



# Employee Handbook





# Marina Coast Water District



# Employee Handbook

**Amended February 25, 2020**

**Administration and Customer Service**

11 Reservation Road, Marina, CA 93933-2099

**Engineering and Operations & Maintenance**

2840 4th Avenue, Marina, CA 93933

**Telephone:** (831)384-6131

**Website:** [www.mcwd.org](http://www.mcwd.org)



## Table of Contents

<b>Acknowledgement of Receipt of Employee Handbook</b>	Preface
<b>Handbook Revision Chronology</b>	i
<b>Section 1 Introduction and General Provisions</b>	<b>1</b>
1.0 Purpose of the MCWD Handbook	1
1.1 Scope of Handbook	1
1.2 Administration	1
1.3 Distribution of Handbook	2
1.4 Customer Service	2
1.5 Open-Door Policy	2
<b>Section 2 Definition of Terms</b>	<b>3</b>
<b>Section 3 General Employment Policies</b>	<b>4</b>
3.0 Employment	4
3.1 Equal Employment Opportunity	4
3.2 Harassment	5
3.3 Bullying	6
3.4 Governmental Administrative Remedies for Discrimination and Harassment	7
3.5 Conflicts of Interest	7
3.6 Outside Employment	8
3.7 Employment of Relatives	8
3.8 Political Activity	9
3.9 Smoking	9
3.10 Electronic Communications Ethics, Usage and Security Policy	9
3.11 Social Media Policy	11
3.12 Nondisclosure of Confidential Information	15
3.13 Inquiries from Outside Sources	15
3.14 Workplace Violence and Security, and Monitoring	16
3.15 Privacy	17
3.16 MCWD Communications/Bulletin Boards	17
3.17 Personal Possessions	18
3.18 Personal Mail and Telephone Calls	18
3.19 Use of Cell Phone and Electronic Devices	18
3.20 Personal Appearance	19
3.21 Solicitation/Distribution of Literature	20
3.22 Personal Use of MCWD Property/Facilities	21
3.23 Scavenging	21
3.24 Drug and Alcohol Policy	22

<b>Section 4</b>	<b>Hiring</b>	26
4.0	Hiring of New Employees	26
4.1	Recruitment and Selection of Positions Reporting Directly to the Board of Directors	27
4.2	Immigration Law Compliance	29
4.3	Introductory Period	29
4.4	Re-Employment or Reinstated Employees	30
<b>Section 5</b>	<b>Employment Practices</b>	30
5.0	Performance Evaluations	30
5.1	Performance Improvement Plans (PIP)	30
5.2	Promotions, Transfers, Demotions, and Reclassifications	31
5.3	Working Out of Classification	33
5.4	Employee Records	33
5.5	Employment Verification/References	33
5.6	Internships	34
5.7	Use of MCWD Vehicles	34
5.8	Use of Personal Vehicle for MCWD Business	35
5.9	Reimbursement of Business Expenses	36
5.10	Business Related Travel	36
5.11	Time Off to Meet and Confer	37
5.12	Gift or Gratuity Acceptance	37
5.13	Visitors	38
5.14	Separation of Employment	38
5.15	Reduction in Force/Layoff and Re-Employment	39
<b>Section 6</b>	<b>Classification and Compensation Plan</b>	40
6.0	Longevity Steps	41
<b>Section 7</b>	<b>General Work Conditions</b>	41
7.0	Overtime	41
7.1	Compensatory Time	42
7.2	Overtime Exemption Status	42
7.3	Work Week Hours	43
7.4	Meal Break	45
7.5	Rest Period	45
7.6	Pay Periods and Paydays	45
7.7	Timesheets and Recordkeeping	45
7.8	Direct Deposit	46
7.9	Pay Advances	46
7.10	Garnishments	47
7.11	Meal Allowance	47
<b>Section 8</b>	<b>Special Pay Practices</b>	47

8.0	Show-Up or Reporting Pay	47
8.1	Call-Out Pay	47
8.2	On Call/Standby Pay	48
8.3	Seminar Attendance and Education Reimbursement	48
8.4	Certification Incentive Bonus	50
8.5	Certification Pay	50
<b>Section 9</b>	<b>Absenteeism</b>	<b>51</b>
9.0	Attendance	51
<b>Section 10</b>	<b>Employee Benefits</b>	<b>52</b>
10.0	Medical	53
10.1	Retiree Health Benefits	54
10.2	Dental	54
10.3	Vision	54
10.4	Term Life Insurance and Accidental Death and Dismemberment (AD&D)	54
10.5	Short-Term Disability (STD)/Long-Term Disability (LTD)	55
10.6	Continuation of Group Health Insurance (COBRA)	55
10.7	IRS Section 125 – Flexible Benefits Plan	56
10.8	Retirement Plan	56
10.9	Deferred Compensation Plan	57
10.10	Workers' Compensation Insurance	57
10.11	Unemployment Insurance	58
10.12	Holidays	59
10.13	Vacation	59
10.14	Management Leave	61
<b>Section 11</b>	<b>Leave (Paid/Unpaid)</b>	<b>61</b>
11.0	General Information	61
11.1	Family Care Leaves (FMLA/CFRA)	63
11.2	Pregnancy/Childbirth (Pregnancy Disability Leave – PDL)	74
11.3	Voluntary Furlough Without Pay Plan	77
11.4	Personal Leave of Absence/Leave Without Pay	77
11.5	Sick Leave	79
11.6	School Activity Leave	82
11.7	Bereavement Leave	82
11.8	Jury Duty	82
11.9	Witness Duty and Subpoenas	83
11.10	Domestic Violence and Sexual Assault Leave	83
11.11	Victims of Crime Leave	84
11.12	Military Leave	84
11.13	Time Off to Vote	85
11.14	Volunteer Firefighter and Peace Officer	86
11.15	Terminal Leave	86

<b>Section 12</b>	<b>Grievance Procedure</b>	86
<b>Section 13</b>	<b>Employee Relations</b>	87
<b>Section 14</b>	<b>Employee Service Awards Program</b>	92
14.0	Retiree Recognition Program	93
<b>Section 15</b>	<b>Employee Health and Safety</b>	93
15.0	Injury & Illness Prevention Program	93
15.1	Wellness Program	97
15.2	Uniforms and Safety Equipment	97
<b>Section 16</b>	<b>Risk Management</b>	98
16.0	DMV Pull Notice Program	98
16.1	Respiratory Protection	98
16.2	Fitness for Duty	99
<b>Section 17</b>	<b>Return to Work Program</b>	99
17.0	Request for Reasonable Accommodation	103
<b>Section 18</b>	<b>General Housekeeping</b>	105
<b>Section 19</b>	<b>Miscellaneous Policies</b>	105
19.0	Social Events	105
19.1	Lactation Accommodation	106
19.2	Anti –Fraud	106
19.3	Falsification of Records	106

**ACKNOWLEDGEMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

All employees of the Marina Coast Water District (MCWD) are expected to read and understand the attached employee handbook, then sign, date and return this page to the HR/Risk Administrator.

This acknowledges that I, \_\_\_\_\_, have received a copy of the MCWD Employee Handbook. I understand that this Handbook is intended to be used as a ready reference and as a summary of the MCWD’s personnel policies, work rules and benefits. It is designed to provide a quick overview of MCWD policies and procedures, but does not supersede the Memorandums of Understanding (MOUs) for the individual bargaining units.

*I acknowledge that I am expected to read, understand, and adhere to the policies documented in this Handbook. I understand it is my responsibility to comply with the policies contained in this Handbook and any revisions made hereafter.*

I understand the statements contained in the Handbook are not intended to create any contractual or other legal obligations of MCWD. I further understand that MCWD may revise, modify, supplement, or rescind any of the policies summarized in this Handbook at any time.

I understand that if I am an employee who is covered by this Handbook and I have subsequently entered into a written employment agreement signed by me and the MCWD, the guidelines, procedures and benefits discussed in this Handbook are not applicable to the extent they are inconsistent with my written employment agreement. However, if the written agreement does not address conditions or terms set forth in the Handbook, the Handbook shall apply to me.

---

Employee Signature Date

---

Witness Signature Date

## Handbook Revision Chronology

### 09-14-10

Revised      Section 10.14      Management leave

Effective July 15, 2009, management leave shall be accrued on a bi-weekly basis at the rate of 3.077 hours per pay period. The maximum accrual allowance for management leave will be eighty (80) hours per fiscal year. Management leave earned by the end of each fiscal year shall be taken within the first quarter of the following fiscal year or the leave shall be forfeited.

Revised      Section 17      Request for Reasonable Accommodation –  
Interactive Process

Section 17 was renumbered to Section 17.0

Revised      Section 17      Return to Work Program

The entire section was added.

### 3-13-2012

Revised      Section 3.10 Add A.5      Internet, E-Mail, Telephones, and  
Electronic Communications Ethics, Usage and Security Policy

5.            Transmitting any of the District's confidential or proprietary information, including customer data or other materials covered by the District's confidentiality policy; transmitting or posting information that may harm the District or its reputation or any of its employees regardless of whether the information is defamatory. This includes expressing opinions or personal views on Internet web logs ("blogs"), social networking sites such as Facebook, Twitter, LinkedIn, etc., that could be misconstrued as being those of the District. The prohibitions described apply to employees whether the employee is on or off duty or working from a non-District computer.

Revised      Section 11.9      Bereavement Leave

Employees shall be entitled to up to three (3) days of paid leave for the death of a family member. A family member includes the employee's spouse or State-registered domestic partner and the following persons related to the employee or spouse or State-registered domestic partner: mother, father, brother, sister, child, step-parent, step-child, grandparents, grandchild, or legal guardian. Such leave shall be separate from sick, vacation, compensatory, and management leave and is to be used within two (2) weeks

upon the death of the family member or at the discretion of the General Manager or designee. Up to five (5) days may be granted for exceptional circumstances approved by the General Manager or designee.

Upon approval, employees may use either accumulated sick, vacation, compensatory, or management leave if more time off is necessary.

### **2/12/2013**

Revised Sections 3, 5, 10, 11, and 17. Replace with new, complete handbook.

### **4/15/2013**

Revised Section 5.12 Gift or Gratuity Acceptance

Designated employees listed in the District's Conflict of Interest Code, Exhibit A are prohibited from accepting, directly or indirectly, any gift, rebate, money, or anything else of value over twenty-five dollars (\$25) from a single source. All employees are prohibited from accepting directly or indirectly, any gift, rebate, money or anything else of value if the gift, rebate, money, or item of value is intended as a reward or inducement for conducting business, placing orders with, or otherwise using the employee's position to favor the contributor.

Revised Section 8.5 Certification Incentive Bonus

The District will pay for employee's memberships in professional organizations and associations that issue certifications/licenses required for the employee's current position.

### **2/18/2014**

Revised Section 3.1 Equal Employment Opportunity

MCWD does not unlawfully discriminate on the basis of race, creed, color, age, religion, religious dress practices and religious grooming practices, gender, nationality, national origin, ancestry, citizenship status, military or veteran status, physical or mental disability, medical condition (including pregnancy, childbirth, breastfeeding and related medical conditions, HIV or AIDS-related conditions), marital status, genetics, gender identification, or sexual orientation.

### **3/106/2015**

Revised Section 11.7 Sick Leave

The addition of a paragraph at the end of the current Sick Leave Policy that specifies District employees who are not regular, full-time will receive sick leave benefits in accordance with the new California Paid Sick Leave Policy.

**1/22/2019**

**Renumbered Sections:** In light of the revisions noted below, several sections were renumbered. The section numbers referenced below are those that appear in our revised version (except for sections that were removed, which are referenced by their original number).

**Section 1.0, 1.3, and 1.5:** We revised sections 1.0 and 1.3 to clarify that the Handbook is a statement of binding policies, while still reserving the right to modify the Handbook at a later time. We also moved the paragraph explaining the District's open-door policy into a new section.

**Section 2:** Per our discussion, we revised the definition of "part-time employee" to have them be at-will employees by default. Further, the definition of "non-exempt employee" was simplified to avoid the misleading implication that the District's daily overtime policy is mandated by the FLSA.

**Sections 3.1 and 3.2:** We revised these sections to include legally protected characteristics that were missing, and to broaden the harassment policy to cover all forms of harassment.

**Sections 3.10 and 3.11:** We removed the portion of the electronic communications policy that covered social media, as this is now encompassed by a separate social media policy, Section 3.11.

**Section 3.19:** Because this policy covers not only "Cell Phone Usage" but use of personal electronic devices more generally, we revised the section heading accordingly.

**Section 3.20:** We re-inserted language providing examples of what constitutes acceptable attire for office employees.

**Section 3.23:** We added the new scavenging policy.

**Sections 3.24 and 16.1:** Section 3.24 was substantially revised to remove references to DOT requirements (other than a reference to the District's separate DOT testing policy), to reflect the District's actual non-DOT drug testing policy, and to clarify ambiguous provisions. References to the Public Safety Officer's Procedural Bill of Rights were also removed, as the district does not employ any sworn peace officers covered by that law. In light of the revisions to Section 3.24 and in light of the District's separate DOT testing policy, Section 16.1 was removed.

**Sections 4.3 and 4.4:** We added language to clarify that the introductory/probationary period applies only to regular full-time employees, and not to contract or part-time employees.

**Section 5.0:** Employee evaluations will be done on an annual basis. January through December.

**Section 5.2:** We added language clarifying that an employee in a promotion-related introductory period who does not pass that introductory period is returned to their previous position rather than terminated entirely.

**Section 5.4:** We revised this section to reflect Labor Code 1198.5, under which employees are entitled to a copy of their whole file including unsigned documents.

**Sections 5.7 and 5.8:** We added a clarification that these policy sections prohibit texting only while driving.

**Section 5.14:** Because the District is a municipal corporation, pursuant to Labor Code section 220, it is exempt from the obligation to provide a final paycheck at the time of termination (required for private sector employers under Labor Code section 201), and need only provide it as provided under the FLSA at the next regular payday; we revised this section accordingly. The District is free to make the final paycheck early, but you are not obligated to do so.

**Section 7.0:** The District's overtime policy is more generous than the FLSA. We added language clarifying that not everything in this policy is legally mandated.

**Section 7.1:** This policy implies that Compensatory Time is only available for time-and-a-half overtime, and not the double-time overtime for working over 12 hours in a workday.

**Section 7.3:** We note that while having the FLSA workweek begin Friday at noon for all employees is permissible, it is important to make sure that the District has in fact been tracking overtime within this workweek. In the alternative, the District can set different FLSA workweeks for employees who work 5/40 and 9/80 schedules. For 9/80 employees, we typically recommend having each employee's designated workweek begin 4 hours into their regularly scheduled shift on the alternating day off. If the Friday noon workweek is staying, then in order to avoid FLSA overtime, employees on a 9/80 schedule should work no more than 4 hours before noon on Fridays, with Friday also being the alternating day off.

**Section 7.4:** The District's meal break policy complies with the California wage-and-hour law, but we note that the District is exempt from that law, and the District does have the flexibility to adopt a different policy.

**Section 8.0:** We note that the District is exempt from the requirement to provide reporting time pay. The District is free to provide such pay but is not required to do so.

**Section 10:** This section indicates that only full-time employees working 32 hours or more are eligible for health benefits; the Affordable Care Act mandates health benefits to employees working 30 or more hours. This section needs to be revised for compliance with the ACA. We are not familiar with what the District has done to address its ACA compliance and would need to gather more information to finalize any revisions to this section.

**Section 10.1:** We have not made any revisions to this section regarding Retiree Health Benefits. However, the District may want to review this section further regarding any vested rights that it may create.

**Section 10.8:** We revised this section to more closely reflect applicable CalPERS rates and differentiate between CalPERS benefits and Social Security/Medicare.

**Section 11.0:** We revised this section to better reflect the interaction between CFRA/FMLA and PDL, which in some circumstances will require more than 12 weeks of continued health benefits. We also added a clarification that the loss of health benefits applies only to unpaid leaves of absences, and not to vacation, sick leave, etc., and language indicating the option for employees to elect continued coverage under COBRA.

**Sections 11.1 and 11.2:** We substantially revised these sections to more accurately reflect the FMLA, CFRA, PDL, and interaction between the three. These revised sections replace sections 11.1 through 11.4 of the previous version.

**Section 11.4:** We added language reflecting the District's obligation in some circumstances to grant a medical/disability-related leave of absence under the ADA/FEHA.

**Section 11.5:** We revised this section to better reflect the application of California's Paid Sick Leave Law and to distinguish between the accruals of regular full-time employees and part-time and temporary employees.

**Section 11.10:** We added language clarifying that victims of domestic violence or sexual assault are eligible for unpaid leave to the extent provided by law.

**Section 13:** We added language clarifying that the progressive discipline policy applies only to full-time non-introductory employees.

**Section 16.1:** As noted above, the drug and alcohol policy in the old Section 16.1 was consolidated with Section 3.24.

Added new policies:

- Scavenging Section:
- Social Media Section:
- Open Door Policy

4/15/19

**Section 8.** This section was deleted because it does not apply to public agencies.

**Section 9.** Removed verbiage: Excessive tardy is when an employee is late more than ten minutes. Added to verbiage: Excessive absenteeism occurs when the number of accumulated absences exceeds twelve (12) days of unexcused absences in any twelve (12) month period and/or three (3) separate days of unexcused absences in a one (1) month period prior to the most recent absence.

**Section 13.** Corrected “no later than 15<sup>th</sup> day after receipt of said noticed of disciplinary action” to 5 days per MOU.

**Section 14** Took out last sentence to remove, “and recognition item”. Also added 50.00 to years of service, in lieu of plaque.

**Renumbered Sections:** In light of the revisions noted above, several sections were renumbered. The section numbers referenced below are those that appear in our revised version (except for sections that were removed, which are referenced by their original number).

2/25/20

**Section 7.1** (MOU Update) Compensatory time may be accrued up to a maximum of one hundred and sixty (160) hours. Compensatory time earned in excess of 160 hours shall be paid during the next following pay period. Employees prior to July 1, 2019 that have a balance above 160 hours shall be allowed to reduce their balance gradually and are not eligible to accrue any more compensatory time until their balance is below 160 hours.

**Section 8.2** (MOU Update) Compensation for Scada call outs will be at 15 minutes minimum intervals for any calls between 5am and 9pm, and 1 hour minimum call out for calls between 9pm and 5am. Includes alarm check and remote fixes on Scada.

**Section 8.5** Removed Certification Listings.

**Section 9.0** Changed verbiage to clarify absences.

Excessive absenteeism occurs when the number of accumulated occurrences/ absences exceeds twelve (12) days of unplanned absences in any twelve (12) month period and/or three (3) separate occurrences of unplanned absences in a one (1) month period prior to the most recent absence.

Occurrences, i.e., out with the flu for three days is one occurrence (it is the same sickness for multiple days).

Notification should be a minimum of a week notice so the supervisor/manager has a chance to reassign scheduled duties otherwise it is considered an unplanned absences, i.e., absences without proper notification.

Any time used under FMLA, will NOT be used in calculating occurrences.

**Section 10.1** (MOU Update) A. The employee shall be at least sixty-three (63) years of age and have a total of twenty (20) years of service with MCWD.

B. MCWD will pay seventy-five percent (75%) of the medical insurance cost for the employee at retirement who meets the requirements stated in item A above.

C. All employees who exercise this option and who retire with twenty (20) years of service are required to pay twenty-five (25%) of the cost of medical insurance and shall make his/her payments on the first of each month after retirement. Any retired employee who fails to make the required payment to MCWD shall have all benefits cancelled if not paid within thirty (30) days of the due date.

D. Retirees shall be notified in writing of the amounts owed to MCWD at the time of retirement. The amount paid shall be calculated based on twenty-five (25%) of the rates charged by MCWD's insurance carrier at the time of retirement. The employee shall be notified in writing of any changes in the amount owed each year.

**Section 10.13** ( MOU Update) Prior to approving a request for vacation, it is the responsibility of the manager/supervisor or designee to confirm that the employee has, or will have, the requested time available. Any unposted leave accruals are not eligible for use at the time the scheduled vacation starts.

**Section 10.14.** (MOU Update) Any management leave not used by the end of the first quarter of the following fiscal year will be paid out to the employee during the next payroll period.

## **Section 1. Introduction and General Provisions**

### **1.0 Welcome to Marina Coast Water District**

Welcome! As an employee of the Marina Coast Water District (“MCWD” or “the District”), you are an important member of our team. We hope that you will find your position here rewarding, challenging, and productive.

This employee handbook is intended to explain the terms and conditions of employment of all employees and supervisors. Written employment contracts between 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.

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

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.

### **1.1 Scope of Handbook**

The policies and procedures contained herein supersede any and all previously issued policies, procedures, rules or instructions related to human resource management at MCWD with the exception of the individual bargaining unit’s MOU’s.

### **1.2 Administration**

The General Manager, as Appointing Authority, shall have unilateral authority to interpret and implement the provisions contained herein. The General Manager may develop and issue procedures, consistent with the Handbook, to facilitate implementation.

A copy of this Handbook shall be made available to all employees.

### **1.3 Distribution of Handbook**

All employees shall receive and understand they are bound by the provisions of this Handbook as a condition of continued employment whether it is read or not. Employees shall sign and return an "Acknowledgement of Receipt of Employee Handbook" form confirming receipt of the Handbook.

### **1.4 Customer Service**

Our goal is to leave a positive, lasting impression with the customers who do business with us. We accomplish this through caring and professional employees who strive to provide exceptional customer service by not only meeting but exceeding our customers' expectations in every way possible.

*What* we say to our customers and *how* we say it are the basic building blocks to exceptional customer service. All of us should constantly look for opportunities to enhance the satisfaction of our customers. This requires a committee, team approach. We are all expected to accommodate customer requests and needs as they arise. The primary tools in accomplishing this are knowledge of your job, the products and services we provide our customers, and your attitude when delivering that knowledge, service or product. Remember to always interact with our customers, whether external or internal with dignity and respect.

### **1.5 Open-Door Policy**

The District is constantly striving to improve its operations, the services that it provides its customers and its relations with its employees. In addition, The District is committed to creating the best work environment - a place where everyone's voice is heard, where issues are promptly raised and resolved, and where communication flows across all levels of the organization. Openness is essential to quickly resolve customer concerns, to recognize business issues as they arise, and to address the changing needs of our diverse workforce.

The essence of the District's Open Door Policy is open communication in an environment of trust and mutual respect that creates a solid foundation for collaboration, growth, high performance and success across the organization.

#### **It provides for a work environment where:**

- Open, honest communication between managers and employees is a day-to-day business practice
- Employees may seek counsel, provide or solicit feedback, or raise concerns within the District
- Managers hold the responsibility for creating a work environment where employees' input is welcome, advice is freely given, and issues are surfaced early

and are candidly shared without the fear of retaliation when this input is shared in good faith

If you have a question or wish to discuss a possible concern in the workplace, you should first discuss it with those in your management chain, such as your supervisor or department manager. If you are not comfortable with that approach for any reason, or if no action is taken on such discussions within your management chain, please contact the HR/Risk Administrator or the General Manager.

## **Section 2. Definition of Terms**

The following definitions are meant to standardize and ensure common understanding with reference to employees and employment.

Employee – refers to any person currently employed or on a leave of absence. Not included under this term are applicants for employment, contracted agents, or others.

Regular Full-Time Employee– refers to employees who are hired to fill a full-time position, regularly scheduled to work at least thirty-two (32) hours per week and have completed a six (6) month introductory period for that position. Employees in a regular, full-time position may be classified as “exempt” or “non-exempt” as defined below.

Introductory Employee – refers to employees during the initial six (6) months of employment in a classification. An employee in an introductory status is considered at-will.

Part-time Employee – refers to employees who are hired to work less than full-time and who are at-will employees.

Contract Employee – refers to employees hired on a temporary basis for a specific project or time period, but not more than 1,000 hours in a fiscal year. If a project requires additional hours, the contract employee may be extended by the General Manager. Contract employees are considered at-will employees and not normally eligible for benefits; however, in order to attract qualified candidates, benefits may be offered on a case-by-case basis.

Volunteer – refers to a person who is not a paid employee, who participates in any MCWD activity by providing his/her labor and services free of charge. Use of volunteers on MCWD projects must be approved by the HR/Risk Administrator for liability and workers' compensation purposes.

Exempt Employee – refers to employees who are exempt from the minimum wage, overtime and other provisions of the Fair Labor Standards Act (FLSA) and the appropriate Industrial Welfare Commission (IWC) Order as amended. These employees do not receive overtime pay.

Non-exempt Employee – refers to employees who are overtime eligible and paid overtime under the terms and conditions referenced in this Handbook.

### **Section 3. General Employment Policies**

#### **3.0 Employment**

The laws of the State of California affirm that employees are hired and serve at the pleasure of the MCWD. However, under normal circumstances, all regular, full-time employees, except the General Manager are entitled to certain disciplinary and grievance procedures specified in Section 12. All employees have a responsibility to read and understand Section 13 that defines the type of discipline that may be imposed by MCWD and the processes associated with the type of discipline.

#### **3.1 Equal Employment Opportunity**

MCWD is an equal opportunity employer. It is MCWD's policy to provide equal employment opportunity for all applicants and employees, in all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, social/recreational programs and general treatment during employment.

MCWD does not unlawfully discriminate on the basis of race, creed, color, age, religion, religious dress practices and religious grooming practices, gender (including gender identity and gender expression), nationality, national origin, ancestry, citizenship status, physical or mental disability, veteran/military status, medical condition (including pregnancy, childbirth, breastfeeding and related medical conditions, HIV or AIDS-related conditions), marital status, genetics, sexual orientation, or any other consideration made unlawful by federal, state, or local laws. MCWD also prohibits unlawful discrimination based on the perception that anyone has any of those characteristics, or based on association with a person who has or is perceived as having any of those characteristics. MCWD shall make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified applicant/employee unless undue hardship for the employer would result. Applicants may submit requests for accommodations to the HR/Risk Administrator. The HR/Risk Administrator and/or a designee of the General Manager shall conduct an investigation into whether reasonable accommodations can be made. For more information, please refer to Section 17.

It is the responsibility of every manager and employee to follow this policy. Employees with questions or concerns about any type of discrimination or harassment on any of the basis mentioned above in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the HR/Risk Administrator, or the General Manager or designee. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination shall be subject to disciplinary action up to and including termination of employment with MCWD.

## 3.2 Harassment

MCWD is committed to providing a workplace free of harassment. In keeping with this commitment, MCWD maintains a strict policy prohibiting all forms of unlawful harassment, including sexual harassment and harassment based on race, color, creed, religion, religious dress practices, religious grooming practices, sex, national origin, age, sexual orientation, gender (including gender identity and gender expression), national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation, military/veteran status or any other basis protected by federal, state or local law. MCWD also prohibits harassment based on the perception that anyone has any of those characteristics, or based on association with a person who has or is perceived as having any of those characteristics. The California Department of Fair Employment and Housing Act (DFEH) defines "sex" as including pregnancy, childbirth, breastfeeding and related medical conditions. This policy applies to all representatives and employees of MCWD, including supervisors, department heads, and non-supervisory employees, and prohibits harassment of employees in the workplace by any person, including non-employees. It also extends to harassment of or by vendors, independent contractors, and others doing business with MCWD. Furthermore, this policy prohibits unlawful harassment in any form, including verbal, physical, and visual harassment. It also prohibits retaliation of any kind against individuals who file complaints in good faith or who assist MCWD in an investigation.

Training: The labor law is as follows:

California's Fair Employment and Housing Act (FEHA) and the federal Title VII of the Civil Rights Act of 1964 make sexual harassment illegal in the workplace. California's [AB 1825](#), enacted in 2005, makes certain employer action items and training mandatory.

Effective Jan. 1, 2015, amendment [AB 2053](#) requires all California employers subject to the mandatory training requirement under AB 1825 to include a component on preventing "abusive conduct."

Effective Apr. 1, 2016, [FEHA regulations](#) were revised to clarify and expand the protections, employer actions and training requirements.

Effective Jan. 1, 2018, [SB 396](#) expanded required training for supervisors to prevent sexual harassment to include gender identity, gender expression and sexual orientation.

[SB 1343](#) amended the FEHA regulations and requires businesses with five or more employees to provide sexual-harassment-prevention training to *all* workers by Jan. 1, 2020, and every two years thereafter.

- A. Definition - Prohibited unlawful harassment includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
  - Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
  - Physical conduct including assault, unwanted touching, intentionally blocking normal movement or interfering with work because of sex, race or any other protected basis;
  - Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors; and
  - Retaliation for reporting or threatening to report harassment.
- B. Reporting Procedures - Any employee or other person who believes he/she has been harassed by a co-worker, supervisor, agent of MCWD, or anyone encountered in the course of performing MCWD work should promptly report the facts of the incidents(s) and the names of the individuals involved to his/her supervisor, department head, HR/Risk Administrator or General Manager. It is the responsibility of each employee to immediately report any violation of suspected violation of this policy to one or more of the individuals identified above.
- C. Investigation - It is MCWD's policy to investigate all reports or complaints of harassment thoroughly, promptly, and discreetly. To the extent possible, the confidentiality of an employee or other person who has reported an incident and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. The outcome of the investigation and a timely resolution of each complaint will be reached and communicated to the employee and the other parties involved. If an investigation has concluded that harassment occurred, MCWD will take appropriate remedial corrective action, up to and including termination as identified in Section 13.

Co-workers can be held legally responsible for sexual harassment, meaning their personal assets are at risk. Any employee is personally liable if he/she engages in sexual harassment. This is true regardless of whether the employer knows or should have known of the contact and fails to take immediate and appropriate corrective action.

### **3.3 Bullying**

- A. Workplace bullying is behavior that harms, intimidates, offends, degrades or humiliates an employee, possibly in front of other employees, clients, or customers. Workplace bullying may cause the loss of trained and talented employees, reduce productivity and morale, and create legal risks. Examples of bullying include: spreading rumors, gossip and innuendo, intimidating a person, undermining or deliberately impeding a person's work, physically abusing or threatening abuse, removing areas of responsibilities without cause, withholding

necessary information, making jokes that are obviously offensive, intruding on a person's privacy by pestering/spying/stalking, creating a feeling of uselessness, yelling or using profanity, criticizing a person consistently or constantly, belittling a person's opinion, unwarranted punishment, blocking applications for training/leave/promotion, tampering with a person's personal belongings. If in doubt if an action could be bullying, ask yourself if a reasonable person would consider the action acceptable.

- B. Preventive/Response Measure: Report bullying to your supervisor or the HR/Risk Administrator. An informal investigation will be conducted. In the event the informal stage is not sufficient, or the offense is of a serious nature, a formal investigation will be conducted. Any reports of workplace bullying will be treated seriously and investigated promptly. Managers and supervisors must ensure employees who make complaints, or witnesses are not victimized.

Training: In order to eliminate and/or minimize risks involved with bullying and incivility, the HR/Risk Administrator is responsible for scheduling training for employees. Staff is responsible for implementing the training. Managers and supervisors are responsible for enforcing the policy.

### **3.4 Governmental Administrative Remedies for Discrimination and Harassment**

Discrimination, harassment and retaliation for opposing harassment or participating in investigations of harassment are illegal. In addition to notifying MCWD about discrimination, harassment or retaliation complaints, affected employees may also direct complaints to the California Department of Fair Employment and Housing (DFEH), which has the authority to conduct investigations. The deadline for filing complaints with the DFEH is one (1) year from the date of the alleged unlawful conduct. The employee can contact the nearest DFEH office or the Equal Employment Opportunity Commission (EEOC) at locations listed on MCWD's Employment Law posters located at each of the work facilities.

### **3.5 Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interests. MCWD's reputation for integrity is its most valuable asset and is directly related to the conduct of its employees. Therefore, employees must avoid entering into transactions where it may appear that they are improperly benefiting from their employment with MCWD. An employee who has influence on purchases, contracts, or leases, shall not use that influence to benefit himself/herself or any relative or family member. Such employee should disclose the nature of the influence to his/her immediate supervisor, General Manager or designee, in order to avoid an appearance of a conflict of interest and so that appropriate safeguards can be established to protect all parties.

Additionally, any employee who should happen to find items of value during the course of their work will turn them over immediately to the Operations and Maintenance Manager for disposal. Employees are not to try and sell these items for their own personal gain. Failure to comply with this policy could result in discipline up to and including termination. Actions in violation of California State Law shall be referred to the appropriate governmental agency.

Employees who engage in employment outside of MCWD, as defined in Section 3.6 below must disclose that information to MCWD and obtain written confirmation that the outside employment does not constitute a conflict of interest.

### **3.6 Outside Employment**

Employees may engage in outside employment, subject to Section 3.5 above and the restrictions contained in this section, as long as the employee meets the performance standards of his/her assigned job and devotes his/her full loyalty to MCWD.

Employees are required to provide advance notice to the General Manager or designee before accepting secondary employment. Once approved, if MCWD determines an employee's outside work interferes with his/her performance or ability to meet the requirements of his/her position, the employee will be asked to terminate the outside employment. Outside employment may not be conducted during the employee's actual hours of work. Furthermore, MCWD premises, equipment, vehicles, supplies, or electronic communication systems may never be used for outside employment.

MCWD's Workers' Compensation Insurance will not pay for an illness or injury arising from any outside employment or outside business activity.

### **3.7 Employment of Relatives**

MCWD discourages the hiring and employment of relatives or individuals in domestic partnership relations with current employees. However, MCWD reserves the right to exercise appropriate discretion in each case. "Relative" means spouse, domestic partner, former spouse, mother, father, stepmother, stepfather, or person who has acted in place of one of these, father-in-law, mother-in-law, child, stepchild, brother, sister, brother-in-law, and sister-in-law, or a person who co-habits with such other employee.

MCWD will accept and consider applicants for employment from relatives of a current employee, as defined above. Applicants must identify any individual who is a relative, as defined above, already employed by MCWD at the time they apply for employment.

Employees' relatives will not be eligible for employment where potential problems of supervision, safety, security or morale, or potential conflicts of interest exist. In cases where a potential conflict arises such as might occur through a romantic relationship or marriage of two employees, even if there is not managerial relationship involved, the parties may be separated by reassignment or terminated from employment. If the

relationship is established after employment, and the determination is made to separate, then the individuals concerned must decide within thirty (30) calendars days, who will be transferred or terminated.

### **3.8 Political Activity**

While on the job, during working hours, employees may not campaign for, or against, any candidate or issue, engage in political activities, or solicit funds for political groups, on MCWD premises. Employees may not engage in such activities while wearing a MCWD uniform, badge or similar apparel that is likely to identify them as MCWD employees. Likewise, employees may not solicit or distribute politically oriented information or materials, nor place or post such materials on MCWD bulletin boards including the placement of stickers on MCWD vehicles, buildings or other property owned by MCWD.

These restrictions are solely for the purpose of keeping MCWD jobs free from political influence. Nothing in this policy is intended to prevent employees from voting, belonging to political organizations, or attending political meetings on their own time.

### **3.9 Smoking**

In order to provide employees with a safe and healthful work environment and ensure compliance with the California Workplace Tobacco Laws (AB 13 and AB 846) as well as the California Labor Code Section 64045, smoking is not permitted within twenty-five (25) feet of any exit or operable window of MCWD facilities. In addition, smoking in a MCWD vehicle is prohibited.

The success of this policy depends on the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on MCWD premises share in the responsibility of adhering to this policy. Likewise, all MCWD employees are responsible for advising members of the public or other visitors who are observed smoking tobacco products on MCWD property of this policy. These individuals shall be asked by staff to refrain from smoking and vaping, and if the person fails to comply, the requesting staff members should inform a member of the management staff.

### **3.10 Electronic Communications Ethics, Usage and Security Policy**

MCWD believes that employee access to and uses of the Internet, e-mail, telephones, social media, and other electronic communication resources benefits MCWD. However, the misuse of these sources has the potential to harm the District's short and long-term success.

MCWD has established this ethics, usage, and security policy to ensure that all MCWD employees use the computer resources which MCWD has provided its employees, such as the Internet and e-mail in an ethical, legal, and appropriate manner. This policy establishes acceptable and unacceptable use of the internet, e-mail, and other electronic communications. Nothing in this policy shall operate to prohibit or in any way limit an

employee's right to discuss the terms and conditions of his or her employment, as provided by law.

This policy also establishes the steps the District may take for inappropriate use of the internet and e-mail. All employees must read and adhere to these guidelines. Failure to follow this policy may lead to discipline, up to and including termination.

- A. Inappropriate use of the Internet and e-mail includes, but is not limited to:
  - 1. Accessing sites that contain pornography, sites that exploit children, sites that contain gambling opportunities, or sites that would generally be regarded in the community as offensive, or for which there is no official business purpose to access.
  - 2. Participating in any profane, defamatory, harassing, illegal, discriminatory, or offensive activity, or any activity that is inconsistent in any way with MCWD policies (e.g. policy on sexual harassment).
  - 3. Exploiting security weaknesses of MCWD's computing resources and/or other networks or computers outside MCWD.
  - 4. Knowingly allowing unauthorized persons access to or use of MCWD computing resources.
  - 5. Transmitting any of the District's confidential or proprietary information, including customer data or other materials covered by the District's confidentiality policy; transmitting or posting information that may harm the District or its reputation or any of its employees regardless of whether the information is defamatory. The prohibitions described apply to employees whether the employee is on or off duty or working from a non-District computer.
- B. Personal use of MCWD's computer system and access to the Internet and e-mail is not a benefit of employment with MCWD. Use of the Internet should not interfere with the timely and efficient performance of job duties.
- C. Employees should not have any expectation to the right of privacy in any MCWD computer resources, including e-mail messages produced, sent, or received by MCWD computers, cell phones, or transmitted via MCWD's servers and network. The Network Administrator(s) may monitor the contents of all e-mail messages to promote the administration of its business and policies.
- D. Use of another employee's name/account to access MCWD's network or the Internet is prohibited without express permission of the Network Administrator(s).
- E. Employees may not use MCWD's computer resources for personal commercial activity.

- F. To maintain the integrity and firewall protection of MCWD's system, personal Internet accounts should not be accessed using MCWD's network system, telephone system, modem pool, or communication server to access the Internet.
- G. The vast majority of MCWD records are public documents. Employees should not transmit information in an electronic mail message that could be written in a letter, memorandum, or document available to the public. E-mail attachments are subject to the same ethical and legal concerns and standards of good conduct as memos, letter, and other paper-based documents. E-mail can be forwarded to others, printed on paper, and is subject to possible discovery during lawsuits in which MCWD or the employee may be involved.
- H. Downloading software and programs for other than MCWD-authorized tasks is prohibited. When required to download authorized software programs for MCWD, the Network Administrator(s) should be notified immediately. Computer viruses can become attached to executable files and program files and result in significant losses to MCWD. Employees should scan all downloaded materials before using or opening them on their computers to prevent the introduction of a virus. All copyright and license agreements regarding software or publications will be adhered to. MCWD will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by illegal use or infringement. Any software or publication which is downloaded onto a MCWD computer may become the sole property of MCWD.

### **3.11 Social Media Policy**

#### **Purpose**

The District recognizes the role that Social Media tools may play in the personal lives of the District personnel and Elected Officials; and the effect Social Media may have on personnel in their official capacities. This policy establishes the District's position on the use and management of District authorized Social media and Personal Social Media, as well as providing guidelines on its management, administration, and oversight. This Policy provides guidance of a precautionary nature as well as stating specific restrictions and prohibitions on the use of Social Media by District personnel and Elected Officials.

In the rapidly expanding world of electronic communication, Social Media can mean many things. In general, Social Media encompasses the various activities that integrate technology, social interaction, and content creation. Through Social Media, individuals can create Web content, can organize, edit or comment on content, as well as combine and share content on their own web site or on someone else's. Social Media uses many technologies and forms, including Web feeds, blogs, wikis, photography and video

sharing, web logs, journals, diaries, chat rooms, bulletin boards, affinity web sites, podcasts, social networking, fan sites, mashups, and virtual worlds.

The Policy is not intended to address one particular form of Social Media, but rather, Social Media in general and in general terms, as technology will outpace the District's ability to discover emerging technology and create policies governing their specific uses.

## **Use of Social Media for Official District Purposes**

### General

The same principles and guidelines found in the District policies apply to employee activities online. Before creating online content, keep in mind that if your conduct adversely affects your job performance, the performance of co-workers or otherwise adversely affects members of the public served by the District, people who work on behalf of the District, or the District's legitimate business interests, the District may take disciplinary action against you, up to and including termination.

To the extent that your Social Media impacts District personnel, the community, and/or rate payers follow District policies and regulations, including but not limited to those that protect individual privacy rights, anti-discrimination and harassment policies, anti-workplace violence and other relevant policies. Employees using District-provided internet resources shall do so only in support of official District business

Any users of the District's Social Media channels must comply with applicable federal, state and local laws. This includes adherence to established laws and policies regarding copyright, records retention, California Public Records Act, e-discovery law, First Amendment, privacy laws, and information security and therefore must be able to be managed, stored, and retrieved to comply with these laws.

The District has an overriding interest in protecting the integrity of information posted on Social Media platforms or websites that are attributed to the District and to its officials. One of the purposes of this Policy is to establish guidelines, standards and instructions for the use of Social Media sites by the District.

Messages and content posted on a District Social Media site may constitute speech on behalf of the District, but such speech takes place on a non-District venue. Therefore, the District Board of Directors finds and intends that speech posted on a Social Media site venue by District representatives and comments by the public posted on a social media site venue in response, do not create a public forum or limited public forum on any portion of the District's websites, equipment or other District property.

### Public Comment Policy

Employees or elected officials using Social Media for official District purposes are prohibited from posting:

- 1) Information about actual or potential claims and litigation involving the District,
- 2) The intellectual property of others without written permission,
- 3) Photographs of employees or members of the public without written permission,
- 4) Defamatory material,
- 5) Any personal, sensitive, or confidential information about anyone,
- 6) Obscene, pornographic, or other offensive/illegal material or links,
- 7) Racist, sexist, and other disparaging language about a group of people,
- 8) Political campaign materials or comments,
- 9) Threatening, harassing, hateful, or mean-spirited comments,
- 10) Information that is not public in nature,
- 11) Information or comments that are potentially libelous,
- 12) Personal Attacks, insults, threatening language,
- 13) Commercial promotions or spam,
- 14) Off-topic or link to material that is off topic, or
- 15) Embed imagers and external sources.

All District social networking sites shall clearly provide notice of the following:

- 1) The types of postings that are violation of the District's Social Media Policy (as listed above). The District reserves the right to remove postings that violate its Social Media policy.
- 2) The District only monitors postings during regular business hours and thus information conveyed after hours will not be received and responded to (if applicable) until the next business day.
- 3) Postings are subject to disclosure as public records.

The following are guidelines for employee or elected officials in responding to comments when using Social Media for official District purposes:

- 1) Be honest/transparent.
- 2) Post only within one's area of expertise.
- 3) Post only useful information.
- 4) Keep it professional – avoid confrontation.
- 5) Be accurate.
- 6) Correct errors, and if modifying an earlier post, identify the change.
- 7) Be responsive to citizen concerns.

### Roles/Responsibilities

Human Resources will maintain a list of approved social media pages that have been approved by the General Manager and will have authority to edit or remove inappropriate comments or content from the District's social media pages.

The District's Public Relations Consultant will monitor the content of the social media pages and the District's Human Resources Manager will monitor and respond to comments.

## Public Records and Retention

All social media postings will be in compliance with the District's existing public records and retention policy. To facilitate compliance, the following apply:

- 1) Post all original content to the District's website and use the social media site as a secondary outlet.
- 2) Link back to the official District Website for additional information.
- 3) Employees who post public records to a social media site will ensure that the original document is retained in a manner that complies with public record policy.

## **Personal Use of Social Media**

### General

District personnel and Elected Officials are free to express themselves as private citizens on Social Media sites to the degree that the speech does not impair or impede the performance of District duties, impair discipline and harmony among co-workers. A public official's personal social media site may transform into a limited public forum when acting on official public business. Use caution when posting about public business on your personal page. Use good and ethical judgement.

While Social Media offers great opportunities for District employees and Elected Officials to communicate and collaborate, both internally and externally, it also brings equally great responsibilities. Social Media blurs the lines between personal and professional as no other technology has before. By virtue of identifying yourself as a District employee or Elected Official within a social network, you are now connected to your colleagues, managers, and community members. Your online postings should always represent your personal point of view and not that of Marina Coast Water District. When posting your point of view, you should neither claim nor imply you are speaking on the District's behalf. Please be clear to indicate that the views expressed on your posts are your own and do not necessarily reflect the views of the District. Include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the District". Do not create a link from your blog, website or other Social Media/Networking site to a District website without identifying yourself as an employee or an Elected Official.

### Responsibility to Clarify

If an employee or Elected Official provides their own opinion on a Social Media platform, and such opinion is questioned by the media or public as being connected with the District, then the person who wrote their opinion should respond and should clarify their opinion is not associated with the District.

## Personal Use of Social Media by Elected Officials

Elected Officials should follow the guidelines of the ethics code training (i.e. Fair Political Practice Commission), when using social media. Informal communication with constituents is generally acceptable, but discussion of public business is risky, especially if it involves other Elected Officials. Elected Official use of social media to discuss public business may violate the open meetings law or may violate the law against using government resources for political purposes. To address these risks, the following policies apply:

- 1) It is prohibited that Elected Official use any social media (personal, professional or the District's official social media) to discuss public business before the Board that should otherwise be discussed in a properly agendized public Board meeting.
- 2) A social media site used by an Elected Official to communicate with constituents must include a link back to the District's official website for detailed information.
- 3) Elected Officials who use social media for campaigning must establish separate social media for that purpose and not access that social media through the District's technology. District officials or employees on a non-District site must include a disclaimer, only when mentioning District business, (i.e. "The postings on this site are my own and do not necessarily reflect the views of the Marina Coast Water District. This is not an official Marina Coast Water District social media site").

### **3.12 Nondisclosure of Confidential Information**

During the course of employment, employees may have access to certain confidential information including: legal information, employee information, business records, customer information, business systems, future plans and other information that MCWD considers confidential and sensitive. Employees are expected to use discretion and exercise caution in regard to keeping information confidential about MCWD business and employees. Only the General Manager or designees are authorized to disclose confidential information as deemed appropriate for a public entity, or as otherwise authorized by the Board of Directors. Any question about the confidentiality of information should be referred to the General Manager or designees.

### **3.13 Inquiries from Outside Sources**

From time to time, news media or the general public may contact MCWD with requests for information. All inquiries concerning MCWD operations and/or policies should be referred to the General Manager or designee. All inquiries regarding former or current employees should be referred to the HR/Risk Administrator.

### **3.14 Workplace Violence and Security, and Monitoring**

MCWD recognizes the importance of maintaining a safe and violence-free workplace. MCWD is committed to providing a workplace that is free from acts or threats of violence. Although some kinds of violence result from societal problems that are beyond MCWD's control, MCWD believes that measures can be adopted to increase protection for employees and to provide a secure workplace. Accordingly, acts and/or threats of violence by or toward employees will not be tolerated and will be grounds for discipline and/or other remedial action up to and including immediate termination. Similarly, acts and/or threats of violence by visitors, members of the public, or other non-employees will likewise not be tolerated and will be grounds for appropriate remedial action. Remedial action includes, but is not limited to, removal of offenders from the premises, removal of employees from work schedules, unpaid administrative leave pending the outcome of an investigation, disciplinary action up to and including termination, the filing of a temporary restraining order or court ordered injunction, and such other actions as may be deemed appropriate based on specific conditions and circumstances.

MCWD believes prevention of workplace violence begins with recognition and awareness of potential early warning signs of a situation that presents the possibility of violence. Workplace violence includes threats of any kind; threatening or physically aggressive or violent behavior; harassing or threatening phone calls; stalking; other behavior that suggests a propensity toward violence such as belligerent speech, excessive arguing or swearing, sabotage or threats of sabotage of MCWD property; a demonstrated pattern or refusal to follow MCWD policies and procedures; defacing MCWD property or causing physical damage to MCWD facilities; or bringing weapons, firearms or any device reasonably believed by MCWD to be hazardous or a threat on MCWD premises.

Consequently, every employee has an obligation to report to his/her supervisor, or a member of the management staff, any incident involving any threat or act of violence, use or observation of any weapon or hazardous device on MCWD premises or vehicles, including acts of intimidation or confrontational behavior. Employees should request assistance from the nearest available manager to help resolve any difficult situation or security problem. Do not confront any person who is hostile or overly agitated. Instead, immediately report to management any person(s) who acts in a suspicious, hostile, or violent manner. All reports of workplace violence will be taken seriously and will be reviewed promptly, and appropriate corrective action will be taken.

In addition to these efforts, all employees are to notify management of any security hazards. Recommendations of appropriate action to prevent workplace violence and limit access to work areas by unauthorized persons should be made to management or directly to the General Manager or designee.

In an effort to ensure the proper security of MCWD premises and related work locations, MCWD may visit, inspect, monitor and/or provide camera surveillance at certain locations, and from time to time, as conditions warrant.

### **3.15 Privacy**

MCWD recognizes the need and expectation employees have concerning their privacy rights. Therefore, it should be understood that records and information about MCWD customers, suppliers, contractors and employees are considered strictly confidential and only those employees that have a job-related need to know have a right to access and use such information and then only for operational purposes. Similarly, employees should avoid undue intrusion into the personal affairs of other employees with the exception of an appropriate investigation into an alleged act of misconduct by an employee. In these cases, the privacy of those employees being investigated, including potential witnesses will be maintained to the degree possible.

Failure on the part of an employee to maintain the confidentiality and privacy of customer and employee information can result in disciplinary action up to and including termination.

### **3.16 MCWD Communications/Bulletin Boards**

All MCWD employees are encouraged to openly and honestly communicate while maintaining tact, courtesy, respect, dignity and professionalism.

#### Staff Meetings

Staff meetings are held on an “as-needed” or pre-scheduled basis. All employees scheduled to work on meeting days are expected to attend while unscheduled employees are expected to learn about the content of meetings on their next scheduled workday. These meetings are held to provide information, promote employee participation, contribute constructive ideas in solving problems, improve the organization, and allow MCWD to operate more efficiently. It is an opportunity to exchange ideas, set goals, discuss opportunities for growth, and solve any problems with particular projects or assignments. If unable to attend, employees should notify their immediate supervisor and offer to submit ideas in writing.

#### Bulletin Boards

Bulletin boards are used to display required documents and to provide employees with information about job openings, changes in MCWD operations, or information of general interest relative to daily operations.

Posting of any notice or document on bulletin boards or elsewhere on MCWD premises must be approved by management. Employees are discouraged from posting personal notices and solicitations on MCWD bulletin boards without prior approval from management. MCWD will follow all applicable laws regarding employees’ communication rights when deciding whether to permit postings.

### **3.17 Personal Possessions**

Employees are encouraged to avoid bringing expensive items or personal possessions that have monetary or sentimental value to work and to take all precautions to safeguard all such items especially wallets and purses, if brought to work. Employees who bring any kind of personal items and possessions to work do so at their own risk since MCWD accepts no responsibility for any items or possessions that are stolen, lost, or damaged in any way.

### **3.18 Personal Mail and Telephone Calls**

MCWD facilities are available for MCWD business. Due to the volume of business calls required during the business days, personal calls on MCWD telephones during working hours should be kept to a minimum. Personal telephone calls, including cell phone calls, should be handled during non-work time such as break periods.

While in the office during working hours, employees are to keep pagers and cell phones on vibrate or silent mode so as not to disturb others. Use of MCWD telephones for personal long distance is not permitted. Employees are to charge such calls to their home phone, cell phone, or calling card.

MCWD will assume that all mail addressed to the office is official MCWD mail, even though it may be addressed to an individual. Employees should not have personal mail sent to them at MCWD. Personal mail (including UPS, FED EX, etc.) and faxes are not to be delivered to MCWD facilities. All business-related mail will be opened, date stamped, and forwarded to the appropriate employee for receipt and handling.

### **3.19 Use of Cell Phones and Electronic Devices**

This policy establishes procedures governing the use of cellular telephones and other electronic devices (such as laptops computers, iPods, CD players or MP3 players) during working hours, the use of MCWD-issued cellular telephones or laptop computers, and limitations on the use of cellular telephones or laptop computers to ensure both safety and compliance with applicable laws. As noted in Section 3.10, employees can have no expectation of privacy for any communications stored or transmitted on MCWD computers or cell phones.

#### **Personal Cellular Telephones and Other Electronic Devices**

Cellular telephones are an important resource for communication between MCWD and its employees, and, for individual employees in conducting their personal affairs. While at work employees are expected to exercise discretion in using personal cellular phones as is expected for the use of MCWD phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and may be distracting to others. Employees are therefore encouraged to make personal calls on non-work time.

MCWD understands that emergencies occur and will be flexible in these circumstances; however, personal conversations should not in any way be a discourtesy to others. Employees must also remember to use discretion when making statements that could be considered inappropriate. Cellular phones and other electronic devices should be in the off or vibrate mode while in the work environment. MCWD is not liable for the loss of personal cellular telephones or other electronic devices brought into the workplace.

#### Care of MCWD-Issued Cellular Telephones and Laptop Computers

Employees in possession of MCWD equipment such as cellular telephones or laptop computers are expected to protect equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the telephone or laptop computer for return or inspection. Employees unable to present the telephone or laptop computer in good working condition within the time period requested may be expected to bear the cost of a replacement.

#### Cellular Telephone/Laptop Computer Safety

Employees whose job responsibilities include regular or occasional driving and who are issued a cellular telephone or laptop computer for business use will be provided at MCWD's expense, hands-free cellular telephone equipment to facilitate the provisions of this policy and the current Federal and/or State of California laws.

Employees are strongly encouraged to safely stop the vehicle before placing/accepting a call or operating a laptop computer regardless of the circumstances. If acceptance of a call is unavoidable and stopping safely is not an option, employees are expected to keep the call short, use MCWD-provided hands-free telephone equipment, refrain from discussion of complicated or emotional discussions, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or when the employee is driving in an unfamiliar area.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cellular telephone or laptop computer for business use, are also expected to abide by the provisions of this policy. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their personal or MCWD-issued cellular telephone while driving will be solely responsible for all liabilities that result from such actions. While the California Department of Motor Vehicles may not issue a point violation; the employee will receive a conviction notation on his/her driving record.

Any violation of this policy may be subject to disciplinary action.

### **3.20 Personal Appearance**

A professional image is important and is maintained, in part, by the image that employees present to customers, visitors, vendors, and others in our business. No one gets a second

chance to make a good first impression. Employees are expected to consistently utilize good judgment in determining dress and appearance on a daily basis. In choosing appropriate work attire, employees should consider tastefulness, public contact, the nature of the job, and working conditions. MCWD expects all employees to be appropriately dressed and groomed at all times. It is, however, the responsibility of each manager to communicate MCWD's dress code standards to all current employees and each new employee as he/she is hired. Employees are expected to check with their immediate supervisor if they are unsure about the appropriateness of their attire or grooming.

Extreme styles that are revealing or distracting and do not conform to our acceptable dress codes are not permitted. Some examples of attire that the District does not consider appropriate are T-shirts, sweat pants, workout clothes, tank tops, muscle shirts, shorts, flip-flops, slippers, torn or patched clothing, revealing attire, halter tops, sheer clothing, bare midriffs or bare back tops/shirts, low cut or off-the-shoulder attire, clothes with inappropriate, profane or offensive slogans or pictures.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Office employees may dress in business casual attire. Business casual attire includes, but is not limited to, slacks, khakis, sport shirts, skirts and dresses, turtlenecks, sweaters, loafers, and walking shoes, but not tennis shoes. Due to the effect it may have on others, employees are also expected to refrain from the use of cologne, perfume, air fresheners, and excessive make-up and/or jewelry.

#### Non-Compliance

Employees who are inappropriately dressed may be sent home and directed to return to work in the proper attire. Non-exempt employees will not be compensated for the time away from work. Employees who repeatedly violate MCWD's this policy and/or grooming standards will be subject to corrective action, up to and including termination.

### **3.21 Solicitation/Distribution of Literature**

In order to avoid disruption of operations, the following rules apply to solicitation and distribution of literature on MCWD property or premises.

#### Outsiders

Persons who are not employed by MCWD may not solicit or distribute literature on MCWD premises or property at any time for any purpose.

#### Employees

Employees may not solicit or distribute literature during "work time" or in "working areas" at any time for any purpose. Work time includes both the time of the employee doing the soliciting or distributing and the time of the employee to whom the soliciting or distributing is being directed. Work time does not include meal periods, or any other specific periods

during the workday when both employees are not engaged in performing his/her work assignments.

Further, it is strictly prohibited for any employee to solicit or imply his/her availability to perform private work for any customer, Board member, or service provider of MCWD. The solicitation of private work, for pay or no pay, on or off duty, shall result in disciplinary action up to and including termination.

### **3.22 Personal Use of MCWD Property/Facilities**

MCWD resources and facilities are to be used only for legitimate business purposes and are not to be used for personal reasons by employees. MCWD property includes equipment and tools, District vehicles, telephones, faxes and other communication equipment, computers, copy machines, postage, office supplies, and the like. Borrowing any MCWD property for personal use or removing MCWD property without approval is prohibited. Unauthorized use or removal of MCWD property by an employee is subject to corrective action, up to and including termination.

### **3.23 Scavenging**

#### Purpose

The purpose of this policy is to establish the expectation and outline procedures concerning scavenging and salvaging materials directed to the District's service area.

#### Persons Affected

This policy applies to customers, vendors, visitors and staff who use and/or work at the District's service areas.

#### Policy

In order to maintain safety and health standards, deliver expected services to the public, and maximize operational efficiency, scavenging is not allowed on or from District's service areas. Items may only be removed through participation in an approved lost and unclaimed personal property program.

Scavenging of materials presents health and safety hazards, including being struck by heavy equipment and trucks, cuts and scrapes, back injuries and exposure to hazards and pathogens from needle sticks.

The District recognizes and encourages a systematic approach to unclaimed lost or unclaimed personal property.

In the event that an Employee discovers personal property while working, the Employee shall, as soon as reasonably possible, turn the property in to the Operations Manager.

The Employee who found the property shall include a brief written report containing the following information:

1. The location and manner in which the property was found and retrieved.
2. The date the property was found.
3. Whether the owner of the property is known or may be ascertainable with reasonable efforts.
4. A statement by the employee that he or she has not withheld or disposed of any part of the property.

The Operations Manager will submit the findings to the police department as indicated in California Civil Code section 2080. Any items not claimed by an individual, will be returned to the District for District wide purposes.

### Policy Variances

Variances from this policy may be requested due to extenuating circumstances. Any variance request must be made in writing and submitted to the Operations Manager, prior to the removal of materials. Please note that no guarantee is made or implied that any variance requested will be approved. No variance will be considered or granted that would be in conflict with any applicable federal, state or local statute or regulation.

### Responsibilities

Any violation of this policy will be considered theft of District property and will be enforced as such. District employees are required to report violations of this policy.

## **3.24 Drug and Alcohol Policy**

### **A. Policy Purpose**

MCWD is concerned about employees being under the influence of alcohol, drugs, or controlled substances at work and the use of such substances in the work environment. The District's position is that, any measurable amount of drugs or alcohol in an employee's system while on District time is counter-productive to the District's mission and goals. The District is also concerned about the possession, distribution, purchase or sale of illegal drugs and controlled substances in the workplace.

These activities may adversely affect work performance, efficiency, safety and health. In addition, they constitute a potential risk to the welfare and safety of other, risks of injury to other persons, property loss or damage, or negative image for the District.

In order to promote a safe, healthy, and productive work environment for all employees and the public, it is MCWD's objective to have a work force that is free from the influence of substance abuse.

This policy also is intended to comply with all applicable federal and state laws and regulations governing workplace anti-drug programs. The federal Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990 require employers to establish drug free workplace policies and to take appropriate action against an employee convicted of a workplace drug violation. Any questions regarding rights and obligations under this policy shall be referred to the employee's Supervisor, Manager or HR/Risk Administrator.

## **B. Individuals Covered.**

MCWD's policy on drug and alcohol use in the workplace applies to all MCWD employees. Visitors, vendors, and contracted employees are governed by this policy while on MCWD premises or when performing MCWD-related business, and will not be permitted to conduct business if found to be in violation of this policy.

For certain employees who operate commercial vehicles and are required to have a commercial driver's license, regulations enacted by the federal Department of Transportation (DOT) and administered by the Federal Motor Carrier Safety Administration (FMSCA) mandate urine drug testing and breathalyzer alcohol testing and prohibit the performance of certain safety sensitive functions after a positive test result. To meet these requirements, MCWD has enacted a separate DOT Drug and Alcohol Testing Policy, a copy of which will be given to all employees covered by the DOT regulations. Employees who are covered by the DOT Drug and Alcohol Testing Policy are subject to the requirements contained in this policy as well as the DOT-mandated policy.

## **Definitions**

1. "Alcohol" shall mean the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
2. "District equipment" shall mean all property and equipment, machinery and vehicles owned, leased, rented or used by District.
3. "Drug" or "drugs" shall mean any controlled substance that is not legally obtainable under State or Federal law, including, but not limited to medical and recreational marijuana, or a prescription drug obtained or used without benefit of a prescription by a licensed physician.
4. "Prescription Drug" shall mean any substance that can lawfully be obtained or possessed pursuant to a prescription by a licensed physician.

## **C. Employee Responsibilities and Conduct**

District employees shall:

1. Not report to work or be on standby or on-call status while his or her ability to perform job duties is impaired due to on or off duty alcohol or drug use;
2. Not possess or use controlled substances (illegal drugs or prescription drugs without a prescription) at any time, or use alcohol 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 drugs or controlled substances to any person, including any employee, at any time; or manufacture, sell, distribute, dispense or provide alcohol to any employee while either or both are on duty or on MCWD premises;
3. Not be absent or tardy as a result of having been under the influence of alcohol, drugs, or controlled substances during non-work time;
4. Notify his or her 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. Employees shall, in the case of prescription drugs, ask the prescribing physician or, in the case of medication available over-the-counter, review product packaging, to determine whether the use of a medication or drug may impair his/her ability to perform his/her job duties or to safely operate District equipment. Any employee taking any over-the-counter medication or drugs marked "do not drive," "do not operate heavy equipment" or similarly labeled, shall inform their supervisor of the use of the product prior to reporting for duty. 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; Notify the HR/Risk Administrator or Department Manager of any criminal conviction for a drug violation that occurred in the workplace within no more than five days after such conviction;
5. Notify the supervisor immediately of facts or reasonable suspicions when he or she observes behavior or other evidence that a fellow employee poses a risk to the health and safety of the employee or others;
6. Consent to drug or alcohol testing and searches pursuant to this Policy. Failure to appear for testing without the District's written authorization or knowingly, willingly, or purposely evading or obstructing testing or searches will be considered refusal to consent to such testing or searches in violation of this provision; and,
7. Follow the District's drug and alcohol-free workplace policy.

#### **D. Consequences for violation of this policy**

1. Discipline

Any violation of this Policy may result in discipline, up to and including termination. Discipline may be imposed regardless of whether or not an employee is convicted of any related to any violation of this Policy.

Any violation of this Policy that may constitute criminal conduct under federal, state, or local laws may be reported to the appropriate law enforcement agencies and/or subject the employee to civil and/or criminal penalties under the law.

## 2. Removal from the Work Site

Any employee reasonably believed to be under the influence of alcohol, drugs, or controlled substances shall be immediately prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.

### **E. Searches**

In order to promote a safe, productive and efficient workplace, the District reserves 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, as well as to enlist the assistance of law enforcement personnel in connection with the enforcement of this Policy. No employee has any expectation of privacy in any District building, property, or communications system.

### **F. Alcohol and Drug Testing**

#### Reasonable Suspicion Testing

If a supervisor reasonably suspects that an employee is under the influence of alcohol, drugs, or controlled substances while performing job duties or operating MCWD equipment the supervisor may, upon prior approval by the HR/Risk Administrator, require the employee to submit to an alcohol and/or drug test. An employee's refusal to submit to such a test is cause for discipline, up to and including termination.

Examples of indicators which can form a reasonable suspicion that an employee is under the influence of alcohol, drugs, or controlled substances include but are not limited to the following:

- a. Direct observation of drug or alcohol use;
- b. Slurred speech;
- c. Glossy or bloodshot eyes;
- d. Odor of alcohol;
- e. Unsteady walking and movement;
- f. An accident involving MCWD property, employee or client;
- g. A near accident or other safety violation;
- h. Physical or verbal altercation;
- i. Possession of alcohol, drugs, controlled substances, or drug paraphernalia;
- j. Sleeping on the job;
- k. Pattern of abnormal or erratic behavior;

- l. Information either provided by reliable and credible sources or independently corroborated;
- m. Conviction for a drug-related offense; and
- n. Tampering with previous drug test

### **G. Testing Procedures**

The procedures regarding alcohol and drugs testing will be provided upon request to the HR/Risk Administrator.

### **G. Records Keeping and Confidentiality**

Any information about an employee's use of prescription or non-prescription medication, the results of any drug and/or alcohol testing, and/or an employee's past or present participation in rehabilitation or treatment for substance abuse shall be considered confidential personnel information. Any laboratory reports and test results shall not appear in an employee's general personnel folder but will be contained in a separate, confidential medical folder that will be securely kept under the control of the HR/Risk Administrator. The report or tests results may be disclosed to MCWD management on a strictly need-to-know basis and to the tested employee upon request. The information received in enforcing this policy shall be disclosed only as necessary for disciplinary actions and appeals, for interactive process meetings and reasonable accommodation efforts, for resolving legal issues, or as required by law, subpoena, court order, or other judicial or administrative process.

### **H. Rehabilitation**

MCWD encourages employees to use MCWD-sponsored employee's assistance programs voluntarily to assist them in resolving any alcohol, drug, or controlled substance abuse problems. Employees should contact their supervisor, Department manager, or HR/Risk Administrator for additional information, including further information concerning the dangerous effects of alcohol misuse and drug use on an employee's health, work, and personal life. MCWD is committed to providing reasonable accommodation to those employees whose alcohol or drug abuse problem classifies them as disabled under federal and/or state law.

While MCWD will be supportive of those who seek help voluntarily, MCWD will be firm in identifying and disciplining those who continue to be substance abusers and who do not seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs. Therefore, MCWD may require employees to use employee assistance programs, and in addition to mandatory referrals to a Substance Abuse Professional where applicable.

## **Section 4. Hiring**

### **4.0 Hiring of New Employees**

- A. Job Announcements - Public notices of recruitment shall be posted on official bulletin boards within MCWD for five (5) days. All department heads will be

notified when the postings occur. The need for further publicity and/or distribution of announcements may be determined by the General Manager or HR/Risk Administrator. Job announcements will contain the following information:

1. Title and rate of pay;
  2. Typical duties to be performed;
  3. Minimum qualifications required;
  4. Method of securing application forms and final dates on which applications will be accepted; and
  5. Other information as may be deemed useful in the recruitment of applicants.
- B. Application process - All applications should be made upon official forms furnished by MCWD and submitted to HR on or before the final filing date specified in the job announcement. All applications and examination papers become confidential records of MCWD and will not be returned to the applicants or made public. A separate and complete application must be filed for each recruitment.
- C. Screening of Applicants – Applications for a particular opening are normally reviewed by the appropriate Department manager and/or supervisor in conjunction with HR. A list of the most qualified applicants may be developed for an examination or interview process.
- D. Examinations – May be utilized to fairly test the applicant’s education and training, prior experience, skills, knowledge and abilities to perform the essential and more demanding aspects of the job for which he/she has applied. Applicants requiring reasonable accommodation under state or federal law shall be afforded such accommodation.

Examinations may include a combination of written tests, skill tests, and oral interviews. Such tests may include, but not be limited to written assessments of intelligence, experience, technical knowledge, manual skill, physical fitness, character, personality, education or any combination of these or any other relevant criteria that MCWD deems appropriate to a particular position.

- E. Job Offer – HR, with the approval of the General Manager or designee, will offer the position to the successful candidate, contingent upon passing a MCWD-paid pre-employment physical, and background/reference checks.

#### **4.1 Recruitment and Selection of Positions Reporting Directly to the Board of Directors**

Upon receipt by the Board of Directors of notice of a potential vacancy to any positions reporting to the Board, the Board of Directors will notify HR (or Appointee). HR will post a job announcement internally on official bulletin boards within MCWD for five (5) days.

HR or Appointee is authorized, to initiate, upon the Board's direction, a Request for Proposals (RFP) process to provide executive recruitment services for the District.

Upon completion of the RFP deadline, HR or Appointee will submit a list of respondents and summary of qualifications and costs to the Budget and Personnel Committee (B&P) for review. The B&P will authorize HR or Appointee to forward the proposals to the Board of Directors. At the next scheduled Board meeting, the Board will make a recommendation to select a firm. Once a selection is made, HR or Appointee will contact the selected firm and the recruitment process will commence.

- A. Job Announcements - Public notices of recruitment shall be posted on official bulletin boards within MCWD for six (5) days. All department managers will be notified when the postings occur. The need for further publicity and/or distribution of announcements may be determined by the General Manager or HR. Job announcements will contain the following information:
  - 1. Title and rate of pay;
  - 2. Typical duties to be performed;
  - 3. Minimum qualifications required;
  - 4. Method of securing application forms and final dates on which applications will be accepted; and
- B. Other information as may be deemed useful in the recruitment of applicants. Application process - All applications should be made upon official forms furnished by MCWD and submitted to HR on or before the final filing date specified in the job announcement. All applications and examination papers become confidential records of MCWD and will not be returned to the applicants or made public. A separate and complete application must be filed for each recruitment.
- C. Screening of Applicants – Applications for a particular opening are normally reviewed by the appropriate Department manager and/or supervisor in conjunction with the HR/Risk Administrator. A list of the most qualified applicants may be developed for an examination or interview process.
- D. Examinations – May be utilized to fairly test the applicant's education and training, prior experience, skills, knowledge and abilities to perform the essential and more demanding aspects of the job for which he/she has applied. Applicants requiring reasonable accommodation under state or federal law shall be afforded such accommodation.

Examinations may include a combination of written tests, skill tests, and oral interviews. Such tests may include, but not be limited to written assessments of intelligence, experience, technical knowledge, manual skill, physical fitness, character, personality, education or any combination of these or any other relevant criteria that MCWD deems appropriate to a particular position.

- E. Job Offer – HR, with the approval of the General Manager or designee, will offer the position to the successful candidate, contingent upon passing a MCWD-paid pre-employment physical, and background/reference checks.

## **4.2 Immigration Law Compliance**

In accordance with the Immigration Reform and Control Act of 1986, MCWD will hire only those individuals who are authorized to work in the United States. All individuals who are offered employment shall be required to complete and sign the Immigration and Naturalization Service form I-9. This form requires the employee to attest that he/she is authorized to work in the United States and that documents submitted are genuine. Strict compliance with this legal requirement is a condition of continued employment.

## **4.3 Introductory Period**

The Introductory Period is intended to give new and rehired employees in Regular Full-Time Employee job positions the opportunity to demonstrate his/her ability to achieve a satisfactory level of adaptation and performance, and to determine whether the new position meets the mutual expectations of the new hire and MCWD. MCWD uses this period to evaluate employee capabilities, work habits, conduct and overall performance. During the Introductory, employment may be terminated at any time, for any reason, with or without cause. All employees in Regular Full-Time Employee job positions serve an Introductory Period for the initial six (6) months after date of hire, rehire, transfer, promotion or demotion. MCWD may extend the duration of the Introductory Period if it determines that such an extension is necessary and appropriate. An extension of up to thirty (30) days may be granted, but the combined length of such extensions will not exceed sixty (60) days. Additionally, any absence for thirty (30) or more days, regardless of the type or purpose of the leave, will automatically extend the Introductory Period by the length of the absence.

All Introductory employees will be evaluated at two (2), four (4) and six (6) months by the immediate supervisor and department head. In all cases, the evaluation shall be discussed with the employee.

Introductory employees may be considered for a new position in another classification. If an employee is promoted during this period, the Introductory Period begins anew with the date of appointment to the new position.

Upon satisfactory completion of the Introductory Period, employees are reclassified as regular. Completion of the Introductory Period does not entitle an employee to remain employed by MCWD for any particular time period as a result of achieving regular employment status.

#### **4.4 Re-Employment or Reinstated Employees**

Rehired or reinstated employees in Regular Full-Time Employee positions who return more than six (6) months after resignation date, other than those re-employed following a lay-off, are considered new employees from the effective date of his/her reemployment and begin a new introductory period. All rehired or reinstated employees will be required to pass another pre-employment physical and drug screening.

### **Section 5. Employment Practices**

#### **5.0 Performance Evaluations**

Except for Introductory employees, all employees should expect to have his/her performance evaluated by the immediate supervisor and department head every twelve (12) months. The evaluation process is normally January through December. The General Manager and HR will review all performance evaluations.

Neither the performance evaluations, nor the performance evaluation process, shall be subject to the Grievance Policy or Employee Relations Policy described in Sections 12 and 13.

A performance evaluation does not guarantee a wage or salary increase will be granted automatically. The General Manager or designee must approve all pay increases.

#### **5.1 Performance Improvement Plans (PIP)**

Periodically it may be necessary or appropriate for a supervisor to implement a PIP for an employee. The purpose of a PIP is to provide a mechanism for performance correction when an employee's job performance falls below established standards and where management deems it would be suitable to identify area(s) requiring improvement(s), to further outline performance expectations, additional training and development, and the timing to achieve a satisfactory performance level.

The following guidelines will be considered when implementing a PIP:

- A. If an employee demonstrates unsatisfactory performance, the manager/supervisor shall complete a PIP prior to meeting with the employee to identify areas of deficiency, explain performance expectations, provide assistance, and advise the employee of future consequences if significant improvement in performance does not occur.
- B. If an unsatisfactory performer does not improve with informal counseling, he/she shall be placed on a PIP. If performance improves, but not to an acceptable level, the PIP may be extended for up to an additional thirty (30) days if the supervisor/manager feels a satisfactory level of performance can be achieved and sustained by the extended date.

- C. If an unsatisfactory performer who is on a PIP fails to improve within a reasonable time period, the employee may be considered for transfer or reclassification to a more suitable position that may include a demotion or termination.

## 5.2 Promotions, Transfers, Demotions, and Reclassifications

- A. Promotions - A promotion is defined as a move up in pay grade and position responsibilities and skills. MCWD prefers to promote from within the organization whenever it is operationally efficient and appropriate based on the skills, knowledge and other competencies of the employee and the requirements of the vacant position. At the time of promotion, consideration may be given for a promotional pay rate increase based on related experience, internal equity, and the length of time since the employee's last performance evaluation. Promotions will normally include a minimum of five percent (5%) salary increase, depending upon the salary range and step at the time of promotion.

In all cases, promotions will re-establish the employee's new Introductory Period and performance evaluation date to reflect the effective date of change, but not seniority/hire date or longevity/anniversary dates. Salary increases normally become effective the first day of the first payroll period after the approved increase. To the extent that a regular employee who is in an Introductory Period for a promotion does not pass that Introductory Period, the employee will return to their last held job position.

- B. Transfers - A transfer is a lateral move within the same pay grade. Normally, an employee who requests a transfer to a different department is given preference over external applicants provided the employee is equally or better qualified. An employee subject to a PIP or disciplinary action will not be considered for transfer unless approved in advance by the General Manager or designee.

Transfer or Reassignment – In the case of a transfer or reassignment from one position to another in the same salary range, the employee shall continue in the same salary range and step. In the case of a transfer from one position to another in a classification with a lower salary range, the employee may be placed in any step closest to, but not exceeding his/her previous salary.

At the discretion of the General Manager or designee, an employee may be transferred or reassigned from one department to another, providing the employee possesses the minimum qualifications for the transferred or reassigned position.

When an employee voluntarily transfers, including to a position having a lower salary/pay rate, or is reassigned from one position to another of the same salary/pay rate, the salary and merit increase eligibility date shall not change.

- C. Demotions - A demotion is a move to a lower pay grade in a position having lesser responsibilities and/or required skills. MCWD regards demotions as rare and conducted only under unusual circumstances. Non-disciplinary demotions may be voluntary or involuntary but in either case, the affected employee will normally be provided with thirty (30) days advance notice of the change of classification and an opportunity to respond. However, MCWD reserves the right to determine, on an individual basis, how a demotion will affect pay and under what circumstances it is in the best interests of MCWD to demote an employee.
- D. Reclassifications - A reclassification is the redefinition of an existing position, either occupied or vacant, as needed to meet the changing operational demands of MCWD and usually requires a change in the job title, essential duties, responsibilities, and requirements.

The salary of an introductory or regular employee in a position which is reclassified, and for which the employee is fully qualified in all respects for the reclassified position, shall be determined as follows:

1. If to a class with the same salary range the salary and merit increase eligibility date will not change. If to a class with a higher or lower salary/pay rate; the salary/pay rate of the employee shall be determined as follows:
  - a. If the salary of the employee is the same or less than the maximum of the new class, the salary and merit increase eligibility date of the employee shall not change.
  - b. If the salary of the employee is greater than the maximum of the new range, the salary of the employee shall be designated as Y-rated (frozen) and shall not change during the continuous regular service until the maximum of the new range exceeds the salary of the employee.

A regular employee in good standing reclassified to a position in a lower class for reasons other than unsatisfactory performance shall receive the highest salary in the new grade that does not exceed the employee's rate of pay immediately prior to the reclassification, and shall retain the merit increase eligibility date to which the employee was entitled prior to reclassification.

### **5.3 Working Out of Classification**

An out of classification assignment is a temporary assignment of a regular employee for more than twenty (20) days in a calendar year. When an employee is officially assigned to perform the primary and essential duties of a higher paid vacant position, that employee shall be compensated at the step in the higher classification that provides an increase to the assigned employee of at least five percent (5%). Such increase will normally begin on the twenty-first (21<sup>st</sup>) working day after the assignment to the higher position or earlier, subject to the discretion of the General Manager or designee.

### **5.4 Employee Records**

MCWD maintains a personnel file of current and former employees and restricts disclosure of information to only authorized individuals. Employees who want to review his/her official records must notify HR and request an appointment during normal working hours. Personnel files will be reviewed under the supervision of HR and no documents may not be removed from the file.

Employees may take notes related to documents in his/her employee file; however, no alterations of these records are permitted, nor can a document be added to or removed from the file at the time of an employee review. Employees may request and receive a copy of their personnel file upon request in accordance with California law.

It is important that employees promptly notify MCWD of any changes to his/her personal information including:

- Name
- Home and/or mailing address
- Telephone number(s)
- Number, names, and status of dependents
- Change of emergency contact information
- Educational accomplishments
- Marital status (including pending divorce proceedings)
- Payroll deductions
- Wage garnishments
- Benefit plan beneficiary
- Banking information (if participating in direct deposit)

### **5.5 Employment Verifications/References**

All employment verification requests, either verbal or written shall be forwarded to HR for response. Responses by MCWD to such requests will be restricted to dates of employment and the last or current job title held by an employee. Requests for salary and any other additional information must be made in writing and accompanied by the employee's signed authorization to release this information.

## **5.6 Internships**

Internships are available to full-time college students (taking twelve (12) or more units) and limited to no more than sixteen (16) hours per week during regular Fall/Spring semesters or quarters. Additional hours may be offered during semester or quarter breaks. Flexible scheduling will be available.

Driving a MCWD vehicle may be necessary to perform the job duties; therefore, the Intern will need to be insurable and have a valid California driver's license. All potential Interns will be required to complete a MCWD application and participate in an interview prior to hiring.

## **5.7 Use of MCWD Vehicles**

It is MCWD's policy that before an employee can be eligible to operate any vehicle for MCWD business, a valid driver's license, and a California Department of Motor Vehicles driver's license Pull Report must be on file. In addition, employees are responsible for immediately reporting to his/her immediate supervisor any changes in automobile insurance policy or change in the status of his/her driver's license such as suspension or revocation. Employees who are uninsurable or who create the potential for an increase in MCWD's liability insurance premiums may be reassigned. Any questions regarding this policy should be directed to HR.

In addition to applying good common sense regarding the safe operation of vehicles, the following rules pertain when operating any vehicle on MCWD business:

No use of MCWD or personal cell phone is allowed while driving unless a proper hands-free device is used to the extent permitted by law.

- Text messaging while driving is strictly prohibited.
- Driver and all passengers must wear seat belts.
- Any employee who is under the influence of or impaired by any illegal drug or alcoholic beverage or any legal drug that may impair an employee's abilities must not operate any vehicle.
- MCWD vehicles are to be used by employees only for official business purposes and not for personal use.
- Use of any vehicle for MCWD business must have the prior approval of the employee's immediate supervisor. Any mechanical defects of a MCWD vehicle should be reported by the employee to his/her immediate supervisor before operating the vehicle. All employees driving a vehicle on MCWD business must immediately report to their immediate supervisor any accident and any moving or non-moving violation for which they are cited. MCWD accepts no responsibility for citations issued to an employee by any law enforcement agency while driving a vehicle on MCWD business under any circumstance. All liabilities created by any citation will be the responsibility of employees who receive them.
- All employees operating vehicles on MCWD business are required to obey all traffic regulations.

- Only designated employees may drive MCWD vehicles. No employee is permitted to lend a MCWD vehicle to a non-employee.

An employee who is involved in an accident in the course of using a MCWD vehicle on MCWD business shall adhere to the following procedure:

1. Do not argue, admit liability, or make a statement to anyone except the police, the employee's immediate supervisor, or other appropriate MCWD management.
2. Obtain the names and addresses of:  
Owner of other vehicle(s)  
Insurance Carrier of the other driver(s)  
Witnesses  
Injured person(s)  
Other driver(s), including the number of and state issuing the driver's license
3. Note these items:  
Speed of each vehicle with its direction of travel  
Signal given by each driver, if any  
Point and time of accident  
Any mechanical aspect of the other vehicle, which may have caused the accident (e.g. no brake lights, etc.)
4. Promptly report to MCWD management any damage done to a customer, the public, an employee, or his/her property.

Accident reports and insurance contacts will be promptly handled by HR.

### **5.8 Use of Personal Vehicle for MCWD Business**

Employees who are asked and agree to use his/her personal vehicle in the course of performing MCWD business shall be eligible for mileage reimbursement at the current IRS established rate. Travel must be confined to only the authorized destination and return location.

Employees who operate his/her own vehicles on MCWD business may do so provided the following conditions are met:

- The vehicle must be in sound and safe operating condition and maintained as such at the employee's own expense.
- The driver and vehicle must be insured in accordance with at least minimum coverage and liability standards established by the State of California. Proof of insurance is required and should be forwarded to HR.
- The driver must observe driving conditions and obey all State and local driving laws, including but not limited to wearing a seat belt, avoid eating, drinking, or the use of a cell phone while driving unless a proper hands-free device is used.
- Text messaging while driving is prohibited.

- The driver must possess and maintain a valid California driver's license. Employees who are required or may be called upon to use his/her vehicle in the course of MCWD business who have his/her driver's license suspended, revoked, or receive driving violations other than parking citations are required to promptly report these conditions to the HR/Risk Administrator. Employees who are required to drive in the course of MCWD business or operations who have his/her license revoked, suspended or receive driving violations other than parking citations or who are involved in an accident may be subject to either work modification or termination at MCWD's discretion.

When a privately-owned vehicle that is used for official travel and is damaged in an accident not caused by the employee, MCWD will reimburse an employee a maximum of \$250.00 for his/her automobile insurance deductible. The employee must provide satisfactory proof of loss and insurance deductible to HR.

For more information regarding the use of a personal vehicle on MCWD business, please see Section 5.B Transportation Expenses, paragraph 2.a-j of the MCWD Expense Reimbursement and Travel Policy dated May 2018.

## **5.9 Reimbursement of Business Expenses**

Certain employees may incur business expenses in the course of his/her duties. Employees must be authorized in advance to incur business expenses, and all such expenditures must be documented on MCWD's Reimbursement Expense form and submitted to the Accounting Department, following the department head's review and approval. All original receipts for expenses should be attached to the form with an explanation of the nature of the expense. When and where applicable, the names of the persons and the business purpose for the meeting should be included.

Please refer to the MCWD Expense Reimbursement and Travel Policy dated May 2018 for more information.

## **5.10 Business Related Travel**

Occasionally employees may be reimbursed for the cost of authorized travel to any business-related meeting or attendance at training or seminar programs, or attendance at an out-of-area conference. If the travel has been budgeted, and previously authorized by the employee's immediate supervisor, department head and approved by the General Manager or designee, reimbursement will be made upon submission of a completed MCWD Reimbursement Expense form with accompanying receipts.

Covered Expenses – HR or designee is the training/travel coordinator for MCWD. He/she will make all travel/training arrangements using the most cost effective and time efficient mode of travel and accommodations. A list of travel reminders will be provided along with a confirmation memo to employees who are scheduled to attend any cost-related training

or travel on MCWD business. Employees are expected to use prudence and good judgment when ordering meals and incurring travel-related expenses. Travel related expenses include those costs incurred in the use of rental car fees (where necessary), bus, shuttles, and taxi fares. Reimbursement expenses per Section 5.8 will apply for pre-approved use of the employee's personal vehicle.

For more information, please refer to the MCWD Expense Reimbursement and Travel Policy dated May 2018.

### **5.11 Time Off To Meet and Confer**

Except as may otherwise be authorized by an existing MOU, employees shall be authorized time off with pay to meet and confer regarding terms and conditions of employment as follows:

- A. Authorized representatives of the Marina Coast Water District Employees Association (MCWDEA) and the Teamsters Local 890 (Union) meeting with the General Manager or designee regarding negotiating, preparing or interpreting an MOU between the District and its employees.
- B. During the last six months prior to the expiration of an existing MOU, the MCWDEA and the Union may meet with his/her authorized representatives for the purpose of discussing negotiations.

In addition, employees shall be authorized time off with pay to attend one meeting each calendar year of the MCWDEA in which general business of the Association or Union is conducted. Notice to all immediate supervisors should occur no later than three (3) working days prior to a meeting described above, including the date, time and location. Due to operational requirements, a department manager may require appropriate employees to remain on the job during all or part of the meeting.

### **5.12 Gift or Gratuity Acceptance**

Employees of MCWD are prohibited from accepting, directly or indirectly, any gift, rebate, money, or anything else of value greater than \$25 from suppliers, consultants or contractors with whom the District has past, current or potential business relations. Awards and promotional items shall not constitute a gift if received as a non-personal item by the employee, and the item is distributed to all employees by the contributor.

Similarly, it is strictly prohibited for any employee to solicit any gift, gratuity or other item, service or product of monetary value from any other person in connection with his/her employment with MCWD. Such actions will be subject to discipline up to and including termination. An employee having any questions concerning this policy, or concerning specific instances, should direct them to his/her immediate supervisor or HR.

### **5.13 Visitors**

All visitors must enter MCWD facilities at the main entrance and must not enter work areas without specific management permission. Any unauthorized person or persons on MCWD property will be asked to leave immediately. Those employees who allow unauthorized visitors to enter the premises in any way may be subject to corrective action.

### **5.14 Separation of Employment**

Separation of employment can be either voluntary or involuntary and may be initiated either by the employee or MCWD.

#### Voluntary Separation

When an employee resigns, the separation is considered voluntary. Employees are requested to give advance written notice, to his/her immediate supervisor. Generally, at least two (2) weeks' notice is expected in order to commence the recruitment process for replacement of a departing employee.

#### Involuntary Separation/Termination

An involuntary separation/termination is one that is initiated by MCWD for any reason including a reduction in force.

#### Job Abandonment

An employee who has been absent for three (3) consecutive scheduled workdays without notification to his/her immediate supervisor, and without legitimate extenuating circumstances that can be verified, will be considered to have abandoned his/her job and the employee will be terminated pursuant to this Handbook. The last day worked will be the date of separation.

Failure to return from an approved leave of absence or vacation within the time limits established also will be considered as a voluntary termination of employment without notice. The date of the expiration of the leave or vacation will be the separation date.

#### Exit Interviews

Whenever possible and appropriate, exit interviews normally will be conducted by HR or designee for all separating employees. This interview allows the separating employee to communicate his/her views on working at MCWD as well as the job requirements, operations, and training needs of the position.

#### Final Pay

A terminated employee shall receive his/her final pay on the regular payroll cycle.

#### Return of MCWD Property

It is the responsibility of any separating employee to return all property issued by MCWD at any time during employment. All such property, including any keys, identification badge, laptop computer, cell phone, pager, manuals, documents, and other items that the

employee may have in his/her possession, must be returned on or before the last day of work.

### **5.15 Reduction in Force/Layoff and Re-Employment**

A layoff is normally an involuntary termination that is initiated by MCWD as a result of reorganization, position elimination, declining operations/lack of work, or lack of funds and not otherwise caused by the affected employee. Layoff of employees within each category of employment status and within a targeted job classification shall be based on seniority unless the employee's past job performance or disciplinary record justifies an exception to seniority ranking. For purposes of layoff, seniority shall be defined as length of continuous service while an employee of MCWD.

#### Authorization

The General Manager or designee may lay off any employee because of lack of appropriate funds, curtailment or lack of work, reorganization, abolition of position, or other reasons. Such lay-off shall take effect fourteen (14) working days after the receipt by the employee of a notice in writing of the proposed layoff action. The decision of the General Manager or designee to lay off employees is not subject to the grievance process in Section 12.

#### Order of Layoff

When it becomes necessary because of lack of work, lack of funds or other reasons to reduce the number of employees within a given department or job classification, the General Manager or designee will prepare a lay-off list and/or notice. Lay-offs shall be made among all employees in the same job classification within MCWD in the following order:

1. Temporary employees.
2. Employees in an initial introductory period.
3. Regular employees.

#### Order of Re-employment

For each classification in which lay-offs occur, MCWD will maintain a list. The list shall order the employees by position title, date of lay-off from first employee laid off to most recent employee laid off. Generally, any employee laid off shall be given preference over external applicants in the event the same position, or substantially similar position having reasonably similar requirements, becomes available during the reemployment period.

An employee appearing on the layoff list shall be eligible for re-hire for one (1) year following lay-off, provided the employee is qualified to perform the essential functions of the position offered. Employees appearing on the list will be offered re-employment in the inverse order of lay-off. If more than one (1) employee was terminated on the same day, the employee with the greatest seniority will be offered re-employment first.

It is the responsibility of the employee to keep MCWD advised of his/her availability to work, including a current address and telephone number(s) at which the employee may be reached.

#### Notice of Re-Employment

MCWD shall notify the laid off employee of the opportunity for re-employment by certified mail, return receipt requested. The Notice of Re-employment shall be sent to the address provided to MCWD by the employee. The notice will specify the date and time the employee's re-employment is scheduled to begin. The notice shall provide that the employee must notify MCWD of his/her intent to accept re-employment within seventy-two (72) hours of receiving the Notice of Re-employment. Failure to accept the offer of re-employment within seventy-two (72) hours, and/or failure to report for work on the date and time specified in the Notice of Re-employment shall be considered as the employee's waiver of reemployment consideration by MCWD.

#### Benefits for Employees Re-hired After Lay-Off

An employee re-hired following a lay-off will retain the level of seniority and benefits that were in effect at the time of the employee's layoff.

### **Section 6. Classification and Compensation Plan**

The Board of Directors of MCWD establishes, by resolution, a classification and compensation plan. The classification plan provides a complete and continuous inventory of all classifications as well as job descriptions and specifications for each position. Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis. The compensation plan creates the salary ranges and steps or rates of pay for positions within each bargaining unit. The Board of Directors shall administer the compensation plan for the General Manager. HR shall administer the compensation plan for all other MCWD employees.

#### Classification Plan

The classification plan shall consist of groupings of positions which are approximately equal in difficulty and responsibility, consisting of the same general qualifications, and which can be compensated with the same range of pay for similar working conditions.

Each classification specification shall include the title, a description of duties and responsibilities of the work, and minimum qualification criteria of the person who performs the work. Classification specifications may, from time to time, be reviewed and updated at the direction of HR. The General Manager or designee shall make the final determination on all actions arising under this provision, subject to approval by the Board of Directors where appropriate.

#### Compensation Plan

The basic compensation plan of MCWD consists of a progression of salary ranges, each containing six (6) steps. Upon original appointment with MCWD, an employee will

normally be placed in the first step of the salary range. In cases where it is difficult to secure qualified personnel, or if a person of higher qualifications is engaged, the General Manager or designee may authorize a higher initial step.

#### Merit Increase

Increases in compensation within an employee's range are not automatic but are based on merit. Performance evaluations are conducted annually, January through December for each employee. Based on the evaluation, an employee may be eligible for a merit or step increase within the position's pay range. All merit increases must be approved by the General Manager or designee.

#### Demotion

In the case of a demotion after a promotion, employees will return to the step in the salary range held prior to promotion. An employee who is demoted to a job classification with a lower salary range shall be placed in the salary step for the new classification closest to that received by the employee prior to demotion.

### **6.0 Longevity Steps**

The longevity pay plan recognizes the long-term service of regular, full-time MCWD employees. Longevity pay is based on total service and computed as a percentage of the employee's base rate of pay at the date of eligibility. Service toward longevity is credited for each month in which an employee is in pay status for one-half or more of the regularly scheduled work days and paid holidays in the month. The increase will become effective on the anniversary date. If an employee goes on leave in an unpaid status, longevity will be pro-rated. Employees on paid disability leave are an exception.

Upon reaching the following anniversaries, employees shall receive longevity pay increases as follows:

10 years of service	5% pay increase
15 years of service	5% pay increase
20 years of service	5% pay increase
25 years of service	2.5% pay increase
30 years of service	2.5% pay increase

## **Section 7. General Work Conditions**

### **7.0 Overtime**

Employees whose positions do not meet certain legal requirements necessary for exemption from applicable overtime laws are classified "non-exempt." Non-exempt employees are paid overtime rates for each hour of weekly overtime work performed, as requested and approved in advance by his/her immediate supervisor. Federal wage and hour laws and MOU's govern overtime rates and conditions. Non-exempt employees may be paid either on a salaried or an hourly basis.

Any questions regarding exemption status should be directed to HR.

All non-exempt employees who are eligible for overtime shall be paid in accordance with applicable federal regulations and as provided in this policy. Overtime shall be defined as time actually worked in excess of forty (40) hours in a workweek or over eight (8) or nine (9) hours in a workday, depending upon the employee's regularly scheduled shift. All overtime work shall be authorized by the appropriate representatives of management and be paid at time and a half (1.5) for all hours worked in excess of his/her regularly scheduled daily hours or may be credited with the equivalent compensatory time off at the option of the affected employee. Time worked in excess of twelve (12) hours in one (1) work day shall be paid at double (2) time.

For the purpose of this section, paid holiday, vacation, and compensatory time off hours shall be considered as hours worked for the purpose of determining overtime. This does not apply to sick leave.

Employees who are statutorily non-exempt from state and federal overtime requirements and who may be required to work on a holiday will be permitted to choose compensatory time off at double time and one half (2.5) the regular salary rate for the holiday worked, or monetary payment for the day. If the monetary payment is selected, it will result in the employee being paid for the holiday at the regular salary rate. If the monetary payment is selected by the employee and the total credited hours for that week exceed forty (40), the employee will be paid for the hours in excess of forty (40) as overtime at a salary rate of double the regular salary rate.

## **7.1 Compensatory Time**

Non-exempt employees working overtime shall elect whether to receive overtime pay at one and one-half hours (1.5) for each hour of overtime worked or double time pay at two hours (2) for each hours of double time worked, or compensatory time hours at the same conversion rate. Compensatory time may be accrued up to a maximum of one hundred and sixty (160) hours. Compensatory time earned in excess of 160 hours shall be paid during the next following pay period. Employees prior to July 1, 2019 that have a balance above 160 hours shall be allowed to reduce their balance gradually and are not eligible to accrue any more compensatory time until their balance is below 160 hours.

Payment for compensatory time at termination shall be for all available compensatory time at the employee's prevailing hourly rate of pay.

## **7.2 Overtime Exemption Status**

Employees classified as exempt from overtime under the FLSA (for purposes of this policy, such employees shall be called "Management Employees") will be considered salaried or exempt. In consideration of unusual hours worked routinely in excess of forty (40) hours per week, the Board of Directors has authorized a Management Leave provision as provided in Section 10.14.

A management employee is normally expected to be present during the hours of his/her department and devote all of the hours necessary to fulfill his/her duties. It is recognized that the number of hours actually worked in a particular week may be greater or less than forty (40) depending on job demands or time off for holidays, vacation, management leave or sick leave.

Because management employees receive additional leave in recognition of the job demands of his/her respective positions, principles of public accountability prohibit Flexible Scheduling to be a substitute for using management or sick leave. Accordingly, except as otherwise provided in a current MOU, any time off, for any purpose in excess of three (3) hours in any one day, shall be charged as vacation, management leave or sick leave, as appropriate. Management employees are responsible for notifying his/her immediate supervisor when taking time off in a manner that is acceptable to the supervisor.

The appropriate management employee's supervisor is responsible to monitor the performance and attendance of management employees to prevent abuse of this policy. Bona fide abuses may be subject to disciplinary action in accordance with MCWD policy. The General Manager or designee shall be responsible to ensure uniform implementation of this policy.

Overtime and/or compensatory time off, or cash conversions of same, shall not accrue for management employees. Timesheet Policy – Pursuant to the FLSA, management employees are not required to complete an accounting of his/her time for pay purposes. However, because MCWD is reimbursed for some of its personnel costs pursuant to grant programs and various agreements, it must maintain a record of the amount of time spent on each project. Therefore, timesheets shall be completed by all management employees. Timesheets completed by management employees shall be used strictly for staffing level evaluation and accounting as required by grant programs and other agreements.

### **7.3 Work Week and Hours**

The regular work week shall be Monday to Friday, eight (8) or nine (9) hours per day depending upon the employee's regularly scheduled shift. In an emergency or in unusual circumstances the work week may be changed.

#### Beach Office:

Regular hours of operation are 7:30 am to 5:30 pm. Lunch periods shall be staggered so that continuous coverage of the office is provided. The hours of management personnel may vary from time to time according to the workload.

#### Ord Office:

Regular hours of operation are 6:30 am to 5:30 pm with thirty (30) minutes or one (1) hour for lunch. The hours of management personnel may vary from time to time according to the workload.

### Alternative Work Week

The alternative work week addresses the need for flexibility for both the employer and employee. It allows employers to better utilize facilities and equipment by reducing idle time, enhances customer service due to potential for expanded service hours, and maximizes the value of employee compensation and benefit expenses. In addition, the alternative work week can improve the ability to recruit and retain workers and decrease tardiness and absenteeism. Employees can benefit from less time commuting, reduction in transportation costs, childcare or other daily work-related expenses, and possible increased morale and productivity.

A 9/80 compressed workweek is available for employees who elect this option. Managers will have the discretion to consider and implement this schedule based on the operational and managerial needs of MCWD. A compressed workweek is one in which employees work the same amount of hours in fewer days than the customary number of days per week. Nothing shall preclude MCWD from changing the hours of operation to better meet the needs of MCWD.

All employees of MCWD can request such schedule and MCWD agrees that the requests will not be unreasonably denied. Participation in the alternative work week affects the schedules of others; therefore, once established, changes can only be approved by the department manager and General Manager or designee. Each employee requesting to work an alternative work week must complete an Alternative Schedule Authorization form before participating in the plan and submit the form to Payroll one (1) full pay period prior to beginning any alternative work schedule.

### Work Week Established

The FLSA workweek for all MCWD employees shall be 168 regularly recurring hours. For employees working the 5/8 work schedule, it shall begin on Sunday at 12:00 a.m. and end at 11:59 p.m. the following Saturday. For employees working a 9/80 alternative work week schedule, each employee's designated FLSA workweek (168 hours in length) shall begin exactly four hours after the start time of his/her eight-hour shift on the day of the week that corresponds with the employee's alternating regular day off. For employees working a 9/80 alternative work week schedule, each employee's designated FLSA workweek (168 hours in length) **shall begin exactly four hours after the start time of his/her eight-hour shift on the day of the week that corresponds with the employee's alternating regular day off.**

For Engineering and Accounting staff, normal working hours are between 7:00 am to 5:30 pm.

Administration office hours are from 7:00am to 5:30pm Monday through Friday, while the Ord office hours are from 6:30am to 5:30pm Monday through Friday, however, work schedules for employees vary throughout our District. Staffing needs and operational demands necessitate variations in starting and ending times.

### Leave While Working an Alternative Work Week Schedule

If the employee is working an alternative work week schedule and takes sick, vacation, compensatory, or management leave time on a regularly scheduled nine (9)-hour day, he/she must take nine (9) hours of leave.

For further clarification, please contact HR for further clarification.

### **7.4 Meal Break**

All employees shall be entitled to a duty-free, unpaid meal period of a minimum of thirty (30) minutes, which should be taken no more than five (5) hours after the beginning of the employee's shift. The length and the time of the meal period taken shall be determined by the immediate supervisor consistent with the employee's established work schedule. Employees are required to take this break; however, an on-duty meal period may occur due to the nature of the work being performed. In this case, the meal period will be paid.

### **7.5 Rest Period**

Employees are provided two (2) fifteen (15) minute rest periods for each daily work shift worked. Rest periods are considered paid work time. Rest periods may not be added to meal breaks and are not to be used at the beginning or end of a daily work shift.

### **7.6 Pay Periods and Paydays**

#### Pay Periods

MCWD pays all employees for time worked on a bi-weekly basis. Each pay period contains fourteen (14) consecutive calendar days. Pay periods begin at 12:01 pm on every other Friday and end at 12:00 pm every other Friday.

#### Pay Days

MCWD paydays occur on the Friday following the end of the pay period. Every effort will be made to distribute pay checks on the Thursday before pay day, but pay checks may not be cashed until Friday.

Employees are expected to report any errors in a paycheck to his/her immediate supervisor who will coordinate any appropriate corrections with the Accounting Department.

### **7.7 Timesheets and Recordkeeping**

In accordance with applicable federal and state wage and hour laws, MCWD is required to maintain records for all hours worked by non-exempt employees. To comply with these laws, non-exempt employees are given a timesheet. A timesheet is an official, legal document and therefore must be accurately maintained. Timesheets should be kept on

a daily basis and turned in to the employee's immediate supervisor/manager for approval prior to the end of each pay period.

Completed, signed and approved timesheets are to be forwarded to the Accounting Department no later than Friday at 1pm, at the end of the pay period.

It is the responsibility of every non-exempt employee to accurately record time worked. Federal and state laws require MCWD to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

It is the employee's responsibility to sign his/her timesheet certifying the accuracy of all time recorded and that meal periods have been made available. *Employees are responsible for the accuracy of his/her own timesheet.* Altering, falsifying, tampering with timesheets, or recording time on another employee's time record is a serious violation of MCWD rules and may result in corrective action, up to and including termination.

Employees may report in no earlier than ten (10) minutes *before* the start of his/her shift and clock out no later than ten (10) minutes *after* completion of the shift, unless overtime work has been authorized by an immediate supervisor. *Overtime work must always be approved in advance before it is performed.* In accordance with federal law, MCWD rounds this time to the nearest one-quarter hour/fifteen (15) minutes.

## **7.8 Direct Deposit**

MCWD offers direct deposit of paychecks for employees who select this service and who bank with institutions who are members of the Automated Clearing House. Net pay for employees participating in direct deposit will be available at the start of the banking business day on each designated payday.

To begin direct deposit, employees must complete a designation form including account number(s), bank routing number(s) (ABA), financial institution name(s), amount(s) desired, and provide a voided check. As required by the Federal Reserve, the first direct deposit normally takes place after an initial "test" pay period to assure all information provided is accurate.

Each payday, employees enrolled in direct deposit will receive a direct deposit pay stub stating all payroll deduction information, and the net deposit made. Employees should *not* call Payroll with questions regarding the deposit until the actual payroll date has passed. If there is a question, it is recommended the employee call the banking institution directly.

## **7.9 Pay Advances**

MCWD does not allow pay advances on either earned or scheduled but not yet worked hours. Employees are therefore not eligible to receive manually processed paychecks

for hours worked through an existing pay period in advance of MCWD's normal payday regardless of the reason for such request.

Employees may, however, elect to cash out accumulated vacation, and compensatory leave provided the employee maintains at least forty (40) hours of accrued vacation credit. Cash out must be done in conjunction with a regular paycheck and requested no less than five (5) days before the end of a pay period.

### **7.10 Garnishments**

A garnishment is a legal levy by a creditor against an employee's pay. MCWD expects all employees to manage his/her personal finances so as not to involve the MCWD. All garnishments and other attachment orders that are required by law will be honored. An employee who suspects this may happen to him/her should review the situation with HR immediately. Sometimes arrangements can be made to resolve the situation before it becomes costly and embarrassing.

### **7.11 Meal Allowance**

If a non-exempt employee is unexpectedly ordered to work due to an emergency that occurs at least two (2) hours immediately preceding or following his/her normal work shift and conditions do not allow the employee to go home for a meal, MCWD will either provide a meal, or the employee may submit a receipt and be reimbursed for food and non-alcoholic beverages. Meal reimbursements will be paid at the rates designated in the MCWD Expense Reimbursement and Travel Policy dated May 2018.

For the purpose of this provision, "unexpectedly ordered" means the order was given on the same day the employee had to perform the work.

## **Section 8. Special Pay Practices**

### **8.1 Call-Out Pay**

Responding to call-outs is mandatory. Non-exempt employees who are called back to work outside his/her normally scheduled workweek and/or normally scheduled working hours will be paid at time and one-half (1.5) his/her regular pay rate for actual time worked but not less than two (2) hours, whichever is greater.

Once an employee has initially been called back to duty under call-out conditions, no subsequent call-outs which occur within the initial call-out minimum period of two (2) hours will be credited.

Since call-out time is paid at the normal overtime rate, such hours will not be included as hours worked for purposes of determining overtime pay eligibility over forty (40) hours in the work week. This is referred to as a “no pyramiding” rule in calculating overtime under the federal forty (40) hours worked standard.

## **8.2 On-Call/Standby Pay**

Due to certain classification responsibilities, MCWD may require employees to be assigned to on-call or standby duty. On-call or standby duty refers to a situation where a non-exempt, off duty employee, holds him/herself available to immediate response as directed by management. Assigned standby shall be on an as-needed basis and compensated at the rate of pay in the applicable MOU. Additionally, the call-out payment as described in Section 8.1 above will apply. Compensation for Scada call outs will be at 15 minutes minimum intervals for any calls between 5am and 9pm, and 1 hour minimum call out for calls between 9pm and 5am. Includes alarm check and remote fixes on Scada.

On-call or standby duty shall be defined as that circumstance that requires an employee to:

1. Be ready to respond within thirty (30) minutes to a call for service;
2. Be readily available at all hours by telephone or other agreed-upon communication equipment; and
3. Not engage in activities that might impair assigned duties upon call. Use of alcohol, illegal drugs, and/or any substance that would affect duty performance is prohibited while on standby duty.

On-call/standby pay is compensation given to an employee for hours in which he/she agrees to respond should there be a requirement to report for work. If an on-call/standby employee is called to respond to a telephone advisory situation, no additional pay is warranted, whereas if the on-call/standby employee is required to respond to an on-site operational need, then the employee will be paid under the Call-Out provisions in Section 8.1. In that instance, the employee will resume his/her on-call/standby pay rate upon completion of the call-back work.

## **8.3 Seminar Attendance and Education Reimbursement**

It may be necessary for employees to attend training programs, seminars, conferences, lectures, meetings or other outside activities for the benefit of MCWD or the individual employee. Attendance at such activities may be required by MCWD *or requested by individual employees*. However, attendance *will not* be considered an officially authorized activity, subject to the policies on reimbursement and compensation, unless prior written approval has been given by the General Manager or designee.

To obtain approval, employees wishing to attend an activity must submit a completed Request for Training/Travel Form to his/her immediate supervisor, department manager, and, if approved, to the General Manager or designee detailing all relevant information, including date, hours, location, cost, expenses, nature, purpose and justification for attendance.

### Seminar Attendance

Where attendance is required or authorized by MCWD, MCWD will reimburse reasonable expenses that generally include registration fees, materials, meals (excluding alcoholic beverages), transportation and parking. Reimbursement policies regarding these expenses should be discussed with the employee's immediate supervisor or the HR/Risk Administrator in advance. Employee attendance, *when required*, will be considered time worked in accordance with applicable state law and the FLSA. Seminars, conference attendance and other training programs in which an employee's participation would be beneficial to MCWD may be approved by the General Manager or designee on an individual discretionary basis, and based on available funding.

For more information, please refer to the MCWD Expense Reimbursement and Travel Policy dated May 2018.

### Education Reimbursement

The Employee Tuition Reimbursement Program is intended to reimburse out-of-pocket expenses for tuition, books, supplies and other incidental expenses specifically associated with an employee's course of study and encourage employees to continue his/her education in order to meet present and future MCWD needs to:

- increase effective work performance and employee efficiency;
- facilitate MCWD promotion from within; and,
- attract and retain individuals having superior ability and potential for advancement.

### Eligible Courses/Tuition and Book Reimbursement

Based on an employee's advance submission of a completed Education Reimbursement request form, including the supervisor and department manager's recommendation and General Manager or designee's approval, a regular full-time employee will be reimbursed for *books and tuition* for a job-related course of study. In order to assure that the particular educational program is authorized, the employee is required to submit a course/class description along with the reimbursement form. The supervisor shall evaluate the job relationship to the course of study based on the employee's current or potential future job description.

The employee will receive reimbursement of the course if he/she receives a grade of "C" or higher. Confirmation transcripts or evidence which verifies the student's grade or "pass/fail" completion must be submitted to the HR/Risk Administrator upon completion of the course and prior to receiving reimbursement.

Courses must be taken on the employee's own time unless otherwise authorized by the General Manager or designee.

#### **8.4 Certification Incentive Bonus**

Certain personnel holding positions in the Operations and Maintenance (O&M) and Laboratory Departments are required to obtain certification commensurate with his/her position from the California Department of Public Health (CDPH), California Water Environment Association (CWEA), the American Water Works Association California/Nevada Section (AWWA CA/NV), State Water Resources Control Board (SWRCB), or other certifying boards. Those who become employed by MCWD in positions requiring certification and whose employment commences after the effective date of this certification requirement, must obtain the specified grade of certification within one (1) year following the date upon which they have fulfilled the experience requirement. However, employees must obtain the required level of certification before they can be promoted to any other position for which they apply. For more information on what type of certification is required, employees should refer to the classification job description and discuss with his/her immediate supervisor.

MCWD shall pay one-time bonuses of two hundred fifty dollars (\$250) per certificate for employees who obtain the following certificates from the SWRCB: Wastewater Treatment Operator II, III, IV, V; from the CDPH: Water Distribution Operator II, III, IV, V, and Water Treatment Operator II, III, IV, V; CWEA: Collection System Maintenance II, III, IV, V; Laboratory Analyst II, III, IV, V; AWWA CA-NV: Water Quality Analyst II, III, IV; Backflow Prevention Assembly Tester, Cross Connection Control Specialist, Water Conservation Practitioner I, II, III; and, any other pertinent certifications on which the parties may agree.

After providing proof of completion of a course of study or passing of a certification or licensing exam, employees will be reimbursed for the cost of licenses, certificates and renewals which are required to perform his/her job duties.

#### **8.5 Certification Pay**

As an incentive to encourage employees to acquire knowledge in areas related to current or future position(s), MCWD provides a one-time, ongoing, salary increase based on certification at a higher level than what is required for the current classification, provided the classification is maintained.

Probationary employees are not eligible to receive certification bonuses or certification pay until they complete the initial MCWD probationary period and satisfy the current job specification certification for new employees.

Only one (1) certification incentive will be approved above the requirement of the current classification. To avoid confusion as to which certifications are authorized, the employee should request approval from his/her immediate supervisor and the General Manager or designee before beginning this program.

The maximum amount allowable is five percent (5%) and certifications cannot be “stacked”.

Certification for positions not listed above will also be considered. The level of bonus will be set after evaluation of the program and with respect to the above specified bonuses. Management employees are not eligible for this certification pay incentive.

## **Section 9. Absenteeism**

### **9.0 Attendance**

Employees of MCWD are expected to be punctual and maintain regular attendance. Tardiness and absenteeism place an additional burden on fellow employees and cause the rescheduling of work assignments. Good attendance is an essential element in determining satisfactory job performance. An unsatisfactory attendance record can result in corrective action, up to and including termination.

Occasionally, it may be necessary for an employee to be absent from work as a result of illness, injury, or other personal reasons. In such cases, employees are expected to give his/her supervisor as much advance notice as possible before the beginning of his/her scheduled starting time. Failure to provide this notification within one (1) hour before start time may result in the unreported period of absence being considered as leave without pay.

#### **Reporting an Absence/Tardiness**

For any absence or tardiness, an employee shall speak or leave a message with his/her immediate supervisor or department head. Speaking or leaving a message with anyone else *does not meet* MCWD’s reporting requirements. Emails are not acceptable for this purpose. If an employee expects to be late or is unable to show up for work, the employee shall call his/her immediate supervisor, when possible, at least one (1) hour in advance.

Tardiness occurs when an employee arrives late at the required workstation and/or is not dressed and ready to work at their scheduled start time. Excessive tardiness occurs when an employee is late for their scheduled start time, on more than three (3) occasions within any thirty (30) day period. The immediate supervisor will advise the employee when excessive tardiness has occurred.

Excessive absenteeism occurs when the number of accumulated occurrences/ absences exceeds twelve (12) days of unplanned occurrence/absences in any twelve (12) month period and/or three (3) separate occurrences of unplanned absences in a one (1) month period prior to the most recent absence.

Occurrences, i.e., out with the flu for three days is one occurrence (it is the same sickness for multiple days).

Notification should be a minimum of a week notice so the supervisor/manager has a chance to reassign scheduled duties otherwise it is considered an unplanned absence, i.e., absences without proper notification.

Any time used under FMLA, will NOT be used in calculating occurrences.

In order to protect the health of other employees, MCWD may also require a health care provider's verification that an employee who has been absent for health-related reasons is capable of resuming his/her job responsibilities before being permitted to return to work.

Any falsification, misrepresentation, or other violation of this attendance policy can result in disciplinary action, up to and including termination.

#### Approved Time Off

Employees who know in advance they will be absent or late must make the necessary arrangements with their immediate supervisor or department manager. If time off from work is needed, please schedule and obtain prior approval for any intended absence by submitting a written request for time off in accordance with the applicable procedures in this Handbook.

Planned time off includes any situation that prevents an employee from reporting to work on time for any scheduled workday or time off that needs to be scheduled (e.g., vacations, doctor's appointments, personal obligations, leaves of absence, etc.). If prior arrangements have not been made, employees must discuss an absence or inability to be at work on time directly with his/her immediate supervisor.

MCWD recognizes that it is sometimes necessary for employees to take care of personal business during the workday. However, personal business should be kept to a minimum and should be conducted during break times whenever possible.

### **Section 10. Employee Benefits**

This section of the Handbook is intended to provide a general overview of the benefits currently available to eligible employees of MCWD. State and/or federal laws govern some of these benefits, while others are determined by MCWD or governed by a benefit provider. Should there be a discrepancy between the contents of this Handbook and a provision of an applicable law, summary plan document (SPD) or contract, then the law, SPD, or contract will prevail.

All eligible employees shall be provided information regarding benefit plans during his/her probationary period. This information includes SPD's, which are detailed benefit documents. It is recommended that employees understand fully all costs and insurance coverage prior to obtaining care. Employees are responsible for being familiar with the provisions and limitations of the health care insurance, as detailed in the SPD provided at the time of orientation.

MCWD has the right and the obligation to administer the various insurance programs. These rights and obligations include, but are not limited to, the right to select the carriers and insurance claims administrators after consideration of the recommendations of the health insurance labor-management committee and prior meeting and consultation with the appropriate employee groups. In the event a change in insurance carriers is made, an open enrollment period will be authorized.

#### Eligibility

Regular full-time employees working thirty-two (32) or more hours per week are eligible to enroll in the group benefit plans. Effective dates of coverage may vary depending upon the carrier(s).

NOTE: It is the employee's responsibility to notify the HR/Risk Administrator upon divorce, termination of Domestic Partnership, over-age dependent, or any event that changes the status of dependency within 31 days from the date of event.

#### Payment of Premiums

Depending upon the type of coverage selected, the monthly insurance premiums for eligible employees may be partially or fully paid by MCWD in accordance with the applicable MOU and/or authorizing Resolution by the Board of Directors. Presently, MCWD pays the entire premium cost for employee benefit coverage of medical, dental, vision, life, accidental death and dismemberment, and short term and long-term disability insurance. Employees always pay the monthly insurance premiums for any voluntary insurance coverage elected for themselves and/or dependents through authorized pre-tax payroll deductions.

Enrollment in MCWD's health plans is not automatic. Each new regular, full-time, employee will need to complete the appropriate Enrollment Form(s).

### **10.0 Medical**

MCWD provides medical insurance through a Preferred Provider Organization (PPO). Eligibility to enroll is available during the thirty-one (31)-day period after a regular employee is hired or a new dependent is acquired, during the annual open-enrollment period, after a ninety (90)-day waiting period as a "late enrollee", or during special enrollment circumstances.

If an employee enrolls during the thirty-one (31) days after employment begins, the effective date of coverage is the first of the month following date of hire.

## **10.1 Retiree Health Benefits**

At the option of the employee, MCWD will provide continued medical benefits for retired MCWD employees provided the minimum requirements established by MCWD are met. The requirements shall be as follows:

- A. The employee shall be at least sixty-three (63) years of age and have a total of twenty (20) years of service with MCWD.
- B. MCWD will pay seventy-five percent (75%) of the medical insurance cost for the employee at retirement who meets the requirements stated in item A above.
- C. All employees who exercise this option and who retire with twenty (20) years of service are required to pay twenty-five (25%) of the cost of medical insurance and shall make his/her payments on the first of each month after retirement. Any retired employee who fails to make the required payment to MCWD shall have all benefits cancelled if not paid within thirty (30) days of the due date.
- D. Retirees shall be notified in writing of the amounts owed to MCWD at the time of retirement. The amount paid shall be calculated based on twenty-five (25%) of the rates charged by MCWD's insurance carrier at the time of retirement. The employee shall be notified in writing of any changes in the amount owed each year.

In the event costs are increased by a carrier, the MCWD will notify the bargaining units and will meet and confer on the proposed change.

(The above applies only to those that retire after July 1, 2019. Above does not apply to existing retirees)

## **10.2 Dental**

All eligible employees are enrolled in MCWD's dental plan. Dependent coverage is optional. This dental program covers several categories of benefits, when the services are provided by a licensed dentist and when they are necessary and customary under the generally accepted standards of dental practice.

## **10.3 Vision**

All eligible employees are enrolled in MCWD's vision plan. Dependent coverage is optional. Benefits for examination, lenses, frames or contact lenses are provided based upon the restrictions of the plan.

## **10.4 Term Life Insurance and Accidental Death and Dismemberment (AD&D)**

MCWD pays the full cost of the premium for term life and AD&D insurance coverage for all regular full-time and eligible employees effective on the date of hire. The face amount of life insurance for each eligible employee under the age of seventy (70) shall be equal

to two (2) times his/her normal gross annual salary up to a maximum of three hundred thousand (\$300,000). Accidental death is covered by double indemnity (AD&D). At age seventy (70), Life and AD&D benefits reduce to sixty-seven percent (67%) and at age seventy-five (75) are reduced to fifty percent (50%).

### **10.5 Short-Term Disability (STD)/Long-Term Disability (LTD)**

In addition to State Disability Insurance (SDI), MCWD provides, at no cost to the employee, a short-term/long-term disability plan that supplements SDI and covers up to two-thirds (2/3) of the employee's base annual salary, subject to provisions of the contract with the carrier. Employees with a non-occupational related illness or injury are eligible for income replacement benefits under these plans for the duration of the illness or injury, as provided in the policy provisions, however, MCWD will maintain the employee's position for a period not to exceed twelve (12) months.

The terms and conditions of this policy are subject to the provisions of the Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

### **10.6 Continuation of Group Health Insurance (COBRA)**

COBRA (the Consolidated Omnibus Budget Reconciliation Act) is a federal law that requires most employers sponsoring group health plans to offer covered employees and qualified beneficiaries the opportunity for a temporary extension of health coverage (called "continuation coverage") in certain instances where coverage under the plan would otherwise end. This extension of coverage is offered at group rates plus an administrative fee, the cost of which is fully borne by the employee or beneficiary.

Employees and dependents covered by MCWD's health insurance plan may have the right to choose continuation coverage if they lose group health coverage for certain qualifying events which are: termination of employment, reduction in hours or leave of absence, death, divorce or legal separation of an employee, employee's entitlement to Medicare, termination of domestic partnership, or a dependent child who no longer meets eligibility requirements. *In order to ensure rights to benefit continuation, it is the employee's responsibility to notify HR/Risk Administrator in writing within thirty (30) days.* Questions concerning COBRA qualifying events and eligibility requirements should be addressed to HR/Risk Administrator.

#### Certificate of Coverage

Under the Health Insurance Portability & Accountability Act of 1996 (HIPAA), MCWD or the benefit provider will provide a certificate of prior insurance coverage whenever an employee loses coverage; when a qualifying event occurs; when COBRA coverage

begins or ends; or upon request by an employee within twenty-four (24) months after coverage ends under MCWD's health insurance plan.

## 10.7 IRS Section 125 – Flexible Benefits Plan

MCWD sponsors a Section 125 "Flexible Benefits Plan". This Plan has three (3) components. As part of the Salary Redirection Plan, employees may use pre-tax dollars to pay for all of the employee-paid health premiums. Employees may also choose to direct a portion of salary into an Unreimbursed Medical Expenses Plan and/or a Dependent Care Expense Reimbursement Plan. The Unreimbursed Medical Expenses Plan allows employees to redirect up to two thousand five hundred (\$2,500) each year into a pre-tax account which can be used to reimburse qualified medical expenses not covered by the healthcare provider. Through the Dependent Care Expense Reimbursement Plan, employees may elect to receive tax-free reimbursements for qualified work-related dependent care expenses regarding the care of children age twelve (12) and under and/or elderly or incapacitated dependents to a maximum of five thousand dollars (\$5,000).

## 10.8 Retirement Plan

### CalPERS Retirement Tiers

MCWD participates in the California Public Employees Retirement System (CalPERS) which is a defined benefit retirement program. MCWD provides the following retirement benefits:

Classic Members: 2%@60

New Members: 2%@62

Under the Public Employees' Pension Reform Act (PEPRA), New Members include:

- A member who first established CalPERS membership prior to January 1, 2013, and who is rehired by a different CalPERS employer after a break in service of greater than six months
- A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and **who has no prior membership** in any California public retirement system
- A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and **who is not eligible for reciprocity** with another California public retirement system

Enrollment in the CalPERS Plan is automatic for those employees who work a minimum of one thousand (1,000) hours per fiscal year. Vesting in the Plan occurs after five (5) years of participation in CalPERS, either with MCWD or based on bridged service from another CalPERS participating organization.

Additional information concerning this Plan can be obtained from HR/Risk Administrator.

#### CalPERS Employee Contributions

MCWD currently pays one hundred (100)% of employer and employee contributions for Classic Members only.

New Members are required under PEPRA to pay 50% of normal cost of their CalPERS contribution of their CalPERS contribution:

#### Social Security/Medicare

MCWD participates in Social Security and Medicare and pays the employer portions. The employee pays the employee cost through payroll deductions, as required by the Social Security Administration.

### **10.9 Deferred Compensation Plan**

MCWD makes available to all regular and probationary employees the opportunity to voluntarily participate in a deferred compensation plan which is established in accordance with the provisions of Section 457 of the Internal Revenue Service (IRS) Code. Employees may choose from a variety of plans and MCWD retains the right to choose which plan or plans will be offered. Under the "savings account" plan, the minimum interest rate is negotiated by contract. Monthly deferrals from the employee's pay and all interest earned remain tax deferred until commencement of withdrawal of funds. Funds may be withdrawn at the time of (a) retirement, (b) termination of employment, (c) severe, unforeseeable financial hardship, or (d) death. In addition, a loan provision of the plan allows for participants to borrow funds from his/her accounts.

Employees having questions or interest in learning more about the eligibility, investment options, contribution limits, loan options, and other features of MCWD's Deferred Compensation Plan should contact HR/Risk Administrator for Plan materials and further information.

### **10.10 Workers' Compensation Insurance**

All employees are covered by Workers' Compensation Insurance, effective the first day of employment. Workers' Compensation Insurance provides employees and/or his/her beneficiaries with certain benefits in the event of job-related illness, injury or accidental death.

MCWD pays the full cost of this insurance. If an employee sustains a job-related illness or injury, he/she should report the illness or injury to his/her immediate supervisor/department manager or HR/Risk Administrator *the day it occurs or not later than 24 hours after the occurrence*. Failure to do so could result in a delay of benefits by the insurance carrier.

All payments for lost wages or salary due to a legitimate job-related illness or injury, medical treatment, and any other benefits will be made by the Workers' Compensation Insurance carrier as required by law. Workers' Compensation Insurance payments are

coordinated with any accrued sick, vacation, compensatory or management leave taken as part of a medical or disability leave of absence. Contact the HR/Risk Administrator for more information about Workers' Compensation Insurance benefits.

#### MCWD Provided Physician

MCWD provides medical treatment for work-related illnesses or injuries through a pre-determined clinic that provides medical care to employees.

Employees who are injured in a work-related accident will be referred to the clinic assigned for the location, unless MCWD has received a written notice that the employee wishes to be treated by his/her own health care provider. This notification must have been submitted to HR/Risk Administrator prior to any illness or injury. In all cases, an employee may seek treatment from his/her own health care provider after thirty (30) days, should he/she so desire.

#### Workers' Compensation in Coordination with FMLA/CFRA

An employee who is ill or injured as a result of a work-related incident and who is eligible for family and medical leave under state and federal law (Family Medical Leave Act and the California Family Rights Act) will be placed on FMLA/CFRA during the time the employee is 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 twelve (12) weeks in a continuous twelve (12)-month period.

#### Workers' Compensation Fraud

California law makes it a crime to knowingly file a false or fraudulent claim for Workers' Compensation benefits, or to knowingly submit false or fraudulent information in connection with any Workers' Compensation claim. *Violation of this law is punishable by imprisonment of up to five (5) years, a fine of up to one hundred and fifty thousand dollars (\$150,000), or both.* Filing a false or fraudulent Workers' Compensation claim is also a violation of MCWD policy, and will result in corrective action, up to and including termination.

MCWD's policy is to investigate all questionable Workers' Compensation claims and to refer them to the Bureau of Fraudulent Claims.

### **10.11 Unemployment Insurance**

MCWD pays the entire cost of this benefit to a State unemployment compensation reserve account in accordance with State laws and regulations. Unemployment compensation provides a weekly benefit for a specified period due to a qualifying condition of unemployment. These benefits, and MCWD's costs, change periodically as determined by State law.

Unemployment insurance benefits are not available to employees who voluntarily quit without good cause or who are terminated for misconduct. At the time of employment separation, employees will be provided with a booklet published by the Employment

Development Department (EDD) explaining benefits, eligibility, and claim filing procedures.

## **10.12 Holidays**

Regular, full-time employees are eligible for holiday pay from the date of hire. Eligible employees also receive holiday pay, without deduction of a vacation day, whenever the employee is on an approved vacation during which MCWD observes a holiday.

Employees who are on an unpaid leave of absence as of the date MCWD observes a holiday are not eligible for holiday pay.

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving Day
- Working day immediately preceding Christmas Day
- Christmas Day
- Floating Holiday – taken at employees' option with supervisor's approval
- Employee's Birthday – taken at employee's option within the calendar year

Observed holidays falling on Saturday will be celebrated on Friday; those falling on Sunday will be celebrated on Monday.

Employees who work a holiday should refer to Section 7.0 for holiday pay.

Religious Holiday Accommodation – In order to reasonably accommodate the religious needs of employees, time off for religious observances that are not scheduled paid holidays observed by MCWD may be taken, without pay or through use of accrued vacation, compensatory or management leave hours. Employees must give reasonable advance notice to their immediate supervisor. Reasonable notice is considered to be a minimum of fourteen (14) consecutive calendar days.

## **10.13 Vacation**

MCWD offers paid vacation benefits that, in addition to enjoying opportunities for leisure time away from work, may also be used for personal time off due to personal appointments, family matters, school activities, religious observances, and other personal obligations. All employees are encouraged and expected to take no less than one (1) week or forty (40) hours of vacation annually for rest and relaxation.

Eligibility –

All regular, full-time employees are eligible to accrue paid vacation leave. Employees who are serving in an initial six (6) month introductory period accrue paid vacation but are not eligible to take paid time off unless prior authorization has been received from the General Manager or designee. Vacation leave is accrued each pay period. Thereafter, eligible employees accrue vacation benefits to their anniversary date in each succeeding year based upon length of continuous service with MCWD. Vacation benefit hours may be discontinued or suspended during certain types and durations of leaves of absence including Military Leave in excess of thirty (30) calendar days.

Accrual

Based on the length of continuous service, the following vacation accrual schedule shall apply. To be eligible, regular full-time employees must be scheduled to work at least thirty-two (32) hours per week.

Length of Service (From Employee's Hire Date)	Vacation Days Accrued Per Benefit Year
Date of hire through first year	10 days
Beginning of 2 <sup>nd</sup> year – end of 3 <sup>rd</sup> year	11 days
Beginning of 4 <sup>th</sup> year – end of 10 <sup>th</sup> year	16 days
Beginning of 11 <sup>th</sup> year onward	20 days

Maximum Accrual and Unused Vacation

Employees are encouraged to use accrued vacation benefits each calendar year. Vacation time is accrued throughout the year and is pro-rated and credited at the end of each pay period. Full-time employees may accrue up to a maximum of two hundred sixty (260) hours. Vacation time earned in excess of two hundred sixty (260) hours shall be paid during the next following pay period.

Cash-Out

Employees may elect to cash out accumulated vacation time provided that the employee maintains forty (40) hours of accrued vacation credit. Cash-out must be done in conjunction with a regular paycheck and requested no less than five (5) days before the end of a pay period.

Holidays During Vacation

If an observed holiday occurs during a scheduled vacation and employees are otherwise eligible for holiday pay; such employees will be paid for the holiday rather than a vacation day.

Scheduling a Vacation

The time at which a regular employee shall take vacation leave shall be determined with due regard for the employee's wishes and particular regard to the service needs of the department. Vacations will be approved if the appropriate department supervisor can demonstrate to the department manager that sufficient coverage can be maintained during the absence. It is the department manager's task to determine the base level of

service required to meet MCWD's goals and objectives. Under extraordinary circumstances, MCWD reserves the right to cancel previously approved vacations, unless doing so would prove to be an extreme financial hardship to the employee. In such cases, MCWD will reimburse the employee for any committed and non-refundable expenses incurred by the employee.

Employees planning vacations exceeding three (3) weeks should give their immediate supervisor as much advance notice as possible. Under emergency situations exceptions may be made with the written endorsement of the appropriate supervisor. All vacation leave must be approved by the immediate supervisor prior to use.

Vacation time may be coordinated with other approved absences such as disability, family leave, or in observance of a religious holiday. Vacation pay will be based on the employee's base pay rate in effect at the time such vacation is taken. It does not include overtime or any special forms of compensation such as shift differential, standby or other forms of pay otherwise available during normal work schedules. Payment for vacation time will be made on an employee's regularly scheduled payday.

MCWD reserves the right, if necessary, to designate vacation periods during which employees are expected to schedule his/her vacations in order to accommodate overall work schedules and/or to ensure employees actually use his/her accrued vacation benefits. MCWD may also direct an employee to take mandatory time off for a specified period if conditions warrant.

Prior to approving a request for vacation, it is the responsibility of the manager/supervisor or designee to confirm that the employee has, or will have, the requested time available. Any unposted leave accruals are not eligible for use at the time the scheduled vacation starts.

#### **10.14 Management Leave**

Represented employees who are exempt from state and federal overtime requirements shall be permitted to take management leave in recognition of the special requirements of their jobs. Effective July 15, 2009, management leave shall be accrued on a bi-weekly basis at the rate of 3.077 hours per pay period. The maximum accrual allowance for management leave will be eighty (80) hours per fiscal year. Management leave earned by the end of each fiscal year shall be taken within the first quarter of the following fiscal year. Any management leave not used by the end of the first quarter of the following fiscal year will be paid out to the employee during the next payroll period

### **Section 11. Leaves of Absence**

#### **11.0 General Information**

To the extent required by law, MCWD will continue to pay MCWD's normal employer contribution of an employee's health benefits during any leave of absence protected under the Family Medical Leave Act (FMLA) the California Family Rights Act (CFRA), or

the Pregnancy Disability Leave law (PDL). The normal MCWD-paid premiums for benefits for all other unpaid leaves of absence will continue only through the end of the month in which the leave begins subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, and except where otherwise mandated by State or Federal law. Where an employee's health benefits have been discontinued as a result of an unpaid leave of absence, an employee may elect to continue such health benefits under COBRA as provided in Section 10.6 of this Handbook.

When the employee returns from leave, MCWD will again provide benefits according to the applicable plans.

It is the *employee's responsibility* to ensure that MCWD receives all necessary documentation regarding the leave and any subsequent requests for extension. Employees absent without leave and those who fail to return to work promptly at the end of a leave are considered to have voluntarily resigned his/her positions.

Benefit accruals, such as sick, vacation, management and holiday benefits, will be suspended during unpaid leaves, and will resume upon the employee's return to active employment. Employee performance and wage and salary review dates will also be adjusted by the total amount of time taken for leaves of absence exceeding thirty (30) consecutive calendar days.

MCWD will attempt to accommodate employees returning to work from injuries, illnesses or other disabilities with short-term "modified duty" assignments when practical. Please refer to Section 17 for accommodation process. Such accommodations may be made depending upon the extent and nature of the work restrictions imposed by the health care provider, the anticipated duration of the restrictions, the availability of modified duty assignments, and other relevant considerations.

Instances may exist where two (2) or more leave of absence policies provide overlapping protection for eligible employees. It is the intention of MCWD's policies to limit employees to the time available under the single most favorable leave of absence policy and to prevent employees from exceeding the limitations of that policy. *This means that all leaves of absence run concurrently to the extent provided by law.*

The leave shall be unpaid except that an employee may elect to be paid by using any accrued sick leave, compensatory, vacation, or management leave benefits. The substitution of paid leave does not extend the total duration of FMLA/CFRA/PDL to which an employee is entitled.

Accordingly, any leave of absence that is taken by an employee under any policy that could have been taken under any other policy of MCWD (if the employee had requested to do so) shall be credited against the maximum limit on leaves established in each of the policies that provided the employee a basis to request a leave of absence.

All leave requests should be submitted and approved in advance. See HR/Risk Administrator for appropriate forms and specific information. When leaves are foreseeable, the employee must provide at least thirty (30) days advance notice. If the leave is not foreseeable, the employee must provide notice as soon as practicable.

## **11.1 Family and Medical Care Leaves (FMLA/CFRA)**

### **Policy Statements**

To the extent not already provided for under current leave policies and provisions, the Marina Coast Water District (District) will provide family and medical care leave for eligible employees as required by State and Federal Law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulation of the California Family Rights Act ("CFRA"). Unless otherwise provided by this article, "Leave" under this article shall mean leave pursuant to the FMLA and CFRA.

### **Definitions**

- A. "12-Month Period" means a 12-month period measured backwards from the date FMLA leave begins.
- B. "Single 12-month period" means a 12-month period which begins on the first day the eligible employee takes FMLA military caregiver leave and ends 12 months after that date.
- C. "Child" means a biological, adopted, foster or step-child, legal ward, or a child of a person standing in "loco parentis" (in place of a parent) who is a child under the age of 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (there is no age limit for military family/qualifying exigency leave).
- D. A child is "incapable of self-care" if he/she requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living or instrumental activities of daily living, such as, caring for grooming and hygiene, bathing, dressing, eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.
- E. "Parent" means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.
- F. "Spouse" means a husband or wife as defined or recognized under California State Law for purposes of marriage. "Spouse" also includes registered domestic partners and same-sex partners in marriage.

- G. "Domestic Partner" is defined by the California Domestic Partner Rights and
- H. Responsibilities Act (Family Code §§ 297 and 299.2) and shall have the same meaning as "Spouse" for purposes of CFRA Leave.
- I. "Serious health condition" means an illness, injury impairment, or physical or mental condition that involves:
1. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or any subsequent treatment in connection with such inpatient care; A person is considered an "inpatient" when a health care facility formally admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or
  2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:
    - a. A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment or recovery) of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
      - i. Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by, a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or
      - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter and can be initiated without a visit to a health care provider, it is not, by itself, sufficient to constitute a regimen of continuing treatment.
    - b. Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA Leave, but not CFRA Leave.) (The right to take

Family & Medical Care Leave is separate from the right to take pregnancy disability leave. State law allows an employee to take up to four months of pregnancy disability leave. If an employee exhausts her pregnancy disability leave prior to the birth of the child, and her physician certifies that continued leave is medically necessary, the employee may use Family & Medical Care Leave prior to the birth of the child. The maximum possible combined leave for pregnancy disability/CFRA/FMLA is four months and 12 workweeks.)

- c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:
  - i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
  - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts less than one day.
- d. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by a health care provider. Examples include Alzheimer's disease, a severe stroke or the terminal stages of a disease.
- e. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy) or, kidney disease (dialysis).
- f. "Health Care Provider" means:
  - 1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices; or
  - 2. Any other person determined by the U.S. Secretary of Labor to be capable of providing health care services.

3. Others "capable of providing health care services" as determined by the U.S. Secretary of Labor include only:
  - a. Podiatrists, dentists, clinical psychologist, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the state and performing within the scope of their practice as defined under state law;
  - b. Nurse practitioners, nurse-midwives, physician's assistants and clinical social workers who are authorized to practice under state law and who are performing within the scope of their practice as defined under state law;
  - c. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable state or local law or collective bargaining agreement.
  - d. Any health care provider from whom an employer or the employer's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and
  - e. A health care provider listed above who practices in a country other than the United States, who is performing within the scope of his or her practice as defined under such law and who is authorized to practice in accordance with the law of that country.
  - f. The phrase "authorized to practice in the state" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.
- J. "Qualifying Exigency" means a need to take military family leave arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. This is intended to assist families with non-medical needs such as:
  1. Short-notice deployment
  2. Military events and related activities (before or during deployment)
  3. Childcare and school activities (e.g., arrange for alternate childcare)

4. Financial and legal arrangements
5. Counseling (non-medical for oneself, the service member, or child)
6. Rest and recuperation (up to 5 days for each)
7. Post-deployment activities (ceremonies or briefings)
8. Additional activities agreed to by the employer and employee

K. "Covered active duty" means:

1. In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country, or
2. In the case of a member of a reserve component of the Armed Forces, duty during the deployment of member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

L. "Covered Servicemember" means

1. 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
2. A veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

M. "Outpatient Status" means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either:

1. A military medical treatment facility as an outpatient; or
2. A unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

N. "Next of Kin of a Covered Servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his

or her nearest blood relative for purposes of military caregiver leave under the FMLA.

O. “Serious Injury or Illness” means:

1. In the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; or
2. In the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

### **Reasons for Leave**

Leave is only permitted for the following reasons:

- A. The birth of a child or to care for a newborn of an employee;
- B. The placement of a child with an employee in connection with the adoption or foster care of a child;
- C. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition; or
- D. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position.
- E. Leave due to a qualifying exigency arising out of the fact that an employee’s spouse/domestic partner, son/daughter, or parent is a covered military member on active duty or has been notified of an impending call or order to active duty status (under FMLA only, not CFRA).
- F. Leave to care for an employee’s spouse/domestic partner, son/daughter, parent, or next of kin who is a covered service member with a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces (“Military Caregiver Leave”). This leave

can run up to 26 weeks of unpaid leave during a single 12-month period. (under the FMLA only, not the CFRA).

Employees who misuse or abuse FMLA leave may be disciplined up to and including termination. An employee who fraudulently obtains or uses CFRA leave is not protected by the CFRA's job restoration or maintenance of health benefits provisions.

### **Employees Eligible for Leave**

An employee is eligible for leave if the employee:

- A. Has been employed for at least 12 months; and
- B. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

### **Amount of Leave**

Eligible employees are entitled to a total of 12 workweeks (or 26 weeks for military caregiver leave) of leave during any 12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

#### **A. Minimum Duration of Leave**

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, unless otherwise approved by the employee's department manager, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for a duration of at least one day but less than two weeks on any two occasions.

If leave is requested to care for a child, parent, spouse, domestic partner or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the notice and medical certification provisions of this policy must be complied with.

#### **B. Parents Both Employed by the District**

In any case in which both parents are both employed by the District are entitled to leave, the aggregate number of workweeks of CFRA leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave).

In any case in which a husband and wife both employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken for military caregiver leave under FMLA.

Except as noted above, this limitation does not apply to any other type of leave under this policy.

### **Employee Benefits While on Leave**

Leave under this policy is unpaid. While on leave, employees will continue to be covered by the District's group health insurance to the same extent that coverage is provided while the employee is on the job for up to 12 weeks each leave year (or 26 weeks for military caregiver leave). If the employee is disabled by pregnancy, coverage will continue to be covered for up to 4 months each leave year. In the event an employee is disabled by pregnancy and also uses CFRA leave, District will maintain the employee's health benefits while the employee is disabled by pregnancy (up to four months or 17 weeks) and during the employee's CFRA leave (up to 12 weeks). Employees are responsible for group health insurance benefit premiums on the same basis as employees not on leave.

However, employees will not continue to be covered under the District's non-health benefit plan while on leave. Employees may make the appropriate contributions for continued coverage under the preceding non-health benefit plans by payroll deductions or direct payments made to these plans. Depending on the particular plan, the District will inform you whether the premiums should be paid to the carrier or to the District.

Your coverage on a group health insurance plan may be dropped if you are more than 30 days late in making a premium payment. However, you will receive a notice at least 15 days before coverage is to cease, advising you that you will be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The District shall have the right to recover premiums through deduction from any sums due the employee (e.g. unpaid wages, sick, vacation pay, etc.).

### **Substitution of Paid Accrued Leaves**

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the District may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and

may also require an employee to use Family and Medical Care Leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA qualifying.

If an employee is receiving a paid benefit (e.g., State Disability Insurance or workers' compensation), the employee is not considered to be on an unpaid leave, and an employee may, at his/her option, coordinate the use of paid time off, sick leave, or accrued vacation up to his/her regular salary amount.

A. Employee Right to Use Paid Accrued Leaves Concurrently with FMLA/CFRA Leave

Where an employee has earned or accrued vacation, management leave, floating holidays, or compensatory time, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee may elect or the District may require an employee to use accrued sick leave only if:

1. The leave is for the employee's own serious health condition; or
2. The leave is for another reason mutually agreed upon between the District and the employee.

If the District and the employee do not "mutually agree" to allow use of accrued sick leave to care for a family member, the District may still be required to allow the employee to use some sick leave for the employee to care for a family member with a serious health condition pursuant to the Protected Sick Leave law under Labor Code section 233 and the California Paid Sick Leave Law.

An employee receiving Paid Family Leave to care for the serious health condition of a family member or to bond with a new child is not on "unpaid leave." Therefore the District may not require the employee to use the paid time off, sick leave, or accrued vacation.

B. The District's Right to Require an Employee to Use Paid Leave When Using FMLA/CFRA Leave

Employees who otherwise would be on an unpaid leave of absence must exhaust their accrued leaves (including accrued vacation, management leave, sick leave, floating holidays, and compensatory time) concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave as noted above.

**Medical Certification**

Employees who request leave for their own serious health condition or to care for a child, parent, spouse, or domestic partner who has a serious health condition, must provide

written certification from the health care provider of the individual requiring care if requested by the District.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request military caregiver leave for a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member.

A. Time to Provide a Certification

When an employee's leave is foreseeable and at least 30 days' notice has been provided, if a medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the District within the time frame requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

B. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will be given a reasonable opportunity to cure any such deficiency.

However, if an employee fails to provide a medical certification within the time frame established by this policy, the District may delay the taking of FMLA/CFRA leave until the required certification is provided.

C. Second and Third Medical Opinions

If the District has reason to doubt the validity of a certification for an employee's serious health condition, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion

of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a recertification.

D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

**Employee Notice of Leave and District Designation of Leave**

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give as much notice as possible of their need for leave. If leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. Such notice may be given orally. If the District determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the District may delay the granting of the leave up to 30 days until it can, in its discretion, adequately cover the position with a substitute. Calling in "sick" without providing the reasons for the needed leave will not be considered sufficient notice for FMLA leave under this policy.

If an employee takes a leave of absence for any reason which is FMLA/CFRA-qualifying, the District may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

If an employee requests to utilize accrued vacation leave or other accrued paid time off, other than accrued sick leave, without reference to a FMLA/CFRA-qualifying purpose, the District may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the District denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the District may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the District may require the employee to exhaust accrued leave as described above.

**Reinstatement Upon Return From Leave**

A. Right to Reinstatement

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of

employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and District, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

**B. Employee's Obligation to Periodically Report on His/Her Condition**

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

**C. Fitness for Duty Certification**

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. This requirement does not apply to employees returning from an intermittent leave. Failure to provide such certification will result in denial of reinstatement.

**D. Reinstatement of "Key Employees"**

The District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

**Worker's Compensation and Family And Medical Care Leave Coordination**

Family and Medical Care Leave will be designated by the District when an employee qualifies for such leave as a result of a District work-related injury or illness.

**Required Forms**

Employees must fill out the applicable forms in connection with leave under this policy, and may receive all applicable forms through the District's HR department.

**11.2 Pregnancy Disability Leave (PDL)**

**Pregnancy Disability Leave and Accommodations Available**

Any employee with appropriate doctor certification may request accommodations, up to and including an unpaid leave of absence for up to four months (defined as 17 and 1/3 weeks), due to conditions related to pregnancy, childbirth, or related medical conditions. The District will provide such accommodations unless the requested accommodations would constitute an undue hardship.

Upon the request of an employee and recommendation of the employee's physician, the employee's work assignment may be changed if necessary to protect the health and safety of the employee and her child. Requests for transfers of job duties will be reasonably accommodated if the job and security rights of others are not breached. Temporary transfers due to health considerations will be granted when possible. However, the transferred employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.

The duration of a 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. Any additional leave needed by an employee beyond the four months provided under Pregnancy Disability Leave will only be provided as a reasonable accommodation of the individual's disability as required otherwise under state and federal laws. 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.

Leave taken under the pregnancy disability policy runs concurrently with family and medical leave under federal law (FMLA), but not family and medical leave under California law (CFRA).

### **Required Procedures for Requesting PDL Leave**

Any female employee planning to take pregnancy disability leave should advise the personnel department as early as possible. The individual should make an appointment with the HR Department to discuss the following conditions:

- Employees who need to take pregnancy disability leave must inform District when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees must provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees must consult with the HR Department regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of the employee's health care provider;
- If 30 days' advance notice is not possible, notice must be given as soon as practical;

- Pregnancy leave usually begins when ordered by the employee’s physician. The employee must provide District with a certification from a health care provider. The certification indicating disability should contain:
  - The date on which the employee became disabled due to pregnancy;
  - The probable duration of the period or periods of disability; and
  - A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed;

### **Compensation During PDL Leave**

PDL leave provided by the District is an unpaid leave of absence. A pregnant employee may be entitled to disability insurance payments through the California Employment Development Department (EDD) depending on their evaluation of your medical condition. A pregnant employee should contact the local EDD office for more information on eligibility for pregnancy disability insurance.

An employee will be required to use accrued sick time during an eligible pregnancy disability leave unless the employee is receiving paid disability benefits from a third party at the same time (such as the EDD), therefore allowing the employee the option of using accrued sick time benefits concurrently. An employee will be allowed to use accrued vacation, management leave, floating holidays, or compensatory time (separate from the use of any sick leave) during an eligible pregnancy disability leave;

### **Benefits During PDL Leave**

If you take pregnancy disability leave, the District will maintain group health insurance coverage for up to a maximum of four (4) months if such insurance was provided before the leave was taken on the same terms as if you had continued to work. In some instances, the District may recover premiums it paid to maintain health coverage for you if you fail to return to work following pregnancy disability leave. Employees should contact the HR Department for further information.

### **Job Reinstatement Following PDL Leave**

Under most circumstances, 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 to an equivalent position, if available. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed. Leave returns

will be allowed only when the employee's physician sends a release allowing the employee to return to work.

### **11.3 Voluntary Furlough Without Pay Plan**

The following shall apply to the "Voluntary Furlough Without Pay Plan":

- A. No form of salary compensation may be taken (i.e. vacation, sick, compensatory time, or management leave). Paid holidays which occur during the furlough period will continue to be paid as usual.
- B. All existing benefits that have been paid by MCWD shall continue to be paid by MCWD and all deductions previously paid by the employee shall continue to be taken out of the employee's check when a check has been issued with sufficient funds. In other cases, it shall be the employee's responsibility to make arrangement to pay his/her portion of benefits or other payroll deductions. These include, but are not limited to, health, union dues, court ordered payments, voluntary supplemental life insurance premiums and voluntary supplemental health insurance such as AFLAC.
- C. No loss of seniority or break in service will be suffered by the employee.
- D. All benefits shall accrue as if the employee were working (i.e., sick, vacation, or management leave).
- E. An employee may take up to forty (40) hours of voluntary furlough without pay leave at any one time in a fiscal year. A written request must be approved, in advance, by the employee's immediate supervisor. Shorter increments of time (no less than four (4) hours) may be requested. The immediate supervisor may accept or reject a request for furlough after consideration of the employee's position and department workload.
- F. Employees with accrued vacation, compensatory and/or management leave in excess of MCWD maximum may not participate in this plan until they are in compliance with the maximum hours allowed.
- G. Taking unpaid furlough should not result in the need for any other employee to work overtime.

For further clarification, please contact the Management Services Administrator.

### **11.4 Personal Leave of Absence/Leave Without Pay**

The MCWD General Manager or designee may grant a regular, full-time employee a leave of absence without pay for a definite period of time. Generally, such personal leave of absence will not be granted for more than ninety (90) days, except in the case of a personal leave for a disability or medical condition that can be reasonably accommodated further in accordance with state and federal disability laws based on a written certification of the need for leave from a qualified medical care provider.

Requests for personal leaves may be considered on a case-by-case basis supported by factors related, but not limited to, staffing levels in the department among similar jobs,

existing or projected workload demands, the requesting employee's work record, and the basis of the request. Personal leaves are generally considered for reasons such as a verifiable family or personal emergency not provided for by legally mandated leaves of absence, to complete a short-term educational requirement not associated with a condition of the employee's present job, or to attend to a medical condition not otherwise eligible or qualified under legally mandated leaves of absence.

The personal leave of absence shall be without pay unless the employee specifically requests and is granted the use of available vacation, compensatory time off or management leave. Available sick, vacation, and management leave balances shall be calculated as of the preceding pay period. Sick, vacation, and management leave accruals will stop immediately upon entering personal leave without pay status.

If personal leave without pay status exceeds one (1) full daily shift for the employee, the employee may maintain health insurance benefits during the remainder of the personal leave of absence by paying his/her portion of the normal premium contribution to MCWD for such coverage prior to commencement of the leave. For leaves of longer than one (1) month, premiums must be paid no later than the fifteenth (15<sup>th</sup>) of the month prior to the month being covered. If premiums have not been received by the deadline, coverage will be terminated for all unpaid months and continuation or reinstatement of coverage must be made in accordance with COBRA guidelines. If an employee wishes to continue coverage, the employee must pay all employer-paid and employee-paid premiums for the duration of the personal leave of absence.

Any employee desiring a personal leave of absence must submit a written request and attach any supporting documentation as to the nature of the leave. The request should be submitted to the employee's department head before being forwarded to HR/Risk Administrator. HR/Risk Administrator will review the request and submit it to the General Manager or designee for approval.

Failure by the employee to return to work on the designated date shall mean MCWD may fill the position. If an employee's position is filled while he/she is off on an approved personal leave of absence, the employee may, at the conclusion of his/her scheduled leave, apply for any open MCWD position for which he/she is qualified. However, if no such position is available, the employee's employment will be terminated. In the event the employee is terminated, MCWD will provide the employee with COBRA eligibility information within thirty (30) calendar days following employment separation, provided the employee is otherwise qualified for continuation of the healthcare insurance under MCWD's group plans.

If a position is available, an employee is expected to return to work at the scheduled conclusion of his/her personal leave of absence. If the employee fails to do so, the employee will be treated as having voluntarily resigned his/her employment with MCWD.

## 11.5 Sick Leave

### Regular Full-Time Employees

Regular full-time employees who work at least thirty-two (32) hours per week are eligible for paid sick leave benefits which accrue at the rate of one (1) day per calendar month for each *full* month of employment from his/her date of hire. Since MCWD provides for CalPERS sick leave credit, and because employees are encouraged to conserve sick leave should it be needed for an unexpected personal illness or disability, there is no limit on the maximum number of hours an employee can accumulate.

Employees who are absent from work due to illness or injury must notify his/her immediate supervisor as stated in Section 9.0 of this Handbook.

### Sick Leave Use

Sick leave is to be used for absences due to the following reasons:

- For the employee's own diagnosis, care, or treatment of an existing health condition or preventative care.
- For the diagnosis, care, or treatment of an existing health condition or preventative care for an employee's family member, including:
  - *Child (including a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis.)*
  - *Spouse or Registered Domestic Partner*
  - *Parent (including biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.)*
  - *Grandparent*
  - *Grandchild.*
  - *Sibling.*
- To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services:
  - *A temporary restraining order or restraining order.*

- *Other injunctive relief to help ensure the health, safety or welfare of themselves or their children.*
- *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 an experience of 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.*

All sick leave payments will be based on an employee's regular pay rate in effect at the time such payments are made. These payments will be coordinated with applicable disability insurance payments or Workers' Compensation Insurance benefit payments, so that all such payments will not exceed the employee's normal weekly gross earnings.

Full or partial days off due to illness or injury in excess of accrued sick leave by non-exempt employees will be taken without pay. Exempt employees who have used all of his/her accrued sick leave benefits continue to receive his/her salary for an occasional illness that is less than a full day under this sick leave policy. The salary of exempt employees who have exhausted his/her sick leave will be deducted for absences of a full day or more due to illness or disability.

#### Sick Leave Certification

Employees who are absent for three (3) or more consecutive workdays due to illness or injury will be required to submit a health care provider's certification to substantiate the use of sick leave. In addition, before an employee may return to work, MCWD may require a health care provider's written certification that the employee is capable of resuming his/her job responsibilities. Employees are not expected to disclose any diagnosis or private health information, but any material misrepresentations regarding the use of sick leave (e.g., using sick leave for an unqualified absence) may result in corrective action, up to and including termination.

#### Pay-Out

Employees who use two (2) days or less of his/her annual sick leave entitlement will be given the opportunity at the end of the calendar year to convert two (2) days of the remaining sick leave into vacation, or let the sick leave accumulate. Sick leave used for doctor/dentist appointments, of four (4) hours or less, during work hours will not be subject to this provision. Appointments of over four (4) hours require a doctor's note.

### Retirement Payoff

After ten (10) years of continuous service, or at age sixty (60) years or above, upon termination or retirement, an employee shall be paid for sixty percent (60%) of his/her accumulated sick leave up to a maximum of two hundred forty (240) hours. All payments will be made at the current rate of pay. Employees hired after January 1, 2013 are not eligible for this benefit.

### All Other District Employees

Employees who are not regular full-time employees will be provided sick leave in accordance with California's Paid Sick Leave law under the following conditions:

- An employee begins to accrue paid sick leave at the rate of one (1) hour of paid sick leave for every thirty (30) hours worked beginning on the first day of employment. An employee is not eligible to begin using any accrued paid sick leave until the 90<sup>th</sup> day of employment with the District.
- An employee is only allowed to use up to a maximum of 3 days or 24 hours of paid sick leave in a 12-month period.
- An employee can only accrue paid sick leave up to a cap of 6 days or 48 hours ongoing. Any unused accrued paid sick leave does carry over year to year while continuously employed.
- Sick leave can be taken for one of the reasons noted in the policy above for Regular Full-Time Employees under "Sick Leave Use".
- An employee shall provide reasonable advance notification of their need to use accrued paid sick leave to their supervisor if the need for paid sick leave use is foreseeable (e.g., doctor's appointment scheduled in advance). If the need for paid sick leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
- An employee who uses paid sick leave must do so with a minimum increment of two hours of sick leave.
- An employee will not receive compensation for unused accrued paid sick leave upon termination, resignation, retirement or other separation from employment from the District.
- If an employee separates from District employment and is re-hired by the District within one year of the date of separation, previously accrued and unused paid sick leave hours shall be reinstated. However, if a rehired employee had not yet worked the requisite 90 days of employment to use paid sick leave at the time of separation, the employee must still satisfy the 90 days of employment requirement

- collectively over the periods of employment with the District before any paid sick leave can be used.
- Paid sick leave will not be considered hours worked for purposes of overtime calculation.

### **11.6 School Activity Leave**

Any employee who is the parent or guardian of a child in kindergarten through grade twelve (12) may request up to forty (40) hours of leave per school year for the purpose of participating in school activities. This time will be unpaid unless the employee elects to use vacation, compensatory time off, or management leave for this purpose. The employee will be limited to no more than eight (8) or nine (9) hours off depending upon the regularly scheduled work shift for this purpose in any one (1) calendar month. Upon request, MCWD reserves the right to require documentation from the school as proof that the employee has participated in the school activity. This request should be made with as much advance notice as possible.

### **11.7 Bereavement Leave**

Employees shall be entitled to up to three (3) days of paid leave for the death of a family member. A family member includes the employee's spouse or State-registered domestic partner and the following persons related to the employee or spouse or State-registered partner: mother, father, brother, sister, child, step-parent, step-child, grandparents, grandchild, or legal guardian. Such leave shall be separate from sick, vacation, compensatory, and management leave and is to be used within two (2) weeks upon the death of the family member or at the discretion of the General Manager or designee. Up to five (5) days may be granted for exceptional circumstances approved by the General Manager or designee.

Upon approval, employees may use either accumulated sick, vacation, compensatory, or management leave if more time off is necessary.

### **11.8 Jury Duty**

Jury duty shall be considered leave with pay provided the employee submits a copy of the jury summons and documentation indicating the dates and times of jury service to his/her immediate supervisor. An employee serving on jury duty will receive pay in the amount of the difference between the employee's regular earnings and any amount received for jury service. The employee may retain any fee paid as travel allowance.

If an employee desires to serve on the Grand Jury, he/she shall submit a leave of absence request and will serve without MCWD salary and benefits.

Within three (3) days of receiving a jury duty summons, or as soon as reasonable, employees should provide a copy of the notice that specifies the date(s) the employee

will be reporting for jury duty or serving as a juror to his/her immediate supervisor. Employees are required to provide a copy of the jury duty notice to HR/Risk Administrator for retention in their personnel file *before* reporting for jury duty service.

While on jury duty, employees shall report for work whenever their presence is not required at court, including during “phone in” or “on call” status, or if released by the court early enough to return to work for at least two (2) hours. Employees who cannot report to work due to jury duty will be required to show proof of jury service or appearance for each such workday absence. MCWD may submit a request for a postponement in the event that compelling business reasons make postponement of jury duty necessary.

### **11.9 Witness Duty and Subpoenas**

MCWD Business Related Court Appearance – Employees will be paid their normal wage or salary if required to be a witness or required by a subpoena to appear in court on or related to MCWD business. An employee who serves as an MCWD-related business witness, or on a case related to the employee's job, on a day that is a regularly scheduled day off, shall be paid at the employee's regular base rate of pay or at time and one-half (1.5), if the employee otherwise qualifies for overtime compensation, for all hours the employee actually is required to be in Court.

Personal Business Court Appearance – Employees may be allowed unpaid time off if summoned to appear in court as a witness or because of a subpoena related to personal business or those matters occurring outside the course and scope of MCWD employment. Use of any available paid time off may be used for this purpose with reasonable advance notice, and proof of subpoena service, from the employee to his/her immediate supervisor or department head.

### **11.10 Domestic Violence and Sexual Assault Leave**

Employees who are victims of domestic violence or sexual assault are eligible for unpaid leave to the extent provided under California law. Leave may be requested if an employee is involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure the health, safety or welfare of the employee or the employee's child(ren).

Notice and certification of the need to take leave under this policy must be provided to HR/Risk Administrator. Certification may be any of the following:

- A police report indicating that the employee was a victim of domestic violence, or documentation from legal counsel or attorney.
- A court order protecting or separating the employee from the perpetrator of an act of domestic violence, or other evidence from the court of prosecuting attorney that the employee appeared in court.
- Documentation from a medical professional, domestic violence services advocate, health care provider, or counselor that the employee was

undergoing treatment for physical or mental injuries or abuse resulting in victimization from an act of domestic violence.

MCWD will, to the maximum extent possible and as required by law, maintain the confidentiality of an employee requesting leave under this provision. The length of unpaid leave an employee may take is twelve (12) weeks as is provided for in the Federal Family and Medical Leave Act of 1993.

### **11.11 Victims of Crime Leave**

An employee who is a victim or who is the family member of a victim of a violent felony or serious felony may take time off from work under the following circumstances:

- The crime must be a violent or serious felony, as defined by law; and,
- The employee must be the victim of a crime, or an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim.

An immediate family member, as defined by this law, includes a spouse, child, stepchild, brother/sister, stepbrother/sister, mother, father, or stepmother/father. MCWD further extends this leave to include a grandparent, grandchild, niece, nephew, registered domestic partner, child of a domestic partner, or parent of a registered domestic partner.

The absence from work should be in order to attend to judicial proceedings related to a crime listed above. Before an employee is absent for such a reason, documentation of the scheduled proceeding must be provided to the HR/Risk Administrator. Such notice is typically given to the victim of a crime by a court or government agency setting the hearing, an attorney or prosecuting attorney office or a victim/witness office.

If advance notice is not possible, employees must provide appropriate documentation within a reasonable time after the absence. Any absence from work to attend judicial proceedings will be unpaid unless an employee chooses to take paid time off, such as accrued vacation, compensatory, sick, or management leave.

### **11.12 Military Leave**

Employees will be granted military leave in accordance with Division II, Part I, Chapter VII of the Military and Veteran's Code of the State of California and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), for a period of up to five (5) years to engage in ordered military duty, military training, encampment, naval cruises, special exercises or like activity, as a member of the reserve corps or force of the Army, Navy, Marine Corps, Air Force, Coast Guard, National Guard, or Air National Guard.

Military leave is generally unpaid. However, an employee who has been employed with MCWD for a period of not less than one (1) year immediately prior to the day which the leave of absence begins, shall be entitled to receive his/her full salary or compensation

when he/she is ordered to active military duty, training, encampment, naval cruises, special exercises or like activity, up to a maximum of thirty (30) calendar days in any one (1) fiscal year. Paid leave is *not* available for periods when an employee is required to attend inactive military training such as weekend reserve drill periods during a time when the employee would not be employed in a regular shift. If the employee desires to be paid for this unpaid temporary military leave of absence, vacation, management or compensatory time may be used. During paid portions of temporary military leave of absence, employees shall continue to receive the same vacation, sick, management leave and holiday privileges as if he/she were actively at work.

Employees shall notify MCWD, whenever possible, at least sixty (60) calendar days prior to the commencement of the temporary military leave of absence. Employees shall furnish the immediate supervisor with a copy of their military orders, or other written verification from the appropriate military authority, for inclusion in their personnel file. The immediate supervisor will forward a copy to the Management Services Administrator and Payroll.

A "Request for Leave" form shall be submitted to the General Manager or designee for any requested leave in excess of thirty (30) days. The written request form will indicate appropriate arrangements have been made regarding health insurance coverage and other pertinent issues should the leave exceed sixty (60) days.

Upon return from military leave, employees shall have the same rights and privileges of employment, re-employment, seniority and promotion had they not been absent. Any uncompleted probationary period must be satisfied upon completion of the temporary military leave of absence. An employee returning from military duty shall be offered re-employment in accordance with USERRA. If an employee fails to notify MCWD of his/her intent to return to work within the time period allowed by law, the employee will be considered to have resigned.

### **11.13 Time Off to Vote**

MCWD encourages employees to fulfill his/her civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after his/her regular work schedule. If employees are unable to reach a polling place during his/her non-working hours, MCWD will grant up to two (2) hours of paid time off to vote.

Employees must request time off to vote from his/her supervisor at least two (2) working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule. Employees must submit documentation of their polling place and a voter's receipt on the first working day following the election to qualify for paid time off.

#### **11.14 Volunteer Firefighters and Peace Officers**

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace officer or emergency rescue worker. Such employees are also allowed to take temporary leaves of absence without pay, up to a total of fourteen (14) days per calendar year, to engage in fire or law enforcement training. If an employee is an official registered volunteer firefighter, peace officer, or emergency rescue worker, he/she should inform his/her immediate supervisor that time off for emergency duty is necessary. In the event the emergency or disaster directly affects MCWD operations, the services of such employees may be required to assist with MCWD operations.

#### **11.15 Terminal Leave**

Terminal leave is that period during which an employee remains on the payroll beyond his/her last working day until all of his/her accrued vacation, compensatory, and/or management leave has been exhausted. Terminal leaves are beneficial to the MCWD and its programs since they may provide a means to reallocate positions and other resources from low demand to high demand programs. The General Manager or designee may grant a terminal leave, upon written application by the employee, in accordance with the following provisions:

- A. Only regular, full-time employees with a performance evaluation of satisfactory or above, shall be eligible for terminal leave;
- B. The employee shall not be required to perform duties of any kind during the period of leave unless otherwise stipulated;
- C. The employee shall agree, in writing, to the conditions of the leave, waiving all claims arising out of his/her employment;
- D. The discretion to determine the employee's last working day is reserved by the General Manager or designee. The employee retains the right to make his/her last working day *prior* to the date established by the General Manager or designee;
- E. During a period of terminal leave, an employee shall continue to be eligible for group health insurance coverage as long as he/she is in a paid status;
- F. During a period of terminal leave, an employee shall not be eligible for any salary increases; however, he/she shall receive credit for any official holiday occurring during a period of terminal leave; and,
- G. Once notice of leave is submitted and approved, an employee must cease work and the terminal leave cannot be revoked.

### **Section 12. Grievance Procedure**

MCWD has an established informal grievance procedure to resolve issues and concerns. This informal procedure should not be used to resolve disciplinary actions, OSHA, performance evaluation, workers' compensation issues, bargaining disputes or any exercise of MCWD's normal discretionary rights and obligations. The purpose of this

procedure is to identify and resolve differences between employees and management regarding this agreement and general working conditions.

MCWD encourages employees to use this process to resolve problems and will not discriminate against any employee for using this procedure.

The employee shall raise the grievance as soon as possible but no later than thirty (30) calendar days after learning of the act or issue causing the grievance.

- A. Immediate Supervisor – The employee should raise any problem with his/her immediate supervisor. The immediate supervisor will respond within fifteen (15) calendar days. (Harassment grievances may start at Step B.) Every effort will be made to resolve the grievance at this stage
- B. General Manager/HR/Risk Administrator – If the employee is not satisfied with the result reached in Step A, he/she may file a written grievance to HR/Risk Administrator within ten (10) calendar days of the immediate supervisor's response. HR/Risk Administrator will meet with the employee and the immediate supervisor to resolve the problem. If necessary, the General Manager or designee will be consulted. HR/Risk Administrator, the General Manager, or designee will make a decision within ten (10) calendar days of receipt of the grievance and notify the employee of such decision either verbally or in writing.
- C. Appeal – Any employee who is not satisfied with the decision reached in Step B may file a written appeal to the MCWD Board within ten (10) calendar days of the Step B decision. The appeal shall contain all documents and arguments necessary to resolve the matter. The appeal will be reviewed by the Board. The Board, at its discretion, may allow a short oral presentation in a closed session of the next regular Board meeting. The Board may affirm or change the decision of the General Manager or designee. The Board's decision shall be given to the employee and shall be final and binding.

For more detailed information, represented employees should refer to the appropriate MOU.

### **Section 13. Employee Relations**

#### **Standards of Conduct**

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

- A. Failure to meet job standards as described in the job description or as determined by the immediate supervisor, including becoming uninsurable based upon the driving standards of MCWD's insurance carrier.
- B. Failure to observe or comply with the provisions of the Employee Handbook.
- C. Insubordination.
- D. Abusive or vulgar language, or causing disruption to the work place or to fellow employees or visitors.
- E. Theft or unauthorized removal of MCWD property from MCWD premises.
- F. Misuse of MCWD's monies.
- G. Harassment, including but not limited to unlawful sexual harassment or gender-based or racial remarks.
- H. Excessive absenteeism or tardiness.
- I. Using, possessing, or being under the influence of (including as a result of prior indulgence) alcohol or illegal drugs while on MCWD premises or on duty, including while on-call.
- J. Job abandonment.
- K. Carelessness or negligence when performing duties or failure to follow health and safety regulations while on MCWD premises or while on duty.
- L. Unauthorized possession or removal of property, records, or other MCWD materials.
- M. Release of confidential information about the MCWD or its members.
- N. Altercations with or threats to fellow employees or the public.
- O. Possession of firearms on MCWD property or within MCWD vehicles.
- P. Gambling while on the job or on MCWD time.
- Q. Eavesdropping. Under California state law the consent of all parties participating in a call must be obtained before any person may record a telephone conversation or before a person who is not a party to a call may eavesdrop on or wiretap a call.
- R. Failure to report involvement in an accident occurring on the MCWD's premises, or involving MCWD's equipment, or giving false information in accident or insurance reports.
- S. 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 his/her employment.
- T. Installing unauthorized software on MCWD's computer system and/or misuse of electronic systems (email, internet, fax) per policy.

### Progressive Discipline

As a general policy, MCWD follows a progressive discipline policy for regular full-time employees to ensure a fair method of correcting employee conduct. The progressive discipline policy is intended to give employees advance notice of problems with their conduct or performance in order to provide them with an opportunity to correct any problems through the use of disciplinary actions less severe than termination. Normally, progressive discipline involves verbal counseling and one or more written warnings,

however, exceptions or deviations from progressive discipline may occur whenever MCWD deems that circumstances warrant that one or more steps in the process be skipped. However, progressive discipline is not mandatory. Accordingly, circumstances may sometimes warrant immediate termination.

The progressive discipline policy and the disciplinary process outlined herein do not apply to at-will, part-time, or contract employees, or full-time employees during their introductory period. Such employees are at-will and may be terminated with or without cause at any time.

### Disciplinary Actions

The objective of any disciplinary action is to correct less than satisfactory performance and to bring a worker's performance up to MCWD standards. Disciplinary action is not primarily punitive in intent, but is intended to be corrective action.

The appointing authority may take disciplinary action against any employee, provided that the rules and regulations prescribed herein are followed and that regular full-time employees have the right to appeal pursuant to this section, except as herein provided. As used in this section, "disciplinary action" shall mean formal written reprimand, suspension, disciplinary demotion, disciplinary probation, or dismissal. No regular full-time employee shall be terminated or disciplined without just cause and the principles of progressive discipline shall be followed unless circumstances warrant immediate termination. Regular full-time employees shall be subject to disciplinary action by the General Manager or designee only in accordance with the procedures set forth below.

As part of MCWD's progressive disciplinary process, an employee may be placed on disciplinary probation for a specified period of time not to exceed four (4) months for each instance, with the understanding that should the causes for such action not be satisfactorily corrected or remedied during the period, subsequent disciplinary action may be taken, up to and including termination.

### Notice of Disciplinary Action

In order to institute disciplinary action, the appointing authority shall serve notice of the proposed disciplinary action in accordance with the following procedures:

Except as otherwise provided herein or when emergency or other special circumstances require immediate action, a notice of proposed disciplinary action (other than for formal reprimand) shall be delivered to the employee, either personally or by the US Postal Service, to the current address listed on the employee's most recent personnel action form, no less than five (5) calendar days prior to the effective date of any punitive action against the employee.

The notice of proposed disciplinary action shall include the following:

- A. The nature of the disciplinary action;
- B. The effective date of the action;

- C. The causes for the action in ordinary, concise language with the dates and places thereof, when known;
- D. A statement that identifies the material or documents upon which the action is based and states that it is available for inspection; and
- E. A statement advising the employee of his/her right to respond either verbally or in writing to the appointing authority or his/her designee imposing the disciplinary action prior to the effective date and the right to be represented in that response.

#### Pre-Disciplinary Due Process Meeting

If the employee does not waive his/her right to a Skelly meeting, the General Manager or designee shall conduct an informal meeting to allow the employee to respond to the charges made.

The employee may present information and respond to questions personally or through his/her representative.

The General Manager or designee shall give the employee written notice of the decision which shall be reached within five (5) working days after said meeting.

#### Implementation of Discipline

In the case of a suspension without pay of one (1) working day or less, or a suspension with pay of twenty (20) working days or less, the suspension may be imposed by a single notice containing items A, B, C, D & E above. This notice shall be delivered to the employee on or as soon after the effective date of the suspension as possible.

Except as provided above, in order to implement the proposed disciplinary action of a lesser disciplinary action based on the same cause(s), a notice of disciplinary action shall be delivered to the employee, either personally or by the US Postal Service to the current address listed on the employee's most recent Personnel Action form, on or before the effective date of the disciplinary action.

The notice of disciplinary action shall contain the information in items A, B, C, D & E above and, in addition, shall include a statement as to the right to appeal and representation by a party of his/her own choice and shall include a referral to the section of this agreement concerning appeals from disciplinary action.

#### Reprimand

An appointing authority may reprimand an employee by furnishing him/her with a statement, in writing, of the specific reasons for such reprimand. A copy of notice of the reprimand shall be given to HR/Risk Administrator for inclusion in the employee's personnel file and shall not be subject to appeal, but the employee and/or his/her representative shall have the right to discuss the reprimand, or notice of reprimand during normal business hours, with the supervisor issuing the reprimand within three (3) working days of receipt of reprimand.

Disciplinary reprimands shall be removed from the employee's personnel file after the second (2nd) year of their issuance, upon the employee's request, and if the employee does not receive any further disciplinary action in the two (2) year period.

### Appeal of Disciplinary Action

#### A. Appeal

If an employee who has had a pre-disciplinary due process (Skelly) meeting wishes to appeal the decision of the General Manager or designee further, and who has completed his/her six (6) months probationary status, he/she shall file with the MCWD Board of Directors no later than five (5) days after receipt of said notice of disciplinary action.

Should said fifth (5th) day fall on a day in which offices of the MCWD are not open for business, the time within which said notice of appeal may be filed shall be extended until 5:30 p.m. of the next following day when MCWD offices are open for business.

#### B. Time of Hearing - Notice

A hearing by the MCWD Board of Directors or by a Hearing Officer appointed by the Board, relating to the validity of the charges upon which the disciplinary action was based shall commence not later than thirty (30) days after the date of the filing of the notice of appeal.

The appellant employee shall be given not less than ten (10) days written notice of the date, time, and place of said hearing of the Directors or the Hearing Officer. Said notice of the date, time, and place of hearing shall be effective upon its deposit in the US mail, postage prepaid with return receipt requested, and addressed to the last known address of the appellant as set forth in the appellant employee's personnel file.

#### C. Conduct of Hearing

At the time and place designated, the MCWD Board of Directors or Hearing Officer shall hold a hearing for the purpose of determining the validity of the charges brought against the appellant employee and of the reasonableness of the discipline imposed pursuant to said charges. Such hearing shall be closed to the public unless otherwise requested by the appellant employee. The appellant employee may be present and have the right to be represented by counsel.

The hearing may be continued from time to time and at the end of such presentation the MCWD Board of Directors or Hearing Officer may take the evidence under consideration for a reasonable period of time before announcing its decision in the matter.

D. Hearing

The General Manager or designee and the appellant employee may call witnesses, shall have the right of cross-examination and may present documentary and demonstrative evidence.

E. Recommendation of Hearing Officer

If a Hearing Officer is appointed by the MCWD Board of Directors, a non-binding advisory opinion or recommendation shall be presented in writing to the MCWD Board of Directors no later than ten (10) days after the hearing is complete.

F. Decision of MCWD Board of Directors

The decision of the MCWD Board of Directors shall designate express findings of the charges upon which the disciplinary action was based and may wholly reverse or affirm the disciplinary action imposed by the General Manager or designee or modify the severity of the same.

G. Loss of Salary

If the discipline action of the General Manager or designee is wholly reversed by the MCWD Board of Directors, or the severity of discipline imposed is partially reversed, the appellant employee shall be entitled, upon the decision of the Board of Directors or Hearing Officer, to complete the partial reinstatement, as the case may be, and shall be entitled to reimbursement from MCWD funds of that salary forfeited by virtue of that portion of the disciplinary action which was overruled by the MCWD Board of Directors.

H. Appeals of Decision

The findings and decision of the MCWD Board of Directors on appeal shall be final and conclusive on all parties, and not subject to the grievance procedures provided for in this handbook. Any employee whose termination for violation of MCWD rules is upheld by the MCWD Board of Directors shall not be eligible for rehire.

**Section 14. Employee Service Awards Program**

Each employee plays an important role in the efficient operation of MCWD; therefore, we feel it is important to recognize each employee's long-term service contribution to MCWD. Each employee completing five (5) years of service and additional five (5)-year increments, thereafter, will receive a gift card.

5 years	\$100.00 gift card
10 years	\$150.00 gift card
15 years	\$200.00 gift card
20 years	\$250.00 gift card
25 years	\$300.00 gift card
30 years	\$350.00 gift card
35 years	\$400.00 gift card
40 years	\$450.00 gift card

#### **14.0 Retiree Recognition Program**

In order to recognize the years of service to MCWD, employees with twenty (20) years or more of employment, will, upon retirement, receive fifty dollars (\$50), after taxes, for each year of service.

### **Section 15. Employee Health and Safety**

#### **15.0 Injury & Illness Prevention Program**

MCWD greatly values the safety and health of all its employees and is committed to providing a safe and healthful workplace. This will be accomplished through the maintenance of an effective Injury & Illness Prevention Program (IIPP).

All managers and supervisors are responsible for adhering to the IIPP in his/her respective departments and for answering worker questions regarding the IIPP.

##### **A. Compliance**

Management is responsible for ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees. Managers and supervisors will enforce the rules fairly and uniformly.

All employees are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe work environment.

The MCWD's system of ensuring that all employees comply with the rules and maintain a safe work environment include:

- All employees will be annually evaluated on their safety performance;
- Employees who do not exercise safe and healthful work practices will be trained or retrained; and,
- An employee that does not comply with or intentionally ignores safe and healthful work practices will be subject to appropriate corrective action, up to and including termination.

## B. Communication of Safety and Health Information

The MCWD recognizes that open, two-way communication between management and staff on health and safety issues is essential to an injury-free, productive workplace.

The MCWD will provide employees with up-to-date safety and health information that is readily understandable. Generally, this information is provided by:

- New employee orientation
- Department meetings
- Posters and/or bulletin boards
- Safety Committee meetings
- Emails/Memorandums

The information provided will include the MCWD's safety and health policies, rules and regulations, and new work procedures. Employees are encouraged to share safety and health ideas, information, and concerns with the MCWD management.

## C. Safety and Healthful Work Practices

MCWD recognizes its responsibility to create a safe and healthful workplace for all employees. However, each employee must also share in this responsibility. Specifically, every employee:

- Is responsible for the safe operation of all MCWD's equipment, tools, machinery, vehicles, or other MCWD property in his/her charge;
- Must not remove or inactivate any established safeguards. Mechanical safeguards must be in place at all times;
- Is expected to report any machine, tool, or equipment malfunctions to his/her manager. Managers shall investigate and take the necessary steps to correct the malfunction as soon as possible;
- Must wear appropriate personal protective equipment (PPE) when required. All PPE shall be provided and maintained by MCWD. Failure to wear the required PPE is cause for disciplinary action;
- Shall follow the beneficial ergonomic criteria and adjustments;
- Will utilize defensive driving techniques supported by the MCWD while driving a MCWD or personal vehicle while on MCWD business; and,
- Must immediately report all accidents, injuries, exposures, and "close call" incidents to his/her manager.

## D. Emergency Action

Employees are required to know the location of all emergency exits in their work area and the routes to these exits.

Employees are to know the location of all alarms and fire extinguishers and become familiar with the proper use of emergency equipment should the need ever arise. Employees are also to review and become familiar with MCWD's emergency evacuation plan and to clarify any unclear aspect of our emergency procedures with their immediate supervisor.

#### E. Hazard Assessment

Semi-annual inspections to identify and evaluate workplace hazards will be conducted by a member of the Safety Committee and with assistance from a Risk Management Consultant from MCWD's liability carrier.

Periodic inspections consist of identification and evaluation of workplace hazards utilizing a checklist contained in the IIPP.

#### F. Hazard Correction

Unsafe or unhealthy work conditions, practices or procedures will be corrected in a timely manner based on the severity of the hazards. The inspection checklist will be presented to management and the hazards will be corrected in accordance with the following:

- When observed or discovered;
- When an imminent hazard exists, which cannot be immediately abated without endangering employees or property, all exposed workers will be removed from the department except those necessary to correct the existing condition, who are trained to handle the condition and have the appropriate PPE; and,
- All corrective actions taken and the dates they are completed will be documented on the checklist inspection form and maintained by the Operations & Maintenance Manager.

#### G. Training

All employees, including managers and supervisors, shall have training and instruction on general and job-specific safety and health practices. Training and instruction will be provided as follows:

- When the IIPP is changed;
- During new-hire orientations;
- To all employees given new job assignments for which training has not been previously provided;
- Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- To all supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed; and,

- To all employees with respect to hazards specific to each employee's job assignment.

#### H. Recordkeeping

The following procedures are taken to maintain the MCWD IIPP:

- Records of hazard assessment inspections, including the names of persons conducting the inspection, the date and unsafe work conditions and practices that have been identified and the action taken to correct the identified unsafe work conditions and work practices, will be recorded on a hazard assessment and correction form; and,
- Documentation of safety and health training for each employee, including the employee's name, training date(s), and type of training will be recorded on a worker training and instruction form.

#### I. Safety and Health Committee

The MCWD Safety Committee will:

- Meet quarterly each calendar;
- Provide action items to management and post for employees via email or bulletin boards;
- Review results of semi-annual or other periodic worksite inspections;
- Review investigations of occupational accidents, close calls, or reported unsafe incidents without violating the privacy of the individual involved;
- Review investigations of alleged hazardous conditions brought to the attention of any committee member;
- Assist in the evaluation of employee safety suggestions; and,
- Submit its own recommendations to management for consideration.

#### J. Ergonomics

It is the intention of MCWD to reduce exposure to ergonomic hazards through modifications to equipment, processes and employee training. Any necessary, reasonable adjustments to minimize workplace repetitive motion injuries will be considered and made. If an employee requires any adjustments or has any concerns or questions about ergonomics, he/she is encouraged to discuss these issues with his/her immediate supervisor, department manager, or HR/Risk Administrator.

#### K. Bomb Threats and/or Threatening Calls

Should an employee receive an emergency or threatening phone call, it is important to remain calm and try to write down the exact wording of the

emergency/threat. Employees should notify a manager immediately, and if appropriate, phone 9-1-1.

## **15.1 Wellness Program**

MCWD recognizes its employees are its greatest asset and encourages all staff to participate in a Wellness Program. Wellness Programs have been proven to lower stress, reduce absenteeism, and improve morale. However, participation is voluntary and employees do so at their own risk. To further encourage the wellness of its employees, MCWD authorizes employees (upon approval of their immediate supervisor) who participate in aerobic physical exercise (walking, jogging, etc.) to use up to thirty (30) minutes of regular work time for this purpose two (2) days per week.

Exercise is normally done over the lunch break, with an extension of thirty (30) minutes. This amount of time is intended to allow the exercising employee the opportunity to receive a thorough aerobic workout and time to return to work refreshed and relieved of stress.

In addition to the physical activity of the Wellness Program, MCWD will, from time to time, offer employees information on nutrition, disease prevention and management, smoking cessation, obesity, etc. through posters, flyers and brown bag lunches.

## **15.2 Uniforms and Safety Equipment**

MCWD shall provide and maintain appropriate safety clothing and equipment for Laboratory and Operations and Maintenance staff. Such items may include, depending upon assigned duties, coats, dust masks, non-prescription safety glasses, pants, shirts, all-weather items, and MCWD hats. Hats with logos from vendors, or wearing of personal hats, are not acceptable. Uniforms shall be cleaned weekly and worn clothing replaced by MCWD.

MCWD will provide up to two-hundred dollars (\$200) credit for the initial purchase of safety-toed boots or safety shoes for the appropriate personnel and up to one hundred dollars (\$100) for the cost of prescription safety glasses.

Replacement boots or shoes will be provided on an as-needed basis. Wearing of uniforms, safety boots, and, if appropriate, safety glasses is mandatory for all employees provided with or eligible for reimbursement of same.

Uniforms and boots are to be worn for MCWD purposes only. Obscene or excessive adornment may not be worn.

### Tools and Equipment

When using equipment or tools in performing tasks, employees are expected to exercise care and follow all operating and maintenance instructions, safety standards, and guidelines. No employee is to attempt to repair any equipment without the express

authorization of the department manager. Use equipment and tools only for the purpose for which they were designed. Do not attempt to operate any equipment or machine until properly trained on the correct use.

If any MCWD equipment, machine, or tool is broken, damaged, defective, or in need of repair, employees should notify their immediate supervisor. Prompt reporting of damage, defects, and need for repairs could prevent deterioration of equipment and possible injury to employees or others.

The improper, careless, negligent, destructive, or unsafe use or operation of tools or equipment, including the removal from MCWD premises, can result in corrective action up to and including termination.

## **Section 16. Risk Management**

### **16.0 DMV Pull Notice Program**

MCWD participates in the California Department of Motor Vehicles (DMV) Pull Notice Program. This is a service for public agencies that provides driver record reports on employees.

#### **Procedures**

MCWD obtains from the DMV a copy of the driving record of all employees that are authorized to operate vehicles (MCWD or personal) on MCWD's business.

1. If an employee's duties require driving a MCWD vehicle, he/she must maintain a driving record that will not cause the MCWD's insurance rate to increase or for the employee to become uninsurable. Any such actions could lead to disciplinary action.
2. If an employee elects to drive a personal vehicle, he/she will be asked to provide proof of insurance on an annual basis.

### **16.1 Respiratory Protection**

In order to protect employees from respiratory hazards and comply with OSHA regulations, employees who are required to work in confined spaces and hazardous atmospheres must be tested annually for medical fitness for wearing personal respiratory protection equipment. These employees must ensure their personal grooming, such as facial hair (including sideburns and mustaches) is kept in the condition that was certified.

This policy applies to any employee required to perform confined space entries and/or emergency work in hazardous atmospheres, except those employees with a valid and current written waiver on file.

### Temporary Waivers

A temporary waiver may be granted to employees whose long-term assignments adequately restrict their work in hazardous atmospheres and confined space entries to planned and scheduled projects, provided that the employee agrees to meet all of the respiratory fit test requirements for those planned and scheduled projects. The employee must complete a Temporary Waiver Request form and have received written approval by his/her immediate supervisor and/or department manager.

The waiver may be revoked at any time at the discretion of the Operations & Maintenance Manager, General Manager, or designee. The employee must continue to successfully fit test under the MCWD annual respiratory protection program protocol to retain this accommodation. Employees with a valid waiver may grow a beard, mustache and sideburns provided that a neat and well-groomed appearance is maintained.

### **16.2 Fitness For Duty**

As conditions warrant, and based on documented reasonable suspicion of an employee's questionable fitness for duty, MCWD reserves the right as a condition of employment to refer an employee for professional evaluation of his/her fitness for duty. Such evaluations may include drug and/or alcohol testing, a medical examination by a qualified occupational health physician, referral for evaluation by a duly licensed SAP, or such other professional sources as may be considered by MCWD to be appropriate to prevailing conditions.

Employees so referred must comply with instructions, dates, times and locations of the referred source as a condition of continued employment. Failure to cooperate and/or participate in such referrals may be considered grounds for termination.

All information pertaining to a fitness for duty referral shall be regarded and held in the strictest confidence by the employee's department manager, HR/Risk Administrator and the General Manager or designee. Only the General Manager or designee shall have the authority to receive information from referred sources regarding the conditions surrounding the nature of the referral and resultant outcomes from the referral source.

### **Section 17. Return To Work Program**

MCWD recognizes that our employees are a critical part of our operation, and even if an employee becomes injured, on or off the job or has a temporary disability as a result of surgery or an illness, he/she remains a valuable part of our staff. A Return to Work Program (RTWP) is a proven essential cost containment element of our overall risk management program. In conjunction with our Safety Program, it is an effective tool in returning employees to productive work in the shortest time possible, while maintaining high morale and keeping costs to a minimum.

It is MCWD's goal to bring an employee back to work in a useful capacity as soon as possible. We are looking at transitional duty from the positive point of view that our employees want to work and should recognize this practice as a benefit.

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

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

The HR/Risk Administrator will act as a liaison between the employee, supervisor, doctor, and the JPIA Claims representative (if workers' compensation is involved).

### Modified or Alternate Duty

MCWD will consider the following when attempting to identify alternative duties:

- The first priority should be to return the employee to the same job, if possible, based on the medical restrictions, as prescribed by the treating physician. Building on existing work experience and working relationships avoids adding stresses of adjusting to new tasks and surroundings.
- If this is not possible, the returned employee should be provided modified work in the same department. Job or work site modifications may include a temporarily reduced work schedule, changed duties, trading heavier parts of the job with co-workers, altering the way duties are performed, making physical changes in the workstation, and providing the employee with specialized tools or adaptive devices.
- As a last alternative, the employee may be returned to work in a different department. Transferable employment skills will be emphasized and on-the-job training will be provided to supplement these skills.

Regardless of the accommodations made, we want our transitional employment to be productive and will be tailored to the employee's individual abilities in order to facilitate recovery. The duties will be flexible so that they can be easily altered to meet the requirements of the employee's medical program or our internal needs.

Our RTWP is designed to accommodate temporary disability. The time in the program should typically not exceed ninety (90) calendar days. As healing occurs, the employee's work duties will be changed and frequently modified to reflect increased work capacity of the recovering employee, as dictated by the physician's restrictions.

For workers' compensation claims, if the employee is not going to reach full duty within the ninety (90) calendar-day period, HR/Risk Administrator will work with the JPIA Claims representative and the doctor on an alternative plan of action. In the case of a non-industrial claim or disability, the MSA will contact the doctor to discuss an alternative plan of action.

#### Designated Industrial Medical Provider for on the Job injuries/illnesses

For workers' compensation, HR/Risk Administrator will meet with the doctor to discuss the RTWP. The success of the program will depend on good communication between HR/Risk Administrator, the doctor, the injured worker and the JPIA claims representative.

When an injury occurs, we want to get immediate medical attention for our injured worker. Depending on the seriousness of the injury, 911 will be contacted or the employee's supervisor will drive the employee to our industrial medical provider. If the employee has to go to the hospital, the ambulance should be directed to take the employee to:

- Community Hospital of the Monterey Peninsula (CHOMP)/Salinas Valley Memorial Hospital (SVMH) (depending upon the employee's location at the time of the emergency).

Once the employee is released from the hospital, he/she may be redirected to the MCWD industrial medical clinic, Pinnacle (Salinas). HR/Risk Administrator will ensure that Doctors on Duty has a copy of the employee's job description.

In the event a supervisor accompanies an employee to the clinic, the supervisor will take a copy of the job description. A discussion should be held between the supervisor and the physician at the conclusion of the appointment regarding what restrictions will be placed on the employee's job duties. Once determined, HR/Risk Administrator will contact the physician.

#### Employee Eligibility

All regular full-time employees are eligible to participate in the RTWP, however, under certain situations, it may not be offered.

#### Management Orientation

The management team will be held accountable for the effective implementation of the RTWP.

The management team plays an essential role in helping an injured or ill employee transition back to work. Training, dedication, and commitment are essential to the success of our RTWP.

If an injured worker is not released to return to full or modified duty, the employee's supervisor will make regular calls to the employee to review his/her health and recovery. The supervisor should let the employee know that he/she is missed and that MCWD is looking forward the employee's early recovery and quick return. The supervisor should determine when the employee's next doctor's appointment is scheduled. This information should be communicated to HR/Risk Administrator.

The injured employee and his/her supervisor will meet with HR/Risk Administrator when the employee returns with restrictions from the physician. A determination will be made regarding job duties based on the physician's restrictions. A Transitional Duty Assignment form will be completed and signed by the employee, supervisor, and the HR/Risk Administrator.

### Employee Orientation

All employees will be notified of the RTWP at the time it is implemented. New hires will be informed of the RTWP at his/her employee orientation. All employees will be held accountable for providing assistance with the RTWP if called upon. The success of this program will be judged on the collective effort of all of our employees.

### Monitoring an Injury/Illness

The HR/Risk Administrator will give the injured/ill worker all the pertinent forms and information, as well as reviewing with the employee his/her responsibilities.

If an employee is not returned to full or modified duty immediately, HR/Risk Administrator may need to follow-up with the physician to determine if there are any restrictions that could be imposed which might allow the worker to return. HR/Risk Administrator will ask the physician to complete a Physician's Report/Employee Work Status form. HR/Risk Administrator will meet with the employee's supervisor and the employee to determine what modifications can be made to meet the doctor's restrictions. For non-workers' compensation cases, a Fitness for Duty Exam may be warranted. The District will coordinate this and inform the employee once an appointment has been secured.

### Employee's Responsibilities

If the physician releases the employee to full duty with no restrictions, the employee will provide his/her supervisor with a copy of the Physician's Report/Employee Work Status form and return to full duty.

If the employee is not released to return to work, it is the employee's responsibility to attend each scheduled doctor's appointment.

If the physician releases the employee with restrictions, the employee will provide a copy of the Physician's Report/Employee Work Status form to his/her supervisor. The employee will then participate in a meeting with the supervisor and HR/Risk Administrator

regarding how the employee's job duties will be modified to meet the restrictions. A Transitional Duty/Assignment form will be completed at this time and signed by the employee, supervisor, and HR/Risk Administrator. Once this form has been signed, it will be the employee's responsibility to:

- Work within the physical limitations set by the physician at all times, and perform only those temporary duties assigned to the employee by their supervisor.
- Advise his/her supervisor if he/she is having difficulties performing the assigned tasks.
- Provide advance notice to the supervisor if he/she must miss work for a medical appointment.
- On future visits to the physician, ensure that his/her supervisor is advised of any changes to the work restrictions and provide the supervisor with an updated copy of the Physician's Report/Employee Work Status form.

It is the supervisor's responsibility to ensure the employee is following the restrictions and directions provided. If the employee is not, then appropriate action will be taken after consultation with the HR/Risk Administrator.

### **17.0 Request for Reasonable Accommodation – Interactive Process**

MCWD is committed to assuring equal employment opportunity and equal access to services, programs and activities for persons with disabilities or religious creeds. It is the policy of MCWD to provide reasonable accommodation to a qualified person and to enable such person to perform the essential functions of the position for which he/she is applying or in which he/she is employed. The Americans with Disabilities Amendments Act (ADAAA), Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA) requires employers to provide reasonable accommodation for the known disability or religious creed of a qualified applicant or employee unless it would impose undue hardship on an employer's business, or unless the applicant or employee would cause a direct threat to other workers. The FEHA coincides with the ADAAA, however, it extends some of the requirements of the ADAAA.

This reasonable accommodation policy applies to all employment practices and actions. It includes, but is not limited to, recruitment, the job application process, examination and testing, hiring, training, disciplinary actions, rates of pay or other compensation, advancement, classification, transfers and reassignment, and promotions.

While immediate supervisors/department managers are encouraged to continue responding directly to requests from individuals, there may be occasions when making a decision about accommodations is complicated by other factors. For instance, the need for an accommodation may be obvious, or it may be difficult to determine what constitutes a reasonable accommodation, or a department's budget may be unable to absorb the total cost of providing the accommodation requested. The following procedure has been developed to ensure that a request for reasonable accommodation is treated as consistently and equitably as possible.

The requestor should meet with his/her department manager and/or HR/Risk Administrator to discuss the situation. If the request is within his/her scope of authority and meets the legal requirements for accommodation, the request may be approved. Alternatively, HR/Risk Administrator may forward the request for accommodation to the General Manager or designee for review and determination.

### **Disability Accommodation**

If a review by the General Manager or designee is determined to be appropriate, the requestor should submit a written request that includes the following:

- A. Name, address, and phone number of the requestor;
- B. The specific limitation, the type of accommodation requested, with an explanation of how the accommodation will allow the performance of the essential functions of the position or the participation in a program or activity; and
- C. Verification of a disability by the requestor's medical physician or provider or vocational/rehabilitation counselor may be required. (If medical verification is required, the requestor must sign a release form authorizing release of this information). A copy of the job description shall be provided to the medical provider to assist in the determination of the requested accommodation as it relates to performing the essential functions of the position.

### **Religious Creed Accommodation**

If a review by the General Manager or designee is determined to be appropriate, the requestor should submit a written request that includes the following:

- A. Name, address, and phone number of the requestor;
- B. The specific type of accommodation requested, with an explanation of how the accommodation will allow the performance of the essential functions of the position or the participation in a program or activity.

Examples of reasonable accommodation for religious creed:

1. Religious dress practice – includes the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts and any other item that is part of the observance by an individual of his/her religious creed.
2. Religious grooming practice includes all forms of head, facial and body hair that are part of the observance by an individual of her/her religious creed.
3. Religious holidays.
4. Interview and examination times and schedules.

An accommodation of a religious dress or grooming practice does not require MCWD to segregate an individual from other employees or the public.

### **Determination of Reasonable Accommodation**

The determination of providing a reasonable accommodation is made on a case-by-case process, known as the “interactive process”. This is a timely individual process where appropriate management and the individual discuss the request and effective reasonable accommodation(s).

If the request is approved, management will notify and meet with the requestor to make necessary arrangements. If the request is denied, management will notify and meet with the requestor to explain the decision, elicit other possible solutions and determine the outcome. The decision of the General Manager or designee is final.

### **Section 18. General Housekeeping**

MCWD wants to provide an attractive and pleasant atmosphere for its employees and customers. All employees are expected to keep their work area clean, organized, and uncluttered. It is important that employees understand and fulfill responsibilities to the MCWD and to fellow employees when it comes to housekeeping.

It is every employee’s responsibility to keep all work areas clean and trash free. This includes such items as the refrigerator, microwave and coffee maker. Please help in this regard by cleaning up and disposing of food, drink and trash properly at the end of each rest or meal period. Employees are responsible for the cleaning of the mugs, glasses, dishes and utensils that they use. In general, it is for the safety and benefit of everyone that we keep our facilities and workstations clean and orderly. The result will be a work environment in which we all can take pride.

### **Section 19. Miscellaneous Policies**

#### **19.0 Social Events**

Employees are not required to attend or participate in any off-duty party or recreational, social, or athletic activity.

Participation in any off-duty MCWD-sponsored social activity is strictly voluntary and is at the employee’s own risk. MCWD assumes no liability for any injury or accident arising out of any off-duty party, social event or recreational activity. It is important to note that participation in any MCWD recreational, athletic or social activity is not covered by Workers’ Compensation Insurance.

Employees are advised and expected to refrain from drinking alcoholic beverages or engaging in any other activity to the extent that it would cause them to be unfit for the safe operation of a motor vehicle, or to behave in an intoxicated or disorderly manner. Any

employee who feels his/her driving skills or reaction times might be impaired, even a little, should not drive. Safe options include but are not limited to: taking a cab home, calling a friend or relative for a ride, asking another employee who has not been drinking alcohol for a ride home, or requesting any supervisor or manager to arrange transportation.

The behavior of all employees and respective guests attending a MCWD-sponsored social event is expected to conform to the provisions in the Conduct Guidelines section in this Handbook.

### **19.1 Lactation Accommodation**

MCWD provides sufficient break time for employees who are breast-feeding to express milk at work. When possible, this need should coincide with the employee's paid rest time. Any additional time that is needed will be unpaid. When possible, supervisors will consider flexible schedules to accommodate an employee's needs. In addition, the MCWD will provide a private room or space, close to an employee's work area, to express milk whenever possible.

### **19.2 Anti-Fraud**

The MCWD 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 immediate supervisor.

The MCWD expects its employees to conduct themselves in a businesslike manner and perform duties conscientiously, honestly, and in accordance with the best interests of MCWD. Employees are expected to take great care when working with MCWD suppliers or contractual contacts and members. Employees should respect the confidentiality of information acquired in the course of their work. Regardless of circumstances, if an employee believes that a course of action may involve a conflict of interest, fraud, financial impropriety, and/or dishonesty, he/she should immediately communicate the facts to his/her immediate supervisor, General Manager, designee, or member of the Board.

The General Manager, designee, or Board President will promptly investigate any such report and retaliation against a MCWD employee or other person for reasonable, good faith reporting under this policy will not be tolerated and subject to appropriate disciplinary action.

### **19.3 Falsification of Records**

MCWD strictly and expressly prohibits the falsification of employment application, personnel, timekeeping, work orders, customer account information, injury report, or any other report, document or record pertaining to MCWD employment, operations or compliance with any applicable laws. Any employee found guilty of this form of misconduct, by a preponderance of evidence, shall be subject to immediate termination and possible prosecution.