject to monitoring and no one should expect privacy regarding such use. The District reserves the right to access, review and monitor electronic files, information, messages, text messages, e-mail, Internet history, browser-based webmail systems and other digital archives and to access, review and monitor the use of computers, software, and electronic communications to ensure that no misuse or violation of District policy or any law occurs. E-mail may be monitored by the District and there is no expectation of privacy. Assume that e-mail may be accessed, forwarded, read or heard by someone other than the intended recipient, even if marked as "private."

Employee passwords may be used for purposes of security but the use of a password does not affect the District's ownership of the electronic information or ability to monitor the information. The District may override an employee's password for any reason.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by the District management.

### **Prohibited Use**

All existing District policies apply to employee use of computers, electronic communications, electronic information, and the Internet. This includes policies that deal with misuse of District assets or resources. It is a violation of District policy to use computers, electronic communications, electronic information, or the Internet, in a manner that: is discriminatory harassing or obscene; constitutes copyright or trademark infringement; violates software licensing rules; is illegal; or is against District policy. It is also a violation of policy to use computers, electronic communications, electronic information, or the Internet to communicate confidential or sensitive information or trade secrets.

The display of any kind of sexually explicit multimedia content, message, or document on any District computer is a violation of the District's policy against sexual harassment. This description of prohibited usage is not exhaustive and it is within the discretion of the District to determine if there has been a violation of this policy. Employees that engage in prohibited use will be subject to discipline and/or immediate termination.

This policy is not intended to limit the ability of employees to discuss with other employees the terms and conditions of their employment, including such topics as wages, job performance, workload, supervisors, or staffing.

### **Computer and Internet Use**

The District provides computers, electronic communications, electronic information and information technology resources, including the Internet, to its employees to help them do their job. Generally, these District resources and property should be used only for business related purposes; however, there are a few exceptions:

- To send and receive necessary and occasional personal communications;
- To use the telephone system, cell phones or smart phones for brief and necessary personal calls or messages; and
- To access the Internet for brief personal searches and inquiries during meal times or other breaks, [or outside of work hours] provided that employees adhere to all other usage policies.

Any personal usage of District property must not interfere with the employee's work performance, take away from work time, consume supplies, slow other users, slow the servers or computer systems, or tie up printers or other shared resources, or violate any District policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information. All policies relating to monitoring usage of District property apply.

### **Social Media**

The District uses social media in limited circumstances for defined business purposes. Social media is a set of Internet tools that aid in the facilitation of interaction between people online. If you have specific questions about which programs the District deems to be social media, consult with the public relations representative or information technology manager.

Use of Internet based programs such as Facebook, Linked In, and Twitter (this is not meant to be an exhaustive list) may be used in furtherance of District goals. However, only authorized individuals are allowed to speak/write in the name of the District using the social media tools of the District.

Your supervisor will authorize you in writing if you can use these District social media tools to perform your job duties. Authorized individuals using the District social media tools shall identify themselves honestly, accurately and completely and comply with all District policies in using this media.

Your authorization is limited to business purposes and personal use of these District social media tools or programs is prohibited and can result in discipline up to and including termination. All policies relating to monitoring usage of District property apply.

Employees can use their own personal devices to engage in social media during non-working times, such as breaks and meal periods, all other District policies against inappropriate usage, including the District's no tolerance for discrimination, harassment or retaliation in the workplace, and protection of confidential and trade secret information apply.

### **Employee-owned Devices**

The District recognizes that occasional use of the employee's own computers (including hand held devices) and electronic communications may occur during working time. The District allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time or violate any District policy. All other District policies, including the District's no tolerance for discrimination, harassment or retaliation in the workplace apply. The District reserves the right to adjust this policy on a case by case basis as it deems appropriate.

### **Voice Mail**

The phone system is equipped with a very efficient and easy to use voice mail system. You should change your voice mail message if you are going to be out of the office.

### **Personal Use of Company Cell Phone**

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

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

Employees who are provided a District cell phone may use it to send and receive occasional and limited personal communications. Any personal usage of a District-issued cell phone must

not interfere with the employee's work performance, take away from work time, or violate any District policy, including policies against harassment, discrimination and disclosure of confidential or trade secret information. Employees are responsible for paying for additional time or data usage in excess of any rate plan maintained by the District.

## **Housekeeping**

All employees are expected to keep their work areas clean and organized. Employees using common areas such as lunch rooms, locker rooms, and restrooms are expected to keep them sanitary.

### **Lunch / Break Rooms**

The District has kitchens for your use during breaks and at lunch. It is important that you clean up after yourself. Do not leave any dirty dishes, dispose of trash properly, wipe off the counters, and clean the inside of the microwave if there is any splattering of food during cooking.

Coffee, tea, and hot chocolate are available for your use and convenience, so help yourself. These items are for consumption while at work and not to be taken home. If you find that the coffee pot is running low, please make the next pot of coffee. If you're not sure how to make the coffee, ask someone to help you. When the coffee has been made, throw the grounds in the garbage (not in the sink), and rinse the basket.

The daily paper is delivered to the office and is for everyone's use and convenience. Please leave the papers in the break room and wait until the end of day if you need to cut out an article or coupon.

The refrigerator is available for your convenience. However, there are several employees using the refrigerator, so please limit the amount of items you put in it. The refrigerator will be cleaned out periodically, so please throw away any old items and take home any dishes, Tupperware, etc. If you have items that you want to keep, please put your name on them. The District is not responsible for thrown out items.

## **Parking**

Employees may park their vehicles in designated areas, if space permits. Employees may not use parking areas specifically designated for customers, vendors, or District vehicles. The District is not responsible for any loss or damage to employee vehicles or contents while parked on District property.

## **Guests and Visitors**

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

## **Children at Work**

The District prefers that children not be brought to the office in lieu of child care. If you need to take time off to care for your child, you can utilize accrued sick leave, vacation, request time without pay, or make other arrangements.

In the event of an “emergency situation” where you find it necessary to bring your child to the workplace, your child must not interfere with your job or your co-workers and you must get prior approval from your supervisor.

## **Off-Duty Use of Facilities**

Employees are prohibited from remaining on the District premises or making use of District facilities while not on duty. Employees are expressly prohibited from using District facilities, District property, or District equipment for personal use. This policy is not intended to limit the ability of employees to use the Company's email systems to communicate with other employees regarding the terms and conditions of their employment during non-working times, including such topics as wages, job performance, workload, supervisors or staffing.

## **Smoking**

In accordance with California State law, the entire building is considered a nonsmoking area, including use of electronic smoking devices, such as electron cigarettes, pipes, hookahs, and vaping devices. Employees must smoke in the designated smoking area. An ashtray has been provided and must be used.

## **Supplies**

It is the District's intent to provide you with everything you need to do your job. Basic supplies are kept in various areas throughout the offices. Please check with your supervisor for these locations. Any special order must be approved by your manager before submitting it for ordering.

# Section VIII

# Employee Conduct

## Prohibited Conduct

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

- Falsifying employment records, employment information, or other District records and giving false or misleading information during the application and/or selection process ;
- Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily;
- Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee's;
- Theft and deliberate or careless damage or destruction of any District property, or the property of any employee or customer;
- Removing or borrowing District property without prior authorization;
- Unauthorized opening of, or tampering with, locks in desks, doors, cabinets, etc., or unauthorized use of or duplication of keys.
- Misuse of electronic systems (email, internet, fax, phones) per policy.
- Unauthorized use or misuse of District monies, equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on District property;
- Threatening or intimidating other employees, supervisors, vendors, or customers;
- Participating in horseplay or practical jokes on District time or on District premises;
- Carrying firearms or any other dangerous weapons on District premises at any time;
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- Using abusive, vulgar, threatening or intimidating language at any time on District premises;
- Causing, creating, or participating in a disruption of any kind during working hours on District property or to fellow employees, visitors, or customers at any time;
- Violation of District punctuality and attendance policies. Absences protected by state or federal law do not count as violations of this policy. Protected paid sick time under California law does not count as a violation of this policy.

- Failing to obtain permission to leave work for any reason during normal working hours, not including meal and rest periods;
- Failing to observe working schedules, including rest and lunch periods;
- Sleeping or malingering on the job;
- Working overtime without authorization or refusing to work assigned overtime;
- Violating any safety, health, security or District policy, rule, procedure or violation of the District's drug and alcohol policy;
- Committing a fraudulent act or a breach of trust under any circumstances;
- Failure to immediately report the loss of a California driver's license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Division of Motor Vehicles. This rule applies only to those employees who must maintain such a license as a condition of their employment.
- Failure to report involvement in an accident occurring on the District's premises, or involving the District's equipment, or giving false information in accident or insurance reports.
- Violating the Company's anti-harassment or equal employment opportunity policies; and
- Failing to promptly report work-related injury or illness.

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

## **Business Conduct and Ethics**

The District and its employees must, at all times, comply with all applicable laws and regulations. Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their manager. The District expects its employees to conduct themselves in a businesslike manner and perform duties conscientiously, honestly, and in accordance with the best interests of the District. Employees should respect the confidentiality of information acquired in the course of their work. Regardless of circumstances, if an employee senses that a course of action may involve a conflict of interest, fraud, and/or dishonesty, they should immediately communicate all facts to their supervisor, Department Head, the Human Resources Manager, or the General Manager.

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



## **Punctuality and Attendance**

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

It is recognized that you will have periodic absences for illness or personal matters, but recurring and excessive absences and/or tardiness adversely affects productivity, morale, work flow, and service and directly impacts the District's ability to meet its challenging goals. The professionalism that you bring to your position and the District is valued and it is anticipated that you will manage your own good attendance.

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

If you are unable to report for work on any particular day, you must under all but the most extenuating circumstances call your supervisor before the time you are scheduled to begin working for that day.

Excessive absenteeism or tardiness will not be tolerated. The District utilizes a system of corrective action, at its sole discretion, in cases of misconduct or unacceptable performance, including absenteeism and tardiness. The use of such a system does not waive either the District's or your right to terminate employment at any time with or without cause. If the number of absences within the most recent 12-month period is excessive, you may be subject to corrective action, at the discretion of the District, to make you aware of problems and to create an action plan to resolve issues.

Your manager will consider State and Federal laws, family and medical leave issues, the demands of different work units, the District's policy, your performance, your attendance history, and individual circumstances when assessing appropriate steps to correct attendance up to and including termination.

If you fail to report to work for three consecutive workdays without notice or approval by your supervisor, the District may consider that you have voluntarily abandoned or quit your job and your employment may be terminated.

The District intends to maintain a positive environment that supports its goals while recognizing individual needs and circumstances. If attendance issues arise, please speak with your manager who can discuss the impact of your attendance on the District's goals and your individual performance.

Absences protected by local, state and federal law do not count as a violation of the punctuality and attendance policy. Paid sick time protected under California law does not count as a violation of this policy. The attendance policy of the District will be followed only to the extent allowed by law.

## **Drug and Alcohol - Free Workplace**

El Toro Water District is committed to a safe and healthful work environment for all employees. The District is concerned about employees being under the influence of alcohol, marijuana, illegal drugs and/or controlled substances at work. Use of these substances, whether on or off the job can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair District operations. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the District to the risks of property loss or damage, or injury to other persons.

Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and may seriously impair the employee's value to the District.

The following rules and standards of conduct apply to all employees either on District property or when performing District related business elsewhere or during the workday (including meals and rest periods). The following are strictly prohibited by District policy:

- Being under the influence of, or impaired by, an illegal or controlled substance, alcohol or marijuana while on the job.
- Using or possessing illegal or controlled substances, alcohol or marijuana while on the job (including the illegal use of prescription drugs and possessing drug paraphernalia)
- Manufacturing, distributing, selling, or purchasing of an illegal or controlled substance, alcohol or marijuana while on the job or conducting District business.
- A District employee is prohibited from working or being subject to call in if impaired by alcohol, marijuana or any illegal or controlled substance.
- Driving a District vehicle while under the influence of alcohol, marijuana or any illegal or controlled substance.
- An employee must notify their supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of District equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the District may require medical clearance.
- Compliance with this policy is a condition of employment. Disciplinary action will be taken against those who violate this policy. The District may also bring the matter to the attention of appropriate law enforcement authorities.

### **SEARCHES**

In order to enforce this policy and promote a safe, productive and efficient workplace, the District has the right to search and inspect all District property, including but not limited to lockers, storage areas, furniture, District vehicles, and other places under the common control of the District, or joint control of the District, and employees. No employee has any expectation of privacy in any District building, property, or communications system. The District reserves the

right to conduct searches of employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off Company property will not be tolerated because such conduct, even though off duty, reflects adversely on the District. In addition, the District must keep people who sell or possess controlled substance off Company premises in order to keep the controlled substances themselves off the premises.

## **DRUG AND ALCOHOL TESTING**

The District has discretion to test a current employee for alcohol or drugs in the following instances:

### **1. Reasonable Suspicion Testing**

The District may require a blood test, urinalysis, or other drug and/or alcohol screening of those persons reasonably suspected of using or being under the influence of a drug or alcohol at work. Testing must be approved by the Human Resources Manager or the General Manager, or a designee.

“Reasonable suspicion” is based on objective factors, such as behavior, speech, body odor, appearance, or other evidence of recent drug or alcohol use which would lead a reasonable person to believe that the employee is under the influence of drugs or alcohol at work. In order to receive authority to test, the supervisor must record the factors that support reasonable suspicion and discuss the matter with the Human Resources Manager. If there is a reasonable suspicion of drug or alcohol abuse at work, the employee will be relieved from duty and placed on sick leave until the test results are received.

### **2. Post-Accident Testing**

The District may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided that the “reasonable suspicion” factors described above are present.

## **Employee's Responsibilities**

A District employee must:

- Not report to work or be on standby or on-call status while their ability to perform job duties is impaired due to on or off duty alcohol, marijuana or drug use;
- Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol or marijuana at any time while on District property or while on duty for the District at any location;
- Not directly or indirectly through a third-party manufacture, sell, distribute, dispense, or provide controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol or marijuana to any employee while either or both are on duty;

- Notify their supervisor, before beginning work, when taking any medications or drugs, prescription or nonprescription, which may interfere with the safe and effective performance of duties or operation of District equipment;
- Notify the department director of any criminal conviction for a drug violation that occurred in the workplace within no more than five days after such conviction;
- Notify the supervisor immediately of facts or reasonable suspicions when the employee observes behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others;
- Consent to drug or alcohol, or marijuana testing and searches pursuant to this policy; and
- Follow the District's drug, marijuana and alcohol-free workplace policy.

### **Drug Free Awareness Program**

Counseling and treatment of drug and alcohol related problems are available through the District's Employee Assistance Program provider.

The District will encourage and reasonably accommodate employees with alcohol, marijuana or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request a treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol or marijuana use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

### **Safety Sensitive Personnel**

El Toro Water District has numerous employees who work in safety-sensitive positions such as in a confined-space, or with hazardous material or operating and maintaining vehicles and heavy equipment. The Department of Transportation has determined their own definition of a safety-sensitive employee as one in any position requiring the use of a Class "A" or Class "B" commercial driver's license, or a Class "C" with a hazardous waste certificate commercial driver's license.

The Department of Transportation has set standards for the testing of drug and alcohol use for all employees with a Class A or Class B commercial driver's license, or a Class "C" with a hazardous waste certificate commercial driver's license. All safety-sensitive employees, as defined by the Department of Transportation (DOT), are required to comply with the Department

of Transportation regulations **in addition to** El Toro Water District's requirements as set forth above.

***The Department of Transportation policy is in accordance with regulations of the Department of Transportation and only those safety-sensitive employees of El Toro Water District whose position requires the use of a Class "A" or Class "B" commercial driver's license, or a Class C" with a hazardous waste certificate commercial driver's license will be subject to the terms and conditions as set forth in the policy.***

## **Prohibited Use of Company Cell Phone While Driving**

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

If your job requires that you keep your cell phone or other wireless communication device turned on while you are driving, you must use a hands-free, voice-operated device at all times. Under no circumstances should employees place phone calls while operating a motor vehicle while driving on District business and/or District time. Violating this policy is a violation of law and a violation of District rules.

Writing, sending, or reading text-based communication - including text messaging, instant messaging, e-mail, web browsing and use of smart phone applications - on any wireless device or cell phone while driving is also prohibited under this policy unless the device is specifically designed and configured to allow voice-operated and hands-free operation to dictate, send, or listen, and it is used in that manner while driving.

Violating this policy is a violation of law and a violation of District rules.

## **Conducting Personal Business**

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

## **Confidential Information**

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

In the course of your work, you may have access to trade secrets or similarly protected proprietary or confidential information regarding El Toro Water District's business (such as financial data, research and development, marketing, business plans or strategies, suppliers, business partners or customers). You have a responsibility to prevent revealing or divulging any

such information unless it is necessary for you to do so in the performance of your duties or as required by law.

Access to, or disclosure of, confidential information should be on a "need-to-know" basis and must be authorized by your supervisor, the Human Resources Manager or the General Manager. Any breach of this policy will not be tolerated and legal action may be taken by the District.

This policy does not prohibit employees from confidentially disclosing trade secret, proprietary or confidential information to federal, state and local government officials, or to an attorney, when done to report or investigate a suspected violation of the law. Employees may also disclose the information in certain court proceedings if specific procedures to protect the information are followed. Nothing in this policy is intended to conflict with 18 U.S.C. sec. 1833(b) or create liability for disclosures of trade secrets that are expressly allowed by 18 U.S.C. sec. 1833(b).

## **Customer Relations**

Employees are expected to be polite, courteous, prompt, and attentive to every customer. When an employee encounters an uncomfortable situation that the employee does not feel capable of handling, your supervisor should be called immediately.

Ours is a service business and all of us must remember that the customer always comes first. Our customers ultimately pay all of our wages.

Customers are to be treated courteously and given proper attention at all times. Never regard a customer's question or concern as an interruption or an annoyance. You must respond to inquiries from customers, whether in person or by telephone, promptly and professionally.

Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received.

Through your conduct, show your desire to assist the customer in obtaining the help the employee needs. If you are unable to help a customer, find someone who can.

All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

Never argue with a customer. If a problem develops, or if a customer remains dissatisfied, ask your supervisor or Department Head to intervene.

## **Dress Codes and Other Personal Standards**

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean and tasteful. Avoid clothing that can create a safety hazard. Department managers may issue more specific guidelines.

Employees required to wear uniforms provided by the District must take care of their uniforms

and report any wear or damage to their supervisor. Instructions regarding cleaning and maintenance of uniforms will be provided.

This dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, sex, gender identity or gender expression, religion, national origin or any other class protected by federal, state or local law. For more information, see the Harassment, Discrimination and Retaliation Prevention Policy in this Handbook. Employees who need a reasonable accommodation because of religious beliefs, observances or practices should contact the Human Resources Manager and discuss the need for accommodation.

## **News Media Contacts**

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

## **Off-Duty Conduct**

While the District does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the District's legitimate business interests. Off-duty conduct by an employee that directly conflicts with the District's essential business interests and disrupts business operations will not be tolerated.

## **Political Activity**

Many employees participate in political activities on their own time. Company time, facilities, property or equipment (including all computers, networks, and electronic equipment) must not be used for an employee's outside political activities. El Toro Water District will not reimburse any employee for political contributions, and employees should not attempt to receive or facilitate such reimbursements.

Absent a formal statement by the District announcing any political endorsements, employees must not, through their own actions, speech, contributions, or written communication, mislead others to believe that the District officially endorses or opposes any candidates for political office that the District itself has not publicly announced. District employees are entitled to their own personal position.

The District will not discriminate against employees based on their lawful political activity engaged in outside of work.

# Section IX

# Safety and Health



## Health and Safety

All employees are responsible for their own safety, as well as that of others in the work place. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your supervisor or to the Human Resources Department. In compliance with California law, and to promote the concept of a safe work place, the District maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the Human Resources Department or with the Safety Officer.

- The District will abide by the requirements of the California Occupational Safety and Health Act.
- The employee's attire and hair must not present a safety hazard or prevent full and proper utilization of safety equipment.
- All employees are required to attend safety meetings as scheduled and complete all safety trainings as assigned
- All employees are required to read, understand and follow the Injury and Illness Prevention Plan of the District.
- The District maintains a Safety Committee made up of employees selected from various departments of the District. Membership on the Committee is by invitation and changes periodically. The purpose of the Committee is to investigate accidents and to review safety practices in order to make recommendations to management.

In compliance with Proposition 65, The District will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

## Employees Who Are Required to Drive

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

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

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

Employees who drive their own vehicles on District business will be reimbursed at the standard mileage rate determined by the IRS.

## **Heat Illness**

The District is concerned with employee health and safety. Employees who work outside may be exposed to extreme temperatures or adverse working conditions, particularly in the summer months. All supervisors are trained in the recognition and prevention of heat illness.

Employees who work outside are encouraged to frequently drink water. Employees who work outside are also allowed and encouraged to take a cool-down rest in the shade of at least five minutes (in addition to the time needed to access the shade) when needed to protect themselves from overheating. These preventative cool-down rests are paid time.

Please refer to the Company's Injury Illness and Prevention Program or talk to your supervisor for details on how to ensure you are protected from heat illness dangers.

## **Security**

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

The building is secured with electronic pads for access. You will be issued an identification badge upon hire. This identification badge will allow you access into the building and between buildings. Your identification badge should not be shared with anyone.

The District's workplace security program is described in detail in the District's Illness and Injury Prevention Program (IIPP).

## **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.

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

The District has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination.

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

A threat includes, but is not limited to, any indication of intent to harm a person or damage District property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. The following are examples of threats and acts that shall be considered violent - this list is in no way all-inclusive:

<b>Example</b>	<b>Type of Threat</b>
Saying, "Do you want to see your next birthday?"	Indirect
Writing, "Employees who kill their supervisors have the right Idea."	Indirect
Saying, "I'm going to punch your lights out."	Direct
Making a hitting motion or obscene gesture	Nonverbal
Displaying weapons	Extreme
Stalking or otherwise forcing undue attention on someone, whether romantic or hostile	Extreme
Taking actions likely to cause bodily harm or property damage	Acts of violence

The District's workplace violence program is described in detail in the District's Emergency Response Plan.

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

You may report an incident to any supervisor, Department Head, the Human Resources Manager, or the General Manager.

## **Ergonomics**

El Toro Water District is subject to Cal/OSHA ergonomics standards for minimizing workplace repetitive motion injuries. The District will make necessary adjustments to reduce exposure to ergonomic hazards through modifications to equipment and processes and employee training. The District encourages safe and proper work procedures and requires all employees to follow safety instructions and guidelines.

The District believes that reduction of ergonomic risk is instrumental in maintaining an environment of personal safety and well-being, and is essential to our business. We intend to provide appropriate resources to create a risk-free environment. If you have any questions about ergonomics, please contact the Human Resources Manager.

# Section X

# Termination

As a District employee, you have the status of “employee at will,” meaning that you have no contractual right expressed or implied to remain in the District’s employ. The District may terminate your employment, or you may terminate your employment with or without cause, and with or without notice, at any time.

## **Voluntary Resignation**

Voluntary resignation results when an employee voluntarily quits their employment at the District, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, their supervisor (unless the absence is protected by law).

An employee who resigns should submit their resignation in writing to their Supervisor, indicating date of resignation and stating the reason for leaving. Such notice should be submitted at least two (2) weeks before the effective date of resignation.

## **Involuntary Termination and Progressive Discipline**

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

## **Reductions in Force**

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

In determining which employees will be subject to layoff, the District will take into account, among other things, operation and requirements, the skill, productivity, ability, and past performance of those involved, and also, when feasible, the employee's length of service.

## **Property Return upon Separation**

All District-owned property, including, but not limited to vehicles, keys, tools, equipment, laptops, cell phones, PDAs, uniforms, identification badges, credit cards, proprietary information, and any other job related materials must be returned immediately upon termination of employment.

## **Final Paycheck**

You will receive your final paycheck on the next regularly scheduled pay day or earlier if it is required by law.

## **Benefits**

Medical, Dental, and Vision benefits end on the last day of the month of your employment. Life, Long Term Care, and Disability coverages require “active” employment; therefore coverage for these two ends on your last day worked. COBRA notification will be sent directly to your home.

For the 401(k) plan, and if you are enrolled in the Deferred Compensation Plan, you will need to complete the necessary termination forms that will be provided to you during your exit interview. You should contact the plan carrier to ensure you completely understand your options.

## **Employee References**

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

By policy, the District discloses only the dates of employment and the title of the last position held of former employees.

# Section XI

# Confirmation of Receipt

## Confirmation of Receipt

I have received my copy of the El Toro Water District's (the "District"), Employee Handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook.

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

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

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

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

Date: \_\_\_\_\_





## STAFF REPORT

**TO: BOARD OF DIRECTORS**

**MEETING DATE: September 10, 2020**

**FROM: Bobby Young, Principal Engineer**

**SUBJECT: Oso Lift Station Improvement Project Change Order No. 1**

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### **INTRODUCTION / BACKGROUND**

The Oso Sewer Lift Station conveys raw wastewater from the southwest portion of the District service area to the gravity sewer collection system ultimately terminating at the ETWD Water Recycling Plant. The original facility was constructed in approximately 1972. Oso Lift Station receives influent from a gravity sewage collection system serving a residential community within Laguna Woods Village.



Following Board approval, a construction contract for the Oso Lift Station Improvement Project was awarded to J.R. Filanc Construction Company. Filanc is currently working on the material procurement process.

### **EFFICIENCY EVALUATION**

The main objective of the project is to improve the reliability and serviceability of the Oso Lift Station and associated equipment and infrastructure. During the material submittal process with the Contractor, staff began a thorough evaluation of motor efficiencies and possible alternative motor/pump components and configurations.

Per the project specifications, the proposed motor is an alternating current (AC) induction type, which is typical for raw sewage pumping applications. The motor is specified to be premium efficiency and includes high class designated thermal insulation on the windings. The motor specification is designed to accommodate power consumption based on the pumping requirements (head and flowrate) specific to the Oso Lift Station application. After a detailed evaluation and discussion between the District's Engineering, Pump Stations and Electrical Maintenance staff along with the design Electrical Engineer, staff concluded that the specified motor represents is the most appropriate and efficient motor design.

Staff further evaluated the proposed motor controls. The motor control design includes a soft starter to dampen the in-rush current at start up. Staff analyzed the soft starter setup and compared it with variable speed/frequency drives (VFDs). Staff looked at recent SCE billing information to use as a basis and estimated that the power savings associated with the use of VFDs instead of soft starts will be approximately \$3,400 per year. These savings result from a reduced number of pump starts and the associated reduction in SCE demand charges. The savings in electrical cost also result from the ability to run the motors at the lower speeds necessary to maintain consistent flow rather than the higher speed and horsepower necessary to initiate flow at the start of a pump cycle.

Staff requested that the Contractor propose costs to change from soft starts to VFDs. The Contractor submitted Change Order No. 1 in the amount of nearly \$72,000 that includes the cost of the procurement and installation of a larger Motor Control Center as well as the cost of the VFD units. However, the contractor informed staff that about one-third of this cost would have been incurred anyway due to the new arc-flash rating code requiring greater clearances within the motor control center layout (MCC). Staff estimates that the cost of the change to VFDs is therefore approximately \$48,000.

Using the values above, and assuming annual SCE rate increases of 5%, staff estimates a payback of approximately 11 years. Staff has observed that the average life span of a VFD at the District has been close to 17 years. Some VFDs have lasted as long as 25 years before needing to be replaced.

Staff further believes that there are significant non-quantitative operational savings associated with using VFDs instead of soft starters.

- The use of VFDs will result in a more stabilized discharge to the existing force main throughout the day, potentially saving future maintenance due to excessive forces on the force main.
- Staff also believes there will likely be less maintenance and potential longer motor life due to the decreased starts/stops throughout the day.
- Furthermore, in case of failure of the VFD, the drive will still be able to act as a soft starter. However, if a soft starter were to fail, the motor would start up across the line, which would apply full line voltage to the motor terminals.

- The reduction in electrical demand will result in potential environmental benefits (carbon footprint) associated with reduced generation requirements as well as reduced load on an electrical grid that is already periodically stressed beyond capacity.

## **BUDGET ANALYSIS**

The total project costs, approved by the Board, include the construction costs, engineering, geotechnical and environmental services during construction, and a project contingency of \$200,000.

<b>Description</b>	<b>Amount</b>
Original Construction Contract	\$1,954,236.00
Change Order No. 1 (CO1)	\$71,857.69
<b>Revised Construction Contract</b>	<b>\$2,026,093.69</b>
Construction Contingency Budget	\$200,000.00
Remaining Contingency	\$128,142.31
<b>Original Project Cost Total</b>	<b>\$2,288,236.00</b>

The contingency budget for the Oso Lift Station Improvement Project has adequate funds to accommodate the Change Order No. 1 cost.

## **SCHEDULE / AGREEMENTS**

The electrical analysis had some scheduling impacts as the components could not be ordered until approved by the District. The Contractor is currently scheduled to start on-site construction activities mid-October.

## **RECOMMENDATION**

### **Recommended Action**

Staff recommends that the Board of Directors authorize the District's General Manager to execute Change Order No. 1 with J.R. Filanc Construction Company, Inc. in the amount of \$71,857.69 for electrical improvements of the Oso Lift Station Improvement Project. Staff recommends that the Board authorize the General Manager to fund the project costs from the District's Capital Reserves in accordance with the District's adopted Capital Reserve Policy.