



# Employee Handbook



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# Marina Coast Water District



# Employee Handbook

**Amended February 18, 2014**

**Administration and Customer Service**

11 Reservation Road, Marina, CA 93933-2099

**Engineering and Operations & Maintenance**

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## 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 Management Services 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.

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# **Section 1 Introduction and General Provisions**

## **1.0 Purpose of the MCWD Handbook**

The Handbook contains policies that govern employment with the MCWD. The Handbook is designed as a guide to ensure consistent, fair, and uniform treatment of all employees. The Board of Directors has approved the provisions contained herein. MCWD reserves the right to amend, supplement or rescind any provisions of this Handbook as it deems appropriate. Employees shall be advised of changes in policies, benefits and/or procedures.

## **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 units 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 agree to abide by the provisions of this Handbook whether it is read or not. Employees shall sign and return an "Acknowledgement of Receipt of Employee Handbook" form confirming receipt of the Handbook.

## 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 – 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 probationary period for that position. Employees in a regular, full-time position may be classified as “exempt” or non-exempt” as defined below.

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

Part-time Regular Employee – refers to employees who are hired to work less than full- time and who may or may not be serving under a contract-basis or probationary status.

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 with Board approval. 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 Management Services 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 required to be paid overtime at the rate of time and one-half (1.5) the regular rate of pay for all hours worked beyond eight (8) hours in one (1) day or forty (40) hours in a workweek in accordance with the Fair Labor Standards Act (FLSA) and any applicable state wage and hour laws unless an alternate workweek arrangement has been established.

## **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, 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. 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 Management Services Administrator. The Management Services 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 his/her immediate supervisor, the Management Services 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, religion, religious dress practices religious grooming practices, sex, national origin, age, sexual orientation, gender identity, or gender expression. or any other characteristic protected by state or federal law. 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.

- A. Definition - Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Individuals who violate this policy are subject to discipline up to and including termination.

The courts have defined two types of sexual harassment:

(1.) Quid Pro Quo – this form of sexual harassment occurs when a supervisor or manager:

- Demands, as an explicit or implied term or condition of employment decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal); and/or;
- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is explicit or implied term or condition of employment decisions.

Examples of quid pro quo harassment include:

- Requests for sexual favors in exchange for a promotion or raise;
- Express or implied statement that a person will be demoted or fired if he/she does not submit to a sexual request or actually carrying out the threat



(2.) Hostile Work Environment – this form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender- based conduct that is sufficiently severe or pervasive to interfere with the individual’s work performance or creates an intimidating, hostile or offensive work environment. The work environment must be both subjectively and objectively perceived as abusive. The courts look at totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred. Generally, there must be a pattern of unlawful conduct, although a single serious incident in some cases, such as sexual battery, might be enough to constitute sexual harassment. The harasser can be a manager, supervisor, co-worker or in certain circumstances, a non-employee, such as a supplier or customer.

Examples include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment;
- Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures;
- Making offensive, negative or demeaning remarks about a person’s gender or physical appearance;
- Deliberate and unwelcome touching, hugging, and patting or blocking a person’s movement;
- Displaying offensive sexual illustrations or pictures in the workplace;
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

The intent of the person accused of sexual harassment is of secondary importance; the impact of the offensive behavior on the offended person is the primary factor in determining if sexual harassment has occurred.

- 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 incident(s) and the names of the individuals involved to his/her supervisor, department head, Management Services 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 his/her 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 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 his/her 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.

### **3.4 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 he/she is improperly benefiting from his/her 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.

Employees who engage in employment outside of MCWD, as defined in Section 3.5 below must disclose that information to MCWD and obtain written confirmation that the outside employment does not constitute a conflict of interest.

Failure to comply with MCWD's Conflict of Interest Policy shall result in disciplinary action, up to and including termination. Actions in violation of California State Law shall be referred to the appropriate governmental agency.

### **3.5 Outside Employment**

Employees may engage in outside employment, subject to Section 3. 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.

### **3.6 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, 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.

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 he/she applies 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.

### **3.7 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 him/her as a MCWD employee. 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 his/her own time.

### **3.8 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 if the person fails to comply, the requesting staff members should inform a member of the management staff.

### **3.9 Drug-Free/Alcohol-Free Workplace**

MCWD has a critical interest in assuring the health, safety, and well-being of its employees and the maintenance of a safe and efficient work environment. Illegal drugs and/or alcohol in the workplace are a danger and inconsistent with the behavior expected of our employees.

As such, MCWD is committed to maintaining a work environment free from the influence of alcohol and drugs. MCWD has adopted standards and guidelines in accordance with the Drug-Free Workplace Act of 1990, the federal Department of Transportation regulations and other federal laws applicable to public entities including those employing "safety sensitive" positions. Such positions shall be designated by MCWD using federal standards in order to identify which positions are subject to discretionary random drug testing.

In this connection, any location at which MCWD business is conducted, whether on MCWD property or at any other site, is declared to be a drug-free workplace. This means that:

- A. All employees are absolutely prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of an illegal drug, alcohol, or controlled substance in the workplace or while engaged in MCWD business. Any employee violating the policy is subject to discipline, up to and including termination.
- B. Should an employee be required to take any kind of prescription or nonprescription medication, which could affect job performance or the ability to operate machinery he/she is required to report this to his/her immediate supervisor. A written statement may be required. An employee may continue to work if MCWD determines the employee does not pose a safety threat and/or that job performance is not affected by use of the medication. Otherwise, the supervisor will determine if it is necessary to temporarily place the employee condition or to take other action as appropriate.
- C. Employees have the right to know the dangers of drug abuse in the workplace, MCWD's policy, and what help is available to combat drug problems. MCWD will provide educational material and conduct training for all employees on this subject. MCWD also recognizes that substance abuse is treatable and is willing to provide referral assistance to those who want to understand and correct his/her problem before it impairs his/her performance and jeopardizes his/her employment. One source of treatment for drug/alcohol dependency is provided to MCWD employees through coverage under the Association of California Water Agencies (ACWA) sponsored health plan.
- D. Any employee convicted of violating a criminal drug statute must inform MCWD of such conviction (including pleas of guilty and nolo contendere) within five (5) days of its occurrence. Failure to do so will subject the employee to disciplinary action, up to and including immediate termination.
- E. If MCWD has reason to suspect that an employee may be using drugs or alcohol, or may be under the influence of or impaired while at work, or when reporting for work, that employee may be ordered to submit to a blood test, urinalysis, breathalyzer, or other test conducted by a professional medical staff and laboratory. Likewise, when MCWD reasonably suspects that an employee's impairment from drugs or alcohol may have been a factor in an injury or accident during work or while operating MCWD equipment or a vehicle, that employee may also be required to take a blood test, urinalysis, or other drug/alcohol test. Such examination and/or tests, when requested, will be on MCWD time, are considered a condition of employment, and will be at the sole expense of MCWD. Transportation will be provided to and from the medical facility. If the employee tests positive, the employee may be subject to immediate termination. Should an employee refuse to submit to the requested examination or test, the employee will be subject to corrective action, up to and including termination.

- F. MCWD retains the right to search and inspect all MCWD-owned property and premises including common areas used by employees to detect the presence of drugs, controlled substances, or alcohol. MCWD-owned property includes, but is not limited to, machinery, equipment, furniture, lockers, buildings and vehicles. In addition, MCWD may question employees and inspect any of his/her packages, vehicles, or belongings when entering or leaving MCWD premises. Such inspections may occur at any time, with or without notice. As a condition of employment, every employee is expected and required to cooperate fully with any search being conducted to detect the presence of drugs or alcohol on MCWD property.
- G. An employee who may have an alcohol or drug problem is encouraged to seek treatment before his/her performance or conduct is affected. MCWD will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, unless it imposes an undue hardship on MCWD. Employees may use any available sick leave, as well as any accrued, unused vacation or compensation benefits for the purpose of entering and participating in such a rehabilitation program.

If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

### **3.10 Internet, E-Mail, Telephones, and Electronic Communications Ethics, Usage and Security Policy**

MCWD believes that employee access to and uses of the Internet, e-mail, telephones and other electronic communication resources benefits MCWD. However, the misuse of these sources has the potential to harm MCWD.

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. 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.

All employees must 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, 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.

MCWD employees or applicants of MCWD will not be required to provide usernames or passwords for personal social media accounts, access their accounts in the employer's presence, or divulge personal social media. However, MCWD may ask employees to divulge their personal social media for the purpose of MCWD's investigation into alleged employee misconduct or violations of the law.

- 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 may 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 his/her 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 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.

### **3.12 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 Management Services Administrator.

### **3.13 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.

### **3.14 Privacy**

MCWD recognizes the need and expectation employees have concerning his/her 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.

### **3.15 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 his/her 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 his/her 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.

### **3.16 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 his/her own risk since MCWD accepts no responsibility for any items or possessions that are stolen, lost or damaged in any way.

### **3.17 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 his/her pagers and cell phones on vibrate or silent mode so as not to disturb others. Use of MCWD telephones for personal long distance or toll calls is not permitted. Employees are to charge such calls to his/her 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.

### **3.18 Cell Phone Usage**

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 his/her 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 un-

avoidable 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 his/her 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 his/her 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.

### **3.19 Dress Code**

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 his/her immediate supervisor if he/she is unsure about the appropriateness of his/her attire or grooming.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of his/her 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 has on others, employees are also expected to refrain from the use of cologne, perfume, air fresheners, and excessive make-up and/or jewelry. Generally, male employees are expected to remain clean-shaven, however for those employees where wearing respiratory equipment is not mandatory, facial hair may be acceptable if it is well groomed.

Specific attire that is unacceptable includes:

- T-Shirts (other than those with a MCWD logo)
- Sweat Pants and Shirts or Workout Attire
- Tank Tops
- Muscle Shirts
- Shorts
- Flip-Flops, Beach Thongs or Slippers
- Torn or Patched Clothing
- Revealing Attire
- Halter Tops
- Sheer Clothing
- Bare Midriffs or Bare Back Tops/Shirts
- Baggy, Saggy or Ripped Pants
- Low Cut or Off-the-Shoulder Attire
- Clothes with Inappropriate, Profane, or Offensive Slogans or Pictures
- Gang-related attire

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 dress code policy and/or grooming standards will be subject to corrective action, up to and including termination.

### **3.20 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.

### **3.21 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, 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.

## 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 six (6) 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 Management Services 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 the Management Services Administrator 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 Head and/or supervisor in conjunction with the Management Services 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 – The Management Services Administrator, 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, background/reference checks, and drug testing.

## **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 the Management Services Administrator (MAS) (or Appointee). The MAS will post a job announcement internally on official bulletin boards within MCWD for six (6) days.

The MAS 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, the MAS 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 the MAS 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, the MAS 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 (6) 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 Management Services 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 the Management Services Administrator 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 Head and/or supervisor in conjunction with the Management Services 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 – The Management Services Administrator, 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, background/reference checks, and drug testing.

## **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 Probationary Period**

The Probationary Period is intended to give new and rehired employees 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 Probationary Period, employment may be terminated at any time, for any reason, with or without cause.

All employees serve a Probationary Period for the initial six (6) months after date of hire, rehire, transfer, promotion or demotion. MCWD may extend the duration of the Probationary Period if it determines that such an extension is necessary and appropriate. An extension of thirty (30) days may be granted, but 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 Probationary Period by the length of the absence.

All Probationary 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.

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

Upon satisfactory completion of the Probationary Period, employees are reclassified as regular. Completion of the Probationary 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 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 probationary 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 Probationary employees, all employees shall have his/her performance evaluated by the immediate supervisor and department head every twelve (12) months or at other times deemed appropriate by the department head. The evaluation process is normally determined by the employee's anniversary date. The General Manager and Management Services Administrator 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 Probationary 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.

- 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 a probationary 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.
- (2.) 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 complete and submit a MCWD Personnel Record Request form to the Management Services Administrator and request an appointment during normal working hours. Personnel files will be reviewed under the supervision of the Management Services Administrator 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 any document containing his/her signature.

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 the Management Services Administrator 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 the Management Services Administrator.

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.
- Text messaging 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 his/her immediate supervisor any accident and any moving or non-moving violation for which he/she is 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 the Management Services Administrator.



## 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 the Management Services Administrator.
- 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 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 Management Services 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 the Management Services Administrator.

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 October 2012.

## **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 October 2012 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 – The Management Services Administrator 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 October 2012.

## **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 MCWD 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 head 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 whatsoever from any person or entity 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. 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 the Management Services Administrator.

## **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 the Management Services Administrator 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 his/her last day of work. Employees who voluntarily resign will receive his/her final pay no later than three (3) days after his/her last day of work.

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 probationary 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. The Management Services Administrator 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 the Management Services Administrator. 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 on the anniversary date 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 the Management Services Administrator.

All non-exempt employees who are eligible for overtime shall be paid in accordance with applicable federal regulations. 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 compensatory time hours at the same conversion rate. Compensatory time is unlimited, but must be used within ninety (90) days of accrual.

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 head 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 – In order to uniformly administer the alternative work week, and regular five (5)-day/forty (40) hour work week schedules, MCWD has established the work week as follows: Friday 12:01 pm to Friday 12:00 pm.

For those employees working an alternative work week, the following work hours have been established: Confidential and Laboratory personnel, the normal working hours are between 7:30 am to 5:30 pm For Operations and Maintenance personnel the normal working hours are between 6:30 am to 5:30 pm depending upon job assignment, except for regularly assigned stand-by and weekend duty. For Water Conservation and Engineering, normal working hours are 7:30 am to 5:30 pm.

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 the Management Services Administrator 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 and 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.

Administrative personnel are expected to remain on MCWD premises during his/her rest periods.

## **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 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 the Monday following 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, compensatory or management 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 the Management Services Administrator 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 June 2006.

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**

### **8.0 Show-Up or Reporting Pay**

Non-exempt, full and part-time employees who report for work on his/her regularly scheduled shift and are not assigned work or are furnished less than one-half (.5) the usual scheduled day's work will be paid for one-half (.5) the usual scheduled day's work, or for two (2) hours, whichever is greater, at the regular rate of pay. At MCWD's option, employees in these circumstances may be assigned to other work not normally performed by the employee, instead of being sent home.

### **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 an off duty employee holds his/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.

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

- (1.) Be ready to respond immediately 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 Shift Differential Pay**

Employees whose assigned work shift includes the hours between 6 pm and 11 pm, (and who work a minimum of four (4) hours between 6 pm and 11 pm) shall be paid a shift differential premium of five percent (5%) per hour above the regular rate of pay for all hours worked during the assigned shift. Any unit member whose assigned shift includes the hours between 11 pm and 5 am, (and who works a minimum of four (4) hours between 11 pm and 5 am) shall be paid a shift differential premium of ten percent (10%) per hour above the regular rate of pay for all hours worked during the assigned shift.

### **8.4 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 head, 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 Management Services 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 June 2006.

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 head’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 Management Services 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.

## **8.5 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 he/she can be promoted to any other position for which he/she applies. 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 Treat-



ment 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.

## 8.6 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 he/she completes 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.

System Operator II Collection Operator II Laboratory Analyst II Water Quality Analyst II	Obtains Grade III certification from CWEA, CDPH, SWRCB, AWWA CA-NV	Receives 5% ongoing increase (as long as certification is maintained)
System Operator III Collection Operator III Laboratory Analyst III Water Quality Analyst III	Obtains Grade IV certification from CWEA, CDPH, SWRCB, AWWA CA-NV	Receives a 5% ongoing increase (as long as certification is maintained and not a requirement of the position)
System Operator IV Collection Operator IV Laboratory Analyst IV Water Quality Analyst IV	Obtains Grade V certification from CWEA, CDPH, SWRCB, AWWA CA-NV	Receives 5% ongoing increase (as long as certification is maintained and not a requirement of the position)

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, but no later than one (1) hour after the start of the scheduled shift. Failure to provide this notification within one (1) hour may result in the unreported period of absence being considered as leave without pay.

Reporting an Absence/Tardy – 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 appear 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. Excessive tardiness occurs when an employee is late more than ten (10) minutes 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 absences exceeds twelve (12) days in any twelve (12) month period and/or three (3) separate days in a one (1) month period prior to the most recent absence.

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 he/she will be absent or late are required to make the necessary arrangements with his/her immediate supervisor or department head. 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 Management Services Administrator upon divorce, termination of Domestic Partnership, over-age dependent, or any event that changes the status of dependency.

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 fifty-five (55) years of age and have a total of twenty (20) years of service with MCWD.
- B. MCWD will pay fifty percent (50%) 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 fifty percent (50%) 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 fifty percent (50%) 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.

## **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 the Management Services Administrator in writing within thirty (30) days.* Questions concerning COBRA qualifying events and eligibility requirements should be addressed to the Management Services 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.

## **10.8 Retirement Plan**

MCWD participates in the California Public Employees Retirement System (CalPERS) which is a defined benefit retirement program. MCWD currently pays one hundred (100)% of employer and employee contributions.

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.

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 the Management Services Administrator.

## **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 the Management Services 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 head or the Management Services 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 Management Services 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 the Management Services Administrator prior to any illness or injury. In all cases, employees 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 – Employees who are ill or injured as a result of a work-related incident and who are eligible for family and medical

leave under state and federal law (Family Medical Leave Act 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 (\$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 his/her date of hire. Eligible employees also receive holiday pay, without deduction of a vacation day, whenever he/she 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.

Eligible employees are provided the following MCWD observed paid holidays each calendar year:

- 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 his/her 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 probationary 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 his/her anniversary date of 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 2nd year – end of 3rd year	11 days
Beginning of 4th year – end of 10th year	16 days
Beginning of 11th year onward	20 days

Maximum Accrual and Unused Vacation – Employees are encouraged to use his/her 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 section supervisor can demonstrate to the department head that sufficient coverage can be maintained during the absence. It is the department head'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 his/her 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.

## **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 his/her jobs. Management leave shall accrue on a bi-weekly basis. 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. No new management leave will accrue until all accrued leave from the previous year is used.

Any employee with more than eighty (80) hours of earned management leave prior to July 15, 2009, will be capped at his/her higher accrued amount and must, by June 30, 2012, either use or cash out management leave above the maximum accrual.

## Section 11 Leave (Paid/Unpaid)

### 11.0 General Information

In accordance with State and Federal regulations, MCWD will continue to pay MCWD's normal contribution of the employee only health benefits for the first twelve (12) weeks of a disability-related leave of absence under the Family Medical Leave Act (FMLA), California Family Rights Act (CFRA) and Pregnancy Disability Act (PDA). The normal MCWD-paid premiums for benefits for all other 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. In these cases, if an employee wishes to continue health benefits, he/she must elect to continue them under COBRA.

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 as 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 to which an employee is entitled beyond twelve (12) weeks in a twelve (12)-month period.

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 the Management Services 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 Care Leaves (FMLA/CFRA)**

MCWD provides family leave time to eligible employees as required under the federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA). To be eligible, employees must:

- Have more than twelve (12) months of service
- Have worked at least one thousand two hundred-fifty (1,250) hours during the previous twelve (12)-month period before the date the leave is to begin
- Exceptions to these eligibility standards include, at the employer's choice, the five (5) most highly compensated employees in the covered organization

An eligible employee is entitled to up to a total of twelve (12) workweeks of unpaid leave during any twelve (12)-month period for the following reasons:

- Birth of the employee's child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA);
- To care for the employee's spouse, child or parent who has a serious health condition (FMLA/CFRA);
- To care for the employee's registered domestic partner (CFRA only);
- For a serious health condition that makes the employee unable to perform his/her job (FMLA/CFRA);
- For any "qualifying exigency" (defined by federal regulation) because the employee is the spouse, son, daughter, or parent of an individual on active military duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation (FMLA only); or
- An employee who is the spouse, son, daughter, parent or next of kin of a covered military service member who is undergoing medical treatment, recuperation therapy, or is on the temporary disability list for a serious illness or injury, shall be entitled to a total of twenty-six (26) workweeks of leave during a twelve (12)-month period.

## **11.2 Calculating the 12-month period**

The twelve (12)-month period is measured forward from the date the leave begins. Successive twelve (12)-month periods commence on the date of an employee's first use of such leave after the preceding twelve (12)-month period has ended.

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

For a qualifying exigency or leave to care for a covered military service member, the twelve (12)-month period begins on the first day of the leave, regardless of how the twelve (12)-month period is calculated for other leaves.

Employees are not required to provide private health information and/or diagnoses, but must provide satisfactory documentation as to the need for the leave.

## **11.3 Pregnancy/Childbirth (Pregnancy Disability Leave - PDL)**

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

Duration of the leave will be determined by the advice of the employee's health care provider, but employees disabled by pregnancy may take up to seventeen and a third (17 1/3) weeks. The 17 1/3 weeks 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, prenatal care, postnatal care, post partum depression, and disability due to the loss or end of pregnancy. If you have any questions or concerns as to whether a condition falls under the PDL, please contact the Management Services Administrator..

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one (1) continuous period of time. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two (2) weeks. However, MCWD will grant a request for a CFRA leave (for birth/placement of a child) of less than two (2) weeks' duration on any two (2) occasions. Any leave taken must be concluded within one (1) year of the birth or placement of the child with the employee.

Upon the request of an employee and documented recommendation of the employee's health care provider, an 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 possible, 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.

MCWD will notify an employee in writing when a medical certification is required for the reasonable accommodation or transfer. The notification should contain:

- A description of the requested reasonable accommodation or transfer.
- A statement that describes the medical advisability of the reasonable accommodation or transfer because of pregnancy.
- The date on which the need for reasonable accommodation or transfer became/will become medically advisable and the estimated duration of the reasonable accommodation or transfer.

Employees will be allowed to use accrued sick, vacation, compensatory or management leave during a PDL.

Employees may return from a PDL only when the employee's health care provider endorses a release that must be submitted to the Management Services Administrator.

## **11.4 Requesting a Leave**

The following applies when an employee makes a request for FMLA/CFRA or PDL:

Employees should contact the Management Services Administrator as soon as he/she becomes aware of the need for leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must provide at least thirty

days notice before the leave is to begin. The employee should consult with his/her immediate supervisor regarding scheduling of any planned medical treatment or supervision. Any such scheduling is subject to the health care provider of the employee or the health care provider of the employee's child, parent, or spouse. If the employee cannot provide thirty (30) days' notice, MCWD should be informed as soon as practical.

Employees are expected to provide certification of the need for leave from the health care provider within fifteen (15) days of any request for FMLA/CFRA. If certification is not received, the leave may be delayed or denied according to the state and federal rules of FMLA/CFRA. Certification should contain the following information:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Inability of the employee to work at all or perform any one (1) or more of the essential functions of his/her position because of the serious health condition;

- Estimated amount of time for care by the health care provider;
- Confirmation that the serious health condition of a family member warrants the participation of the employee.

Before an employee is allowed to return to duty, a release from the health care provider is required. Failure to provide this information will result in denial of reinstatement for the employee until the certificate is obtained.

Leave Related to Military Service – A leave taken due to a “qualifying exigency” related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member shall be supported by a certification from the service member’s health care provider.

Reinstatement – Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his/her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he/she had been continuously employed rather than on leave.

Employees on PDL are guaranteed reinstatement to the same or similar job with the same or similar duties, pay, and location. Employees on PDL will be credited with all service prior to the commencement of the disability, but not for the period of the disability.

Time Accrual – Employees on FMLA/CFRA will not continue to accrue paid time off during unpaid leave. If an employee is using accrued sick, vacation, compensatory or management leave, he/she will continue to accrue paid time off.

Intermittent Leave – Employees may take FMLA/CFRA leave intermittently if the leave is for the serious health condition of the employee’s child, parent, spouse, or of the employee and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition.

## **11.5 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 he/she is 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.

## **11.6 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, no more than ninety (90) days. 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 the Management Services Administrator. The Management Services 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.

## **11.7 Sick Leave**

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 that 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 medical or doctor appointments, personal illness or injury, specific legally protected absences such as time off for crime victims, or to attend to an illness of a child, parent, spouse, or a registered domestic partner of the employee. 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.

## **11.8 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 or management time off 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.

## **11.9 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 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.

## **11.10 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, while 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 the Management Services Administrator for retention in his/her personnel file *before* reporting for jury duty service.

While on jury duty, employees shall report for work whenever his/her 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.

## **11.11 Witness Duty and Subpoenas**

MCWD Business Related Court Appearance – Employees will be paid his/her 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, he/she 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.

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

Employees who are victims of domestic violence or sexual assault are eligible for unpaid leave. Leave may be requested if an employee is involved in a judicial action, such as obtaining restraining orders, 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 the Management Services 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.

### **11.13 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 Management Services 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.

## 11.14 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, employees who have 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 his/her military orders, or other written verification from the appropriate military authority, for inclusion in his/her 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 he/she 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.

## 11.15 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 his/her polling place and a voter's receipt on the first working day following the election to qualify for paid time off.

### **11.16 Volunteer Firefighter and Peace Officer**

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 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.

### **11.17 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 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 are 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/Management Services Administrator – If the employee is not satisfied with the result, he/she may file a written grievance to the Management Services Administrator within ten (10) calendar days of the immediate supervisor's response. The Management Services Administrator will meet with the employee and the immediate supervisor to resolve the problem. If necessary, the General Manager or designee will be consulted. The Management Services 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 to ensure a fair method of correcting employee conduct. The progressive discipline policy is intended to give employees advance notice of problems with his/her conduct or performance in order to provide him/her 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.

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 employee who is not on probationary status has 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 employee shall be terminated or disciplined without just cause and the principles of progressive discipline shall be followed unless circumstances warrant immediate termination. Regular 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 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 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 the Management Services 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 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 the fifteenth (15th) day after receipt of said notice of disciplinary action.

Should said fifteenth (15th) 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 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 modify the severity of the same.

#### G. Loss of Salary

If the discipline action of the General Manager 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 certificate and recognition item.

5 years	\$ 50.00 gift certificate
10 years	\$100.00 gift certificate
15 years	\$150.00 gift certificate
20 years	\$200.00 gift certificate
25 years	\$250.00 gift certificate
30 years	\$300.00 gift certificate

Employees may select gift certificates from various local businesses.

### 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 (\$50), after taxes, for each year of service.

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

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

The 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 his/her safety performance;
- Employees who do not exercise safe and healthful work practices will be trained or re-trained; 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 his/her 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 his/her 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 Superintendent.

## 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 him/her with the safety and health hazards to which workers under his/her 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 head, or Management Services 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 his/her own risk. To further encourage the wellness of its employees, MCWD authorizes employees (upon approval of his/her 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 one-hundred forty dollars (\$140) 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 head. 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 repair, employees should notify his/her 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

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.

### A. 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.

## 16.0 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 his/her 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 his/her work in hazardous atmospheres and confined space entries to planned and scheduled projects, and, that provided 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 head.

The waiver may be revoked at any time at the discretion of the Operations & Maintenance Superintendent, 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.

## 16.1 Drug and Alcohol Conditions Related to “Safety Sensitive” Positions

The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) has enacted 49 CFR Part 382 that mandates random urine drug testing and breathalyzer alcohol testing without notice for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result.

- A. **Applicability:** This policy applies to all safety-sensitive employees and contract employees hired by MCWD when he/she is on MCWD property or when performing any MCWD -related business. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work and when on-call. Visitors, vendors, and contracted employees are governed by this policy while on MCWD premises, and he/she will not be permitted to conduct business if found to be in violation of this policy.

A safety-sensitive position is defined as any position requiring the use of a Class “A” or Class “B” commercial drivers license.

- B. **Compliance with Testing Requirements:** All safety-sensitive employees are subject to random controlled-substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.

An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

- (1.) Positive test result (*one time only*) – Completion of a recognized rehabilitation program at the expense of the employee. Failure to complete the program will result in termination.
- (2.) Voluntary admittance – paid for by the employee. Failure to complete the program will result in termination.

- C. **Testing:** Employees in safety-sensitive positions may be tested under any of the following circumstances:
- Pre-employment testing;
  - Reasonable suspicion testing;
  - Post-accident testing;
  - Random testing;
  - Return-to-duty testing; and,
  - Employee requested testing.

D. **Employee Assessment:** Any safety-sensitive employee who tests positive for the presence of controlled substances or whose breath alcohol is above the minimum thresholds set forth in the Department of Transportation guidelines will be assessed by a Substance Abuse Professional (SAP). A SAP is a licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and substance abuse-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance abuse or misuse.

If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree to sign a Return-to-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one (1) to five (5) years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the safety-sensitive employee and is on a one-time basis only. Employees will be required to first use accumulated sick, vacation, compensatory, or management leave, and then leave without pay in order to participate in the prescribed rehabilitation program.

Any questions regarding this policy should be directed to the Management Services Administrator.

## **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 head, Management Services

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 Management Services Administrator (MSA) 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.

We must remember that 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, the MSA 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, the MSA will meet with the doctor to discuss the RTWP. The success of the program will depend on good communication between the MSA, 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, Doctors on Duty. The MSA 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, the MSA 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 the MSA.

The injured employee and his/her supervisor will meet with the MSA 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 MSA.

### **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 MSA 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, the MSA 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. The MSA will ask the physician to complete a Physician's Report/Employee Work Status form. The MSA 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 MSA 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 the MSA. 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 MSA.

## **Section 18 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 Department of Fair Employment and Housing Act (DFEH) 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 DFEH 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 heads 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 head and/or MSA 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, the MSA 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.) Union dues.
- (5.) 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 - 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 19 General Housekeeping**

MCWD wants to provide an attractive and pleasant atmosphere for its employees and customers. All employees are expected to keep his/her 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 he/she uses. 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 20 Miscellaneous Policies**

### **20.0 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 him/her 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.

### **20.1 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.

### **20.2 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 his/her 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 his/her 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.

### **20.3 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.