



# THREE VALLEYS MUNICIPAL WATER DISTRICT REGULAR BOARD MEETING AGENDA

1021 E. Miramar Avenue, Claremont, CA 91711

March 2, 2022 – 8:00 AM

*The mission of Three Valleys Municipal Water District is to supplement and enhance local water supplies to meet our region's needs in a reliable and cost-effective manner.*

## SPECIAL NOTICE OF TELECONFERENCE ACCESSIBILITY

Pursuant to the provisions of Assembly Bill 361, which amended certain provisions of the Brown Act regarding teleconference meetings during periods of statewide emergencies, and as a precaution to our Board of Directors, District staff and general public as a result of the ongoing COVID-19 pandemic, Three Valleys MWD will hold this meeting of its Board of Directors both in-person at the above location and via teleconference. The public may participate in the meeting by physical attendance or by teleconference by clicking on the link below:

[https://tvmwd.zoom.us/webinar/register/WN\\_WI9v2-gLR-GaQHNuUIND4A](https://tvmwd.zoom.us/webinar/register/WN_WI9v2-gLR-GaQHNuUIND4A)

*(Dial-in instructions are provided after registering at the link above)*

Any member of the public wishing to participate in public comment may do so in any of the following manners: (1) when prompted by the President during the public comment period, (2) by filling out the electronic speaker's card at the following link <https://arcg.is/0z5GqO> prior to the close of public comment, (3) by sending an email to [naguirre@tvmwd.com](mailto:naguirre@tvmwd.com) prior to the close of public comment, or (4) for those attending the meeting in person, completing a speaker's card and providing it to the Executive Assistant prior to the close of public comment.

- |   |         |
|---|---------|
| 1. CALL TO ORDER  | ROBERTO |
| 2. ROLL CALL  | AGUIRRE |
| Jody Roberto, President<br>Brian Bowcock, Vice President<br>Carlos Goytia, Secretary<br>Mike Ti, Treasurer<br>David De Jesus, Director<br>Bob Kuhn, Director<br>Danielle Soto, Director |         |
| 3. FLAG SALUTE  | ROBERTO |
| 4. AGENDA REORDER/ADDITIONS [ <i>Government Code Section 54954.2(b)(2)</i> ]  | ROBERTO |

Additions to the agenda may be considered when two-thirds of the board members present determine a need for immediate action, and the need to act came to the attention of TVMWD after the agenda was posted; this exception requires a degree of urgency. If fewer than two-thirds of the board members are present, all must affirm the action to add an item to the agenda. The Board shall call for public comment prior to voting to add any item to the agenda after posting.

5. PUBLIC COMMENT (*Government Code Section 54954.3*) ROBERTO
- Opportunity for members of the public to directly address the Board on items of public interest that is within the subject matter jurisdiction of TVMWD. The public may also address the Board on items being considered on this agenda.
- We request that remarks be limited to three minutes or less. Pursuant to Government Code Section 54954.3, if speaker is utilizing a translator, the total allotted time will be doubled.
6. ACTION AGENDA LITCHFIELD
- The following items on the Action Agenda call for discussion and action by the Board. All items are placed on the agenda so that the Board may discuss and take action on the item if the Board is so inclined.
- A. ADOPT RESOLUTION NO. 22-03-919 CONTINUING REMOTE TELCONFERENCE MEETINGS PURSUANT TO THE PROVISIONS OF ASSEMBLY BILL 361 LITCHFIELD
- The Board will consider adopting Resolution No. 22-03-919, superseding Resolution No. 22-02-917 and authorizing the continuation of remote teleconference meetings for a limited time pursuant to AB 361.
- BOARD ACTION REQUIRED 6.A**
- Staff Recommendation: Approve as Presented
7. GENERAL MANAGER'S REPORT LITCHFIELD
- The Executive Leadership Team will provide brief updates on existing matters under their purview and will be available to respond to any questions thereof.
- A. REVIEW OF THE TVMWD PERSONNEL MANUAL ROBLES
- The Board will review updates made to the Personnel Manual.
- B. SALARY SCHEDULE REVIEW EFFECTIVE JULY 1, 2022 ROBLES
- The Board will review the salary schedule that is to be effective as of July 1, 2022.
- C. FY 2022/23 BUDGET WORKSHOP LINTHICUM
- The items below will be reviewed in a workshop format with staff responding to questions.
- FY 2022/23 Budget
  - CY 2023 Rates
  - CY 2023 Fixed Charges
  - CY 2023 Capacity Charges
- D. FY 2022/23 ANNUAL PURCHASE ORDERS LINTHICUM
- The Board will review a list of vendors for ongoing goods and services for FY 2022/23.
- E. PROJECTS SUMMARY UPDATE PERALTA
- The Board will be provided an oral update of ongoing TVMWD projects.

8. FUTURE AGENDA ITEMS

ROBERTO

9. ADJOURNMENT AND NEXT MEETING

ROBERTO

The Board will adjourn to a regular Board Meeting on March 16, 2022 at 8:00 AM.

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In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Executive Assistant at (909) 621-5568 at least 24 hours prior to the meeting.

Pursuant to Government Code Section 54957.5, materials related to an item on this agenda submitted after distribution of the agenda packet will be posted on the TVMWD website at [www.threevalleys.com](http://www.threevalleys.com).

Three Valleys MWD Board meeting packets and agendas are available for review at [www.threevalleys.com](http://www.threevalleys.com).

**RESOLUTION NO. 22-03-919****A RESOLUTION OF THE BOARD OF DIRECTORS OF THE THREE VALLEYS MUNICIPAL WATER DISTRICT RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, DECLARING THAT LOCAL EMERGENCY CONDITIONS PERSIST, AND RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS AND ITS STANDING COMMITTEES FOR THE PERIOD MARCH 2, 2022, TO MARCH 8, 2022, PURSUANT TO BROWN ACT PROVISIONS**

**WHEREAS**, the Three Valleys Municipal Water District (the “District”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

**WHEREAS**, all meetings of the District’s Board of Directors (the “Board”) and its standing committees are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950-54963), so that any member of the public may attend, participate, and watch those bodies conduct their business; and

**WHEREAS**, the Brown Act, in Government Code Section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition for application of Government Code Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by conditions as described in Government Code Section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological, or human-caused disasters; and

**WHEREAS**, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California as a result of the threat of COVID-19, and such proclamation has not yet been lifted; and

**WHEREAS**, it is further required under Government Code Section 54953(e) that state or local officials have imposed or recommended measures to promote social distancing or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the Board previously adopted Resolution No. 22-02-917 on February 16, 2022, finding that the requisite conditions exist for the Board and its standing committees to

conduct remote teleconference meetings without compliance with Government Code Section 54953(b)(3); and

**WHEREAS**, as a condition of extending the use of the provisions set forth in Government Code Section 54953(e), the Board must reconsider the circumstances of the state of emergency that exists within the District, and the Board has done so; and

**WHEREAS**, emergency conditions persist within the District, specifically COVID-19 and its Delta variant remain highly contagious and, therefore, a threat to the health, safety, and well-being of the District's employees, directors, vendors, contractors, customers, visitors, and residents; and

**WHEREAS**, orders from the Los Angeles County Department of Public Health and regulations from the State of California impose limitations on gatherings and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

**WHEREAS**, the Board does hereby find that a state of emergency continues to exist within the District's service area as a result of the continuing presence of COVID-19, which has caused, and will continue to cause, conditions of imminent risk to attendees of Board meetings, and has resulted in local, State, and federal social distancing orders and related guidance, and which has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and the Board desires to re-affirm that a local emergency exists and re-affirm the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency persisting, the Board does hereby find that the Board and all standing committees thereof shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Government Code Section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code Section 54953; and

**WHEREAS**, the District will continue to provide proper notice to the public regarding all Board and standing committee meetings in accordance with Government Code Section 54953(e)(2) and shall continue to provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE THREE VALLEYS MUNICIPAL WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1. Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 2. Affirmation that Local Emergency Persists.** The Board hereby considers the conditions of the state of emergency within the District and proclaims that a local emergency

persists throughout the District as a result of the continuing presence of COVID-19, which continues to cause conditions of imminent risk to attendees of the District’s Board and standing committee meetings, and which have resulted in local, State, and federal social distancing orders and guidance, and that continuing to conduct the District’s Board and standing committee meetings virtually will minimize the possible spread COVID-19 and any variant thereof.

**Section 3. Re-Ratification of Governor’s Proclamation of a State of Emergency.** The Board hereby re-ratifies the Governor of the State of California’s Proclamation of State of Emergency regarding COVID-19, dated March 4, 2020.

**Section 4. Remote Teleconference Meetings.** The District’s General Manager, or his or her delegee, and the Board and standing committees of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including but not limited to continuing to conduct open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

**Section 5. Effective Date of Resolution.** This Resolution shall supersede Resolution No. 22-02-917 adopted by the Board on February 16, 2022, and shall take effect on March 2, 2022 and shall be effective until the earlier of (i) March 8, 2022 or (ii) such time as the Board adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the Board and standing committees of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953.

**PASSED AND ADOPTED** by the Board of Directors of the Three Valleys Municipal Water District held via teleconference this 2<sup>nd</sup> day of March 2022, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

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Jody Roberto  
 President, Board of Directors

ATTEST:


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Carlos Goytia  
 Secretary, Board of Directors

SEAL:



## Board of Directors Staff Report

**To:** TVMWD Board of Directors  
**From:** Matthew H. Litchfield, General Manager   
**Date:** March 2, 2022  
**Subject:** **Review of the TVMWD Personnel Manual**

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<input type="checkbox"/> <b>For Action</b>	<input type="checkbox"/> <b>Fiscal Impact</b>	\$
<input checked="" type="checkbox"/> <b>Information Only</b>	<input type="checkbox"/> <b>Funds Budgeted:</b>	

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**Staff Recommendation:**

**No Action Necessary – Informational Item Only**

**Discussion:**

The intent of the updates to the Personnel is to do a general language clean up and clarification. Major changes to the manual specifically address:

- New policies were added to the manual. Such policies include, but are not limited to, Accommodations for Nursing Moms, Drugs and Alcohol Use, Ethics, Visitors in the Workplace and Whistleblower Policy.
- Updates to current policy language. A few of the policies sections that were updated include, but are not limited to, Types of Discipline and Reprimands, Exempt Employees, Sick Leave, FMLA and Military Leave Policies.

Staff will provide an update on the manuals this morning and bring back to the Board on March 16, 2022 for additional review and consideration of approval. The draft manual has been reviewed by our legal counsel.

**Strategic Plan Objective(s):**

3.3 – Be accountable and transparent with major decisions

**Attachment(s):**

Exhibit A – Personnel Manual revised February 2022, Redlined/Strikeout Draft & Clean Draft

Exhibit B – Resolution No. 22-03-DRAFT

**Meeting History:**

None

NA/VR





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# PERSONNEL MANUAL 2022

A blue ink signature of Matthew H. Litchfield, P.E.

**Matthew H. Litchfield, P.E.**  
**General Manager/Chief Engineer**

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## 1. PURPOSE AND ADMINISTRATION

The purpose of the District's ~~p~~Personnel ~~m~~Manual ~~p~~olicies shall be to create a fair and uniform system of rights, incentives, and work rules for current and prospective employees. This manual applies to employees (collectively, “employee”, “staff”, “you”, “they”, “their”) of Three Valley’s Municipal Water District (collectively “TVMWD”, “District” “we”, “our”).

This manual describes many rules, policies and procedures regarding employment at TVMWD. It is important that new and existing employees read and understand the material within this manual. Employees should contact the General Manager or Human Resources with any questions relating to the TVMWD Personnel Manual.

This Manual is intended only to summarize and highlight TVMWD Personnel Rules.– No Personnel Manual can anticipate every circumstance or question about personnel rules. TVMWD will address situations as we become aware of them, and we expect and encourage employees to bring to our attention any employment issues that need to be addressed. As circumstances change, the rules described in the manual may also change from time to time. TVMWD reserves the right to change, add to or discontinue any of the rules in this manual, as it deems appropriate.

~~It is the employees’ responsibility to read and understand this manual. Please feel free to speak to the General Manager or Human Resources about any questions, comments, or concerns you have about any of the rules described in this manual or about your employment in general.~~

### 1.1 Equal Employment Opportunity

TVMWD is an Equal Opportunity Employer. It is our policy to comply with all federal, state and local equal opportunity and non-discrimination laws. Our policy is to afford equal opportunity in all aspects of employment to all persons without discrimination on the basis of age (over 40), race, religion/creed (including religious dress and grooming practices), color, national origin, ancestry, gender/sex (including pregnancy, childbirth, breastfeeding and/or related medical conditions), sexual orientation, gender identity and gender expression, medical conditions, marital status, genetic information, military and veterans status, ~~and/or~~ disability (mental and physical ~~including HIV/AIDS, cancer, and generic characteristics~~) and ~~any other status protected by law~~, provided, however, that the District may make employment decisions on the basis of a bona fide occupational qualification when permitted by law. Continued employment of those employees covered by these principles shall be subject to satisfactory work performance and the needs of the District.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and social and recreational programs. It is the responsibility of every manager and employee to conscientiously follow this policy. Any employee with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of Human Resources. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### 1.2 Merit and Fair Employment Principles

The District maintains a merit system governing personnel action. Employment and promotion shall be based on merit and ability, free of personal or political considerations, and shall in no way be affected or influenced by the protected classes listed in section 1.1. race, religion, color, national origin, ancestry, gender, marital status or disability, provided, however, that the District may make employment decisions on the basis of a bona fide occupational qualification when permitted by law. Continued employment of those employees covered by these principles shall be subject to satisfactory work performance and the needs of the District.

### **1.3 —Application of Rules**

The District's personnel rules shall apply to all officers and employees in the service of the District except: members of the Board of Directors; the General Manager; voluntary personnel; persons engaged under contract to supply expert, professional, technical, or any other services. Sections 5.98 Workplace Violence, Section 5.10 Drug & Alcohol Policy, Section 5.11 Ethics, Section 5.16 Social Media, and Section 154 Harassment, and Section 16 Protections Against Retaliation shall apply to all officers, employees, voluntary personnel, members of the Board of Directors, contractors and consultants.

### **1.4 —Prior Rules**

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

### **1.5 —Severability of Provisions**

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

In the event that any provision of this Manual conflicts with an otherwise applicable federal or state legal requirement, the federal and/or state requirement shall govern and control.

## 2. ADMINISTRATION

### 2.1 ~~General~~ **General Manager**

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

### 2.2 ~~Chief~~ **Chief — Executive Managers**

The ~~four~~ ~~Chief~~ ~~e~~ Executive ~~M~~ managers, ~~who~~ reporting to the General Manager, shall act and supervise in the absence of the General Manager.

### 2.3 ~~Personnel~~ **Personnel Officer**

The ~~Chief Administrative Officer, in consultation with the~~ Human Resources/Risk Manager, shall serve as the Personnel Officer and shall perform, as necessary, the following duties and responsibilities:

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

## 2.4 Classification & Reclassification Plan

### Full-Time ~~Regular~~ Employee

Defined as employees who have successfully completed their initial introductory period, unless otherwise stated. Full-time employees appraisal process and are assigned a definite work schedule of at least 30 hours per week and their employment is expected to continue for an indefinite period of time. Full-time ~~regular~~ employees are eligible for ~~employee~~ benefits as described ~~later~~ in this Handbookmanual.

### Part-Time ~~Regular~~ Employee

Defined as employees who have successfully completed their ~~initial appraisal process introductory period, unless otherwise stated. and are~~ Part-time employees are assigned a work schedule of less than 30 hours per week and it is expected to continue for an indefinite period of time. Part-time ~~regular~~ employees may be eligible for vacation, sick leave, and holiday benefits as described later in this Handbookmanual.

### Exempt/Non-Exempt Employee

Employees whose jobs are governed by the FLSA are either "exempt" or "non-exempt." Non-exempt employees are entitled to overtime pay. Exempt employees are not. Most employees covered by the FLSA are non-exempt. ~~Some jobs are classified as exempt by definition. For most employees, however, whether they are exempt or non-exempt depends on (a) how much they are paid, (b) how they are paid, and (c) what kind of work they do. The requirements to determine this status are outlined in the FLSA Regulations (promulgated by the U.S. Department of Labor). See the General Manager or Human Resources Manager if you have questions.~~

### Reclassification Plan

The Chief Administration Officer, in consultation with the Human Resources/Risk Manager, shall ascertain and record the duties and responsibilities of all positions and, after consulting with affected department heads, shall recommend a classification plan, including job descriptions, for such positions. The plan and any revisions thereof shall become effective upon approval of by the TVMWD General Manager.

Following the approval of the classification plan, the Chief Administration Officer shall allocate every position to one of the classifications established by the plan.

When a new position is created, such position may not be filled, until the classification plan has been amended to provide for the new position.

The Human Resources/Risk Manager may initiate a job audit to determine whether the duties of a position have changed to such an extent that they necessitate reclassification of the position from the existing classification to a more appropriate classification. Upon completion of the job audit, the Chief Administration Officer, in partnership with Human

Resources shall make a recommendation regarding reclassification to the General Manager.

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### 3. FILLING VACANCIES

#### 3.1 Recruitment Policy

##### 3.1

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

Candidates must meet the minimum qualifications in order to compete in a recruitment and any specific parameters noted in the job announcement. Only those candidates that meet or exceed the minimum qualifications may be invited to participate in the interview and assessment process.

Applicants requesting reasonable accommodation should contact the District's Human Resources/Risk Manager.

#### 3.2 Qualifications of Applicants

Only those applicants who ~~appear to~~ possess the desirable qualifications may be considered and advanced to the next step in the interview process. Those candidates that meet the minimum qualifications ~~depending on the factors such as the Municipal needs of the Districts,~~ number of positions anticipated to be filled, and the volume and quality of the applicant pool, will be invited to participate in the recruitment process.

A candidate/applicant may not rate, score, or otherwise influence their own assessment evaluation. Whenever practical, panel members who have a close personal relationship with a candidate should be recused and replaced with an alternate rater.

#### 3.3 Selection

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

#### 3.4 Examinations

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

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



### 3.5 –Nepotism

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

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

## 4. ~~SEPARATION~~, ~~PROMOTION~~, ~~PROMOTION~~, AND INTRODUCTORY PERIOD

### 4.1 — Separations

Employees of the District are considered “at will” ~~employees~~ and shall be subject to the requirements of these policies with respect to the tenure of employment. An employee who is in their introductory period (six ~~(6)~~ months or one ~~(1)~~ year, depending on position) may be discharged at any time without cause by the General Manager. An employee who has failed to satisfactorily meet the requirements of their position or has violated District work rules, policies or procedures, as detailed in Section 5, may be discharged according to the procedures set forth in Section 6.

### 4.2 — Layoff

An employee of the District may be laid off for reasons of economy, efficiency or other non-disciplinary purposes. All layoffs will be made at the discretion of the General Manager based on a combination of factors, including, but not limited to, qualifications, productivity, performance and seniority. As far as practical, the employee shall be given two ~~(2)~~ weeks’ notice prior to a layoff. Employees provided this two (2) weeks’ notice period will be expected to continue fulfilling their position roles and responsibilities throughout their notice period.

### 4.3 — Resignation

An employee who wishes to voluntarily terminate employment with the District in good standing shall submit a written resignation, dated and signed, to their supervisor and Human Resources at least two ~~(2)~~ weeks prior to the date of resignation. This will enable TVMWD to arrange for a replacement and assist in the smooth transition of responsibilities. The resignation shall be deemed accepted upon receipt by the Supervisor and Human Resources Personnel Officer.

### 4.4 — Job Abandonment

An employee is deemed to have resigned from their position if they are absent for five (5) consecutive scheduled work days/shifts without prior authorization and without notification during the period of the absence. The employee will be given written notice, at their address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee’s unauthorized absence. An employee who promptly responds to the agency’s written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the General Manager before final action is taken, to explain the unauthorized absence and failure of notification. An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal.

### 4.4.5 — Promotion

Appointment to a vacant position in the shift rotation or to a job class that is compensated at a

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

#### **4.54.6 –Introductory Period**

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

#### **4.64.7 –Introductory Period Defined**

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

#### **4.74.8 Introductory Period Procedures**

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

#### **4.84.9 Termination of Introductory Employee**

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

#### **4.94.10Promotional Introductory Period**

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

#### **4.104.11 Extension of Introductory Period**

At the discretion of the General Manager, an employee's introductory period may be extended for an additional period not to exceed one (1) year. Under no circumstances shall any employee's introductory period be extended more than once per classification.

#### 4.12 -Return of District Property

All TVMWD property in the employee's possession must be returned prior to separation, including keys, key fobs, identification cards, equipment, credit cards, gas cards, devices, and any other TVMWD equipment.

#### 4.13 Employee Reference Requests

All TVMWD property in the employee's possession must be returned prior to separation, including keys, key fobs, identification cards, equipment, credit cards, gas cards, cell phones, pagers/devices, and any other TVMWD equipment.

#### **4.13 Employee Reference Requests**

All requests for references must be directed to ~~the~~ Human Resources, ~~or Personnel Officer~~. No other manager, ~~team leaders~~ supervisors, or employee is authorized to release references for current or former employees. TVMWD discloses only the dates of employment and the title of the last position held of former employees. If former or current employees ~~you~~ authorize a disclosure in writing, TVMWD will also inform prospective employers or lenders of the amount of salary or wage ~~s-you last earned~~.

## 5 WORK RULES

### 4.115.1 Participation in Work Action

Participation by a District employee in a strike, work stoppage, or work slowdown shall subject the employee to disciplinary action as ~~permissible~~ allowed by State law. As used in this section, “strike, work stoppage, or slowdown” means the concerted failure to report for work, the willful absence from the work place, the refusal to work, the stoppage of work being done by others, picketing or the abstinence in whole or part from the full and faithful performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in the conditions to compensation, or the rights, privileges or obligations of employment. Picketing on an employee’s own time, outside District property, on public property, is permitted.

### 4.125.2 Participation on Boycott

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

### 4.135.3 Outside Employment or Activities

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

### 4.145.4 Employee Dress and Conduct

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

### 4.155.5 Rest Periods

The U.S. Department of Labor states that rest periods promote the efficiency of an employee, are customarily paid for as working time and must be counted towards hours worked. However, ~~legal counsel has opined that~~ certain California labor code sections regarding paid rest periods do not apply to public agencies and the Fair Labor Standards Act (FLSA) does not require employers to allow rest periods (exemption from California IWC Orders: 1, 2, 4, 10, and 20). -However, participation by employees in a daily rest period is encouraged by the District and should be taken at intervals that do not interfere with critical or time sensitive duties. A rest period of up to 15 minutes may be taken during each half of the regular work shift for full-time employees and once during the work shift for part-time, intern and apprentice employees working less than 8 hours in a workday.

## 5.6 Accommodation for Nursing Mothers

The District will accommodate nursing mothers who wish to express breast milk while at work. TVMWD will provide a private area (other than a restroom) for expressing breast

milk. Employees can use their regular rest breaks for this purpose. Employees who need a different time or additional time will be accommodated and should make arrangements with their supervisor. -Regular rest break time used for expressing breast milk will be paid, but additional break time may be unpaid.

#### **4.165.7Financial Affairs**

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

#### **4.175.8 —Workplace Civility**

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

#### **4.185.9Workplace Violence**

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

#### **5.10 —Drug & Alcohol Use**

It is TVMWD's desire to promote a drug-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. While on TVMWD premises and while conducting business-related activities of TVMWD, no employee may use, possess, distribute, sell, or be under the influence of alcohol and/or marijuana, and/or illegal drugs.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe

manner that does not endanger the employee or other individuals in the workplace. Employees are required to notify Human Resources their supervisor if they are taking any prescription drug that is likely to impair their performance. Violations of this policy may lead to disciplinary action, up to and including termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program.

~~For the purpose of this policy, substance abuse includes the use or possession of illegal drugs, alcohol, marijuana, sharing of prescription drugs, or abuse of prescription drugs, which could impair your work performance and/or ability to perform your job safely. It is expected that:~~

~~Employee shall not be at work, drive a vehicle on TVMWD business, or operate the TVMWD's equipment with any amount of alcohol, marijuana or illegal drugs in their system which would result in a confirmed positive test; shall not use alcohol or marijuana, possess open containers of alcohol, possess marijuana or use or possess illegal drugs while on duty; and shall not manufacture, distribute, dispense, sell or provide alcohol, marijuana or illegal drugs to any person while on duty.~~

~~If the use of a prescription drug combined with the duties of the required job creates an unsafe working condition, this fact shall be reported to your supervisor or Human Resources Manager and Administration prior to reporting to work. Employees whose job performance is so restricted may be subject to reassignment, medical examination, or other actions specified by applicable statues and regulations.~~

#### 4.195.11 Ethics

The successful operation and reputation of TVMWD is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of all applicable laws and regulations, as well as a maintaining the highest standards of conduct and personal integrity. TVMWD will comply with all applicable laws and regulations and conduct business in accordance with the intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

#### 4.205.12 Visitors in the Workplace

All visitors must check-in at the Reception Desk and disclose the visitors' name, company, reason for visit, phone number, arrival time and departure time using the check-in form located at the reception desk. If an unauthorized or suspicious individual is observed on TVMWD's premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the reception area.

#### 4.215.13 Computer, Internet, Instant MessagingInternet & E-Mail Policy

When using a District computer or other portable electronic devices to access the Internet, Instant Messaging and E-mail, employees shall conduct themselves professionally and

appropriately in accordance with the [Internet Acceptable Use Policy, Email Acceptable Use Policy and Password Policy](#) procedures detailed in the District's [Policy Manual](#). ~~Internet and E-Mail policy.~~

#### **4.225.14 Cell Phone Use**

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

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

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

#### **4.235.15 ~~iPad~~ Electronic Devices Use**

The District establishes guidelines for the employee use of district-owned ~~iPad tablets~~ devices and service plans provided by the District. Electronic devices include but are not limited to tablets, laptops, workstations, and smartphones.

If the District determines that use of ~~devices-an iPad~~ is a necessary component of an employee's job function, the employee shall be provided with a ~~devicen iPad tablet~~ to conduct District business.

For more complete information on ~~iPad device~~ usage, please refer to the District's ~~iPad~~ Device Policy (*See Appendix C – Policy Manual*).

#### **5.16 Social Media**

Employees shall conduct themselves professionally and appropriately in accordance with the Social Media Policy detailed in the Policy Manual.

#### **4.245.17 Standards of Conduct**

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

- a. ~~Poor~~ Unsatisfactory job performance and/or inefficiency.
- b. Using abusive or vulgar language or causing disruption to the ~~work place~~ workplace or to fellow employees or visitor.
- c. Unavailability for work, i.e. absenteeism or tardiness.
- d. Misuse of District monies.



- e. Conducting non-business activities during working hours.
- f. Any action indicating a disrespect or disregard for the District, its vendors or member agencies.
- g. Release of confidential information about the District or its members.
- h. Possessing or bringing open containers of alcohol, illegal drugs or chemicals on or to the District's property.
- i. Unauthorized possession or removal of property, records, or other materials that belong to the District.

~~i-j.~~ Theft

~~j-k.~~ Smoking of tobacco products and electronic cigarettes in restricted areas, subject to Government Code 7596, 7597 & 7598.

~~k-l.~~ Leaving District property without supervisor approval prior to the end of a scheduled work day.

~~l-m.~~ Sexual harassment, discrimination, or other unlawful harassment of another employee (see Section 154).

~~m-n.~~ Giving false or misleading information during the application and/or selection process.

~~n-o.~~ Willful failure to report to a supervisor any significant omissions, errors or mistakes or accidental damage affecting work assignment, property or equipment.

~~o-p.~~ Unauthorized opening of, or tampering with, locks in desks, doors, cabinets, etc., or unauthorized use of or duplication of keys.

p. Threatening or intimidating other employees or supervisors.

q. Behavior unbecoming of a District employee; that behavior or action which would adversely prejudice public opinion of the District.

r. Failure to immediately report the loss of a California drivers' license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Division of Motor Vehicles. Further, employees are responsible for all tickets received when driving a District or personal vehicle. This rule applies to all employees of the District.

s. Installing unauthorized software on the District's computer system.

t. Misuse of electronic systems (email, internet, fax, telephones, cellular phones, iPads).

u. Inability to establish and maintain effective working relationships with co-workers and those contacted during the course of work.

v. Violation of any department rules, TVMWD policies or regulations, ordinances or resolutions.

~~—~~ Ma

w. Making any false representation or statement or making any omission of a material fact.

~~u-x.~~ Dishonesty

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

4.255.18 — Cause for Disciplinary Action

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

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

~~u.t.~~ Unsatisfactory work performance.

~~v.u.~~ Discourteous treatment of the public or fellow employees, or other conduct unbecoming an officer or employee of the District.

~~w.v.~~ Unexcused and/or repeated tardiness or absenteeism.

~~x.w.~~ Insubordination or failure to comply with instructions.

~~y.x.~~ Any action which is inconsistent with, in violation of, or not in compliance with, this Personnel Manual or any other rules, policies, practices, or regulations adopted by the District.

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## 6 DISCIPLINARY PROCEDURES

### 4.266.1—Forms of Discipline

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

### 6.2 Types of Counseling, Reprimands and Discipline

The following are types of counseling, reprimands and discipline which TVMWD may impose:

- ~~• Counseling Memo: A counseling memo will be provided to an employee to identify: a failure of appropriate conduct or performance issue; the performance the employee is to demonstrate in the future; and consequences for failure to correct the behavior or problem. A counseling memo will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as the supervisor deems necessary. A counseling memo is not subject to the discipline or discipline appeal procedures described below.~~
- Counseling Memo: A counseling memo will be provided to an employee to identify: a failure of appropriate conduct or performance issue; the performance the employee is to demonstrate in the future; and consequences for failure to correct the behavior or problem. A counseling memo will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as the supervisor deems necessary. A counseling memo is not subject to the discipline or discipline appeal procedures described below.
- Verbal Reprimand: A verbal reprimand is a verbal direction from a supervisory employee to discontinue inappropriate conduct or to correct a performance issue. A verbal reprimand will be documented in writing and retained in the supervisor's file until the completion of the evaluation year and then documented in the performance evaluation, as the supervisor deems necessary. A verbal reprimand is not subject to the discipline or discipline appeal procedures described below.
- Written Reprimand: A written reprimand is written direction from a supervisory employee to discontinue inappropriate conduct or to correct a performance issue. A written reprimand will be retained in the employee's personnel file and documented in the performance evaluation. Unless required by law, a written reprimand is not subject to the discipline or discipline appeal procedures described below. The employee has the right to have their written rebuttal attached to the reprimand in the employee's personnel file, if the employee submits the rebuttal to the General Manager within 14 days after the reprimand is received.

- Suspension Without Pay: TVMWD may suspend an employee from their position without pay for cause. Documents related to a suspension shall become part of the employee's personnel file when the suspension is final and documented in the performance evaluation.- A suspension without pay is subject to the discipline and discipline appeal procedures described below. Employees who are ~~FLSA exempt from Fair Labor Standards Act (FLSA) overtime~~ will only be suspended as ~~authorized~~ permitted by the ~~FLSA law~~.
- Reduction in Pay or Paid Leave: TVMWD may reduce an employee's pay or paid leave for cause.- A reduction in pay for disciplinary purposes may take one of ~~three~~ the following forms: -1) a decrease in salary ~~to a lower step within the salary range;~~ or 2) a decrease in salary paid to an employee for a fixed period of time; ~~or 3) loss of accrued paid vacation or administrative leave, floating holiday, or compensatory time off.~~—Documents related to a reduction in pay shall become part of the employee's personnel file when the reduction in pay is final and documented in the performance evaluation.- A reduction in pay is subject to the discipline and discipline appeal procedures described below. ~~Employees who are exempt from the Fair Labor Standards Act (FLSA) overtime requirements are not subject to pay reduction, except loss of accrued vacation, floating holiday, or administrative leave.~~
- Demotion: TVMWD may demote an employee from their position to a lower position for cause. Documents related to a demotion shall become part of the employee's personnel file when the demotion is final and documented in the performance evaluation.- A demotion is subject to the discipline and discipline appeal procedures described below.
- Dismissal: TVMWD may dismiss an employee from the ~~employees~~ employees' position for cause. Documents related to the dismissal shall become a part of an employee's personnel file when the dismissal is final. -A dismissed employee is entitled to the discipline and discipline appeal procedures described below.

#### **4.276.3—Notice of Proposed Disciplinary Action**

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

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

of the volume of material or complexity of the issues involved but only upon written request and with the approval of the General Manager.

~~d.e.~~ Notice that failure to respond by the time specified constitutes a waiver of the right to respond prior to final discipline being imposed.

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

**4.286.4—Limitations and Exclusions**

Oral notice is insufficient as full notice to an employee and may be given only as the initial notice in extraordinary circumstances which call for immediate action. Employees may be suspended without prior written notice in extraordinary circumstances when it is essential to avert harm to the public, other employees, or to avert serious disruption of governmental business. Extraordinary circumstances include, but are not limited to, situations involving misappropriation of public funds or property, working while under the influence of alcohol or drugs, open insubordination, commission of a crime involving moral turpitude punishable by imprisonment for one (1) year, and disruption of the District's business through misconduct.

**4.296.5—Order of Disciplinary Action**

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

**4.306.6—Appeal Procedure**

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

Appellant's Answer to the Charges. If the employee appeals, a written answer to the charges must also be filed with the District within five (5) business working days of the receipt of the order. The answer to the charges must be attached to the notice of appeal and request for a hearing. The answer must address each cause for discipline set forth in the order and may state specific facts or reasons as grounds for the appeal. If an answer denying the causes for

discipline set forth in an order is not filed, said causes for discipline will be deemed admitted.

#### 4.316.7—Hearing Procedure

##### Review of the Appeal

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

##### Hearing

- a. Time and Place
  1. Pursuant to the Board's decision in Section 6.6-~~a~~, the General Manager shall take every appropriate action necessary and reasonable to convene a hearing within the time prescribed.
  2. The District's representative, the appellant and/or their representative, and the hearing officer or Review Board shall meet in a pre-hearing conference to determine the time, place and manner in which the hearing will be conducted.
- b. Purpose – The purpose of the hearing is to determine the accuracy and the sufficiency of the facts attendant to the disciplinary action. The District shall have the burden of proof. The parties may stipulate to certain facts or evidence which shall be considered without abridgment or adulteration by the hearing body or officers upon whom the action was based and any pertinent information which may establish the truth or falsity of such evidence.
- c. Parties – The Appellant and their representative, if any, and the District's representative shall attend the meeting. Failure of the Appellant, with or without ~~a~~-representation, to appear in person at the time and place set for the hearing shall be deemed a withdrawal

of the appeal, unless otherwise excused by the Board of Directors.

- d. Rights – Each party shall have the right to:
  1. Choose a representative.
  2. Testify under oath.
  3. Call witnesses and present documentary evidence.
  4. Question all witnesses and examine the evidence.
  5. Argue a case.
- e. Order of the Proceedings
  1. The hearing shall be opened by the recording of the time, place and date of the hearing and the presence of the parties and representatives, if any. The District shall first present its case on which the disciplinary action was based. A hearing guide may be used and will be made available to all parties.
  2. If the appeal is to be heard by the Board of Directors, the President of the Board shall conduct the hearing. If the appeal is to be heard by the Disciplinary Review Board, the Disciplinary Review Board shall select a chairman to conduct the hearing. If a hearing officer is appointed to hear the appeal, the hearing officer shall have the sole discretion and authority to conduct the hearing.
- f. Report of the Hearings: A record of the proceedings shall be taken and maintained by the District. The District may choose to make a mechanical or electronic record of the proceedings. Costs for transcripts shall be borne by the requesting party.
- g. Adjournment: The hearing may be adjourned or recessed for good cause, upon the request of a party, hearing body or hearing officer.
- h. Exhibits and Witnesses:
  1. The names of witnesses and exhibits shall be properly identified and shall be made part of the official record. The hearing body or officer may exclude witnesses not under examination and admonish witnesses to refrain from discussing the subject of their testimony with other witnesses or potential witnesses. The parties may remain at all times during the proceeding.
  2. Witnesses shall be required to testify under oath and affirmation. The oath shall read: “Do you solemnly swear (or affirm) that the testimony that you are about to give in this matter shall be the truth, the whole truth and nothing but the truth.”
- i. Confidentiality: The hearing shall be closed to the public and shall not be a public record unless an open public hearing is requested by the appellant.
- j. Expenses: The expenses of witnesses for either party shall be paid by the party producing such witnesses.
- k. Closing of Hearing: The hearing body or hearing officer shall inquire if either side has anything further to offer. Upon receiving negative replies, the hearing shall be closed. The hearing body or hearing officer shall report its written recommendation to the



Board of Directors and the parties within thirty (30) days after the closing of the hearing. The Board of Directors shall act upon that recommendation by upholding, reversing, or modifying the decision. The Board of Directors shall notify the parties within five (5) business ~~working~~ days of the outcome of its final decision.

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## 7 EFFECTS OF DISMISSAL

5.17.1 —Effect of Dismissal

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

- a. Constitute a dismissal as of the same date from all positions that the employee may hold in the District service.
- b. Terminate the salary of the employee as of the effective date of the dismissal, except that they shall be compensated for any unpaid salary, unused vacation, unused universal leave for ~~Chief senior Executive Mmanagementsment employees~~, administrative leave and qualifying unused comp time for non-exempt employees as of the date of dismissal.
- c. Medical, Dental, and Vision benefits will end on the last day of the month of employment. Life and Disability coverages require "active" employment; therefore, coverage for these twobenefits will end on their last day worked. COBRA notification will be sent directly to employee's address on file. home.
- ~~d. —Employee must contact will be notified directly by CalPERS directly to determine regarding their options.~~
- ~~e. —If employee is enrolled in a deferred compensation program, employee must contact~~ the plan carrier to discuss options.

## 8 RECORDS

### 8.1 ~~\_\_\_\_\_~~ Personnel Records

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

~~Inspection of File: A current employee may inspect their own personnel file, at a reasonable time and at reasonable intervals, within 30 days of a written request.- A former employee is entitled to inspect his or her their personnel records one (1) time per year.- A current or former employee and/or their representative, who wishes to review the employees personnel file should make a written request to the Human Resources/Risk- Manager. The inspection must occur in the presence of the Human Resources/Risk Manager, General Manager, or designee and: at a location where the employee worksthe District and at a time other than the employee's work time at another agreed upon location without loss of compensation to the employee.~~

~~Copies: A current or former employee is entitled to receive a copy of their personnel records within 30 days after TVMWD receives a written request. A current or former employee who wishes to receive such a copy should contact the Human Resources/Risk Manager in writing. TVMWD may charge a fee for the actual cost of copying.~~

~~Representative's Inspection: If the current or former employee wishes to have another person/representative inspect their personnel file, the current or former employee must provide the person/representative with written authorization. -The Human Resources Manager will notify the employee and/or representative of the date, time and place of the inspection in writing.~~

~~No Removal of File Documents: No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.~~

~~Limitations on access or copying of personnel file: Prior to making a copy of personnel records or allowing inspection, TVMWD may redact the names of nonsupervisory employees. Under no circumstances will TVMWD provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.~~

### 8.2 ~~\_\_\_\_\_~~ Change of Status Report

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

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## 9. SALARY ADJUSTMENTS

### 9.1 — Determinations

~~9.1~~

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

### 9.2 — Merit Increases

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

### 9.3 — Eligibility

A new employee or reclassified employee ~~placed at the beginning of their position's salary range~~ shall be eligible for consideration of a merit increase upon completion of the required introductory period. A new employee or reclassified employee ~~originally placed higher than the beginning of their position's salary range~~ shall be eligible for consideration of a merit increase upon completion of one (1) year of service in the new or reclassified position.

### 9.4 — Accelerated Merit Increases

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

### 9.5 — Certification Pay Increases

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

## 10. ATTENDANCE, HOURS, PAY PERIODS AND PREMIUM PAY

### 10.1 Attendance

Employees shall ~~be in attendance at~~ attend their work in accordance with Section 10. All departments shall keep daily time records of employees that shall be reported to the General Manager in the form and on the dates they shall specify. Employees who are absent without leave and fail to return to duty within ~~forty-eight (48) hours~~ five (5) consecutive scheduled work days/shifts ~~working days~~ after notice to return has been provided shall be subject to immediate discharge, and such employees automatically waive all rights under these rules. The depositing in the United States mail of a certified postage paid letter, addressed to the employee's last known place of address shall be reasonable notice.

### 10.2 —Pay Periods and Procedure

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

### 10.3 —Meal Periods

For administrative or part-time employees:

- Up to a one- ~~(1)~~ hour non-compensated meal period will be provided to all full-time administrative and part-time employees each day they work five (5) hours or more.
- Employees can request their meal period at a time agreed to by their supervisor.

For operations employees:

- Meal periods are compensated because operations employees are required to be available to respond to any operational demands of the TVMWD system. Because of this, employees are expected to stay at the treatment plant or their field location for their meal period. Exceptions permitted:
  - Attendance at an offsite meeting, conference, etc.
  - At the specific approval of the Chief Operations Officer or Operations Supervisor(s) Operations Manager
  - Employees are permitted twenty (20) minutes to utilize a TVMWD vehicle to obtain their meal from a local establishment
- Employees can request their meal period at a time agreed to by their supervisor.
- Depending upon operational demands, supervisors will try to accommodate up to a one ~~(1)~~ (5)-hour meal period each day the employee works five (5) hours or more.

### 10.4 —~~40-Hour~~ Work Week

The regular work week shall commence on ~~Saturday-Monday~~ Saturday-Monday at ~~7:00~~ 12:01am-am for all employees ~~and conclude on Sunday at Midnight except the Operations Manager and Operations Supervisors, whose workweek shall commence on Friday at 11:00 a.m. The average regular work week for full-time employees shall be 40 hours. For all employees with~~

~~an average regular work week of 40 hours, and the hourly rate of pay shall be twelve times the monthly rate divided by 2,080 (40 hours x 52 weeks). For part time employees working 24 hours per week, the hourly rate of pay shall be twelve times the monthly rate divided by 1,248 (24 hours x 52 weeks).~~

## 10.5 — Exempt Employees

~~Based upon the Fair Labor Standards Act, the following job classifications are exempt from the overtime pay requirements: Chief Officers senior management (General Manager, Chief Administrative Officer, Chief of Engineering/Operations Officer, Chief Finance Officer and Chief Water Resources Officer Water Operations Manager) and non-senior management (Information Technology Manager, Project Manager, Senior Financial Analyst and Operations Supervisor).~~

~~In accordance with the Fair Labor Standards Act (FLSA) regulations, job classifications determined to be exempt are not eligible for overtime. Based upon the FLSA, the following job classifications are exempt:~~

- ~~• Chief Administrative Officer~~
- ~~• Chief Financial Officer~~
- ~~• Chief Operations Officer~~
- ~~• Chief Water Resources Officer~~
- ~~• Compliance Specialist~~
- ~~• Human Resources/Risk Manager~~
- ~~• Information Technology Manager~~
- ~~• Operations Supervisor~~
- ~~• Project Manager~~
- ~~• Senior Financial Analyst~~

~~TVMWD recognizes that on **occasion** exempt employees may have to attend to personal matters. TVMWD will attempt every effort to accommodate the employee's time off requested. However, TVMWD must ensure the District's needs are maintained at all times. Therefore, time off must be scheduled in advance and with prior approval of the employee's manager.~~

~~Exempt employees, in good standing with TVMWD, that request time off in increments of four (4) hours or less, do not have to use their available leaves.~~

~~There is no legal requirement or obligation of TVMWD to grant such arrangement. Therefore, the General Manager reserves the right to modify or terminate this practice at any time. Any abuse of this benefit will be immediately addressed with the employee. If it is determined that the employee abused such benefit, the benefit will be revoked for a period of time or revoked permanently, as determined by the General Manager.~~

**10.6 — ~~Management~~Administrative Leave**

Exempt ~~employees, excluding non-Chief Executive senior Mmanagersment employees~~ shall be eligible for ~~five days 50 hours~~ of ~~Management~~Administrative Leave annually (pro-rated based on date of eligibility for leave). ~~Administrative Management~~ Leave shall be credited in a lump sum at the beginning of each calendar year. Unused ~~Administrative Management~~ Leave ~~hours~~ will be carried over ~~from year-to-year, unless the exempt employees non-senior manager has met their vacation cap. Administrative Management Leave would then be converted to vacation hours for mandatory vacation cash-out purposes, as vacation days to the following year.~~ Use of ~~Administrative Management~~ Leave ~~hours~~ must be approved by ~~employee's the General~~ Manager and at times that are convenient to the District.

**10.7 — Overtime**

A non-exempt employee who performs work in excess of ~~forty (40)-~~ hours in a work week shall be compensated for such overtime work at the rate of one and one-half times their regular ~~hourly~~ rate of pay. ~~The regular work week shall commence on Monday at 12:01am for all employees and conclude on Sunday at Midnight.~~ A non-exempt operations employee who performs work in excess of ~~ten (10)-~~ hours per workday (excluding weekends) shall be compensated for such overtime work at the rate of one and one-half times a regular ~~hourly~~ rate of pay. Overtime shall be rounded to the nearest quarter-hour of overtime worked. All non-emergency overtime must be authorized in advance by the appropriate Department Head.

**10.8 — Flexible Work Schedules**

At the discretion of the General Manager ~~or employee's direct supervisor~~, employees may be permitted to work a flexible work schedule equivalent to ~~forty (40)~~ hours in a work week.

Flexible Work Schedules allows an employee to work hours that differ from the normal district start and end time, while continuing to meet the needs of TVMWD.

**10.9 — Compensatory Time**

Hours accrued in addition of ~~forty (40)-~~ hours in a work week and not compensated as overtime shall accrue at a rate of one and one-half times as compensatory (comp) hours. Comp hours can be used at the approval of ~~the employee's your~~ supervisor. Comp time is not available to exempt or operations employees. Comp time is capped at 240 hours, ~~so a~~Any additional time earned will be compensated to the employee. Comp time balances will be paid down to a balance of ~~fifty (50)~~ hours, once per year, on December 31. Earned and unused comp time will be paid-out at time of separation of employment.

**10.10 — On-Call Operators**

Two ~~(2)~~ operators will be designated to serve in an on-call capacity each day. Failure to respond to an alarm/call while assigned to the on-call duty shift may be subject to disciplinary action. If an employee claims on their timesheet phone/tablet/laptop time incurred but later



found to be invalidated by the supervisor, that employee shall be subject to disciplinary action.

On-Call pay is not considered CalPERS pensionable compensation.

Standby Operator: One (1) operator will serve as the on-call standby operator and will respond to the on-call plant operator or supervisor as needed. The stand-by operator is expected to and be capable of returning to the plant within thirty (30) minutes of receiving a call.

Standby Operators who serve in an on-call capacity will be paid \$35 per day (\$70 on holidays) and will take home a TVMWD vehicle in order to respond to incidents. If the on-call operator is unable to fulfill their on-call duty shift, the employee is responsible for locating a substitute operator from those that regularly serve in the Standby Operator role. The substitute operator will instead receive the standby pay. In addition to receiving the standby pay, the on-call operator will be paid for the additional time spent responding to the situation.

Lab Operator: One (1) operator will serve as the on-call plant operator and will be responsible for responding to plant operation alarms and incidents as needed during non-working hours (4 pm-6 am). This operator is expected to and be capable of responding to alarms remotely within 15 minutes and be ready for work as in any other instance.

Lab Operators who serve in an on-call capacity will be paid \$90 per day (\$180 on holidays) and will take home a TVMWD vehicle in order to respond to incidents. If the on-call Lab Operator is unable to fulfill their on-call duty shift, the Lab Operator duties will be fulfilled by the designated backup (Plant Operator). The substitute operator will instead receive the Lab Operator pay. In addition to receiving the Lab Operator pay, the on-call operator will be paid for the additional time spent responding to the situation as described below.

The following pertains to either the Standby or Lab Operator:

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

**10.11 —Shift Differential Pay**

Operators and plant assistants ~~Non-exempt operations staff~~ will be compensated with an additional 10% of their hourly additional pay for hours worked Friday, Saturday ~~and~~ Sunday.

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

**10.12 —Fatigue Pay and Adjusted Hours Worked**

Fatigue ~~Pay~~ and adjusted hours worked is a function of safety and should be carried out using an interactive process between the employee and the supervisor or manager.

Any employee who accumulates two (2) hours or more of worktime between 10:00-pm and 6:00-am before a scheduled workday shall be eligible for fatigue pay and be subject to an adjustment to their work schedule the following day.; ~~This which~~ means the employee will take an equivalent number of hours off during ~~the~~ the following scheduled workday to rest.- In addition to granting the time off, TVMWD will pay the employee for the time taken off during that scheduled workday.- The combination of fatigue time and time worked during the next scheduled workday will not exceed ten (10) hours.

Example # 1: an employee who is scheduled to work Monday from 6:00am – 4:00pm and Tuesday from 6:00am – 4:00pm and is called in to work for additional hours on Monday from 10:00pm – 1:00am would log their hours as follows –

<u>Monday</u>	<u>6:00am – 4:00pm (10 regular hours of pay) + 10:00pm – 1:00am (3 hours of overtime pay)</u>
<u>Tuesday</u>	<u>6:00am – 9:00am (3 hours fatigue pay paid at regular hourly rate) + 9:00am – 4:00pm (7-regular hours of pay)</u>  <u>The employee will report to work at 9:00am to ensure they are given appropriate rest time between work shifts and will be compensated for this rest time (fatigue pay)</u>

Example # 2: an employee who is scheduled to work Monday from 6:00am – 4:00pm and is called in to work for additional hours on Monday from 3:00am – 6:00am may stay at work and in turn leave the equivalent number of hours early. In this scenario, the employee would log their hours as follows:—

<u>Monday</u>	<u>3:00am – 6:00am (3 hours of overtime pay) + 6:00am – 1:00pm (7-hours of regular pay) + 1:00pm – 4:00pm (3 hours of fatigue pay at regular hourly rate)</u>
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~~As an example, if an employee is required to work from 10 pm to 1 am on Monday (and the employee is scheduled to work Tuesday), the employee will be given three (3) hours off during their Tuesday workday. The employee will be compensated three (3) hours of overtime for the hours worked during the night, plus they will be compensated for their regular workday of ten (10) hours, three (3) hours of fatigue pay and seven (7) hours regular pay for time actually worked).~~

~~Time off will generally be as follows:~~

~~If hours worked during the night ends between:~~

- ~~• 10 pm – 3 am – Employee will be given the equivalent number of hours off prior to starting their scheduled workday.~~
- ~~• 3 am – 6 am – Employee may stay at work and in turn leave the equivalent number of hours early that scheduled workday.~~

If hours worked accumulates over eight (8) hours from 4:00–pm – 6:00–am, with sSupervisor or managers approval, the employee will be eligible to take off the next day and receive ten (10) hours of fatigue pay.

If an employee reports to work on Friday, Saturday and/or Sunday, the employee would be eligible for shift differential ~~and Fatigue Pay.~~

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**11. HOLIDAYS, VACATION AND LEAVES**

**11.1 -Holidays**

The District shall observe the following holidays:

1. New Year’s Day (January 1)
2. Presidents’ Day (Third Monday in February)
3. Memorial Day (Last Monday in May)
4. Independence Day (July 4)
5. Labor Day (First Monday in September)
6. Veterans’ Day (November 11)
7. Thanksgiving Day & Day After (Fourth Thursday and Friday in November)
8. Christmas Day (December 25)

Additional holidays may be approved and observed. Unassigned floating holidays will be provided to full-time employees at the beginning of each calendar year to make a total of 12 holidays each calendar year. Holiday hours must be taken in full day increments and must be approved by the supervisor.

The District will recognize a holiday break, typically between Christmas and New Years. The holiday break will be designated every year by the General Manager. Employees will receive an equivalent number of holidays based on their normal work schedule during the holiday break.

**11.2 —Holiday Observance**

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

**11.3 —Vacation Accrual**

Based on a ~~bi-weekly pay period, 40-hour work week~~, vacation time shall be accrued as follows for full-time ~~non-senior management~~ employees ~~(except for Chief Executive Managers~~Chief Level Officers): ~~During the first through fourth years of service, 3.08 hours per pay period; during the fifth through ninth year of service, 4.62 hours per pay period; during the tenth year of service, 4.93 hours per pay period; during the eleventh year of service, 5.23 hour per pay period; during the twelfth year of service, 5.54 hours per pay period; during the thirteenth year of service, 5.85 hours per pay period; during the fourteenth year of service and thereafter, 6.16 hour per pay period.~~

<u>Years of Service</u>	<u>Bi-weekly Pay Period Vacation Accrual Rate</u>
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<u>0 – 4 years</u>	<u>3.08 hours</u>
<u>5 – 9 years</u>	<u>4.62 hours</u>
<u>10 years</u>	<u>4.93 hours</u>
<u>11 years</u>	<u>5.23 hours</u>
<u>12 years</u>	<u>5.54 hours</u>
<u>13 years</u>	<u>5.85 hours</u>
<u>14 + years</u>	<u>6.16 hours</u>

Employees eligible for vacation accrual that regularly work less than a 40-hour work week will accrue at a rate equal to the number of hours worked divided by 40. Part-time employees working 24 hours per week will accrue vacation time at a prorated rate of 40 hours per week 60% of the full-time employee accrual.

**11.4 —Introductory Period Vacation Accrual**

Vacation time shall accrue as described above during the introductory period. An employee shall be entitled to use the vacation time accrued upon successfully ~~completing~~ completing on three (3) months of employment the introductory period when they become a regular employee or prior if approved by the General Manager.

**11.5 —Use of Vacation Time**

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

**11.6 —Vacation Buy Back**

On December 31<sup>st</sup> of each year, vacation balances will be paid down to 420 hours for full-time ~~non-senior management exempt~~ employees and 320 hours for all other ~~non-~~employees.

**11.7 —Universal Leave**

~~Chief Senior-Executive Mmanagers ment Chief Level Officers employees~~ are eligible for universal leave, which shall accrue as follows: ~~During the first through fourth years of service, 8.93 hours per pay period; during the fifth through ninth year of service, 10.77 hours per pay period; during the tenth through fourteenth year of service, 11.70 hours per pay period; during the fifteenth year of service and thereafter, 13.54 hour per pay period.~~

<u>Years of Service</u>	<u>Bi-weekly Pay Period Universal Leave Accrual Rate</u>
<u>0 – 4 years</u>	<u>8.93 hours</u>
<u>5 – 9 years</u>	<u>10.77 hours</u>
<u>10 – 14 years</u>	<u>11.70 hours</u>
<del>11 years</del>	<del>11.70 hours</del>
<del>12 years</del>	<del>11.70 hours</del>
<del>13 years</del>	<del>11.70 hours</del>
<del>14 years</del>	<del>11.70 hours</del>
<u>15+ years</u>	<u>13.54 hours</u>

On December 31<sup>st</sup> of each year, universal leave balances will be paid down to 620 hours. ~~Chief A-seniorExecutive Mmanagersment employee~~ shall be entitled to use the universal leave accrued upon completing three (3) months of employment completion of the introductory period when they become a regular employee or prior if approved by the General Manager.

To comply with the Paid Sick Leave Act, Chief Executive Managers may use universal leave prior to completing the introductory period for the following purposes:

- Medical condition that prevents an employee from performing the duties of their position
- Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employees' family member
- For an employee who is a victim of domestic violence, sexual assault, or stalking

For the purposes of Sick Leave, a "family member" is defined as

- A child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis).
- A biological, adoptive, or foster parent, stepparent, or legal guardian of the employee or the employees' spouse or registered domestic partner, or person who stood in loco parentis when the employee was a minor.
- A spouse, registered domestic partner, grandparent, grandchild, and/or sibling.

### 11.8 -Sick Leave Accrual

All full-time, ~~non-senior management~~ employees, with the exception of Chief Executive Managers, shall be credited with 3.7 sick hours per pay period ~~of sick leave for each month of employment. Employees eligible for sick accrual that regularly work less than a 40-hour work week will accrue at a rate equal to the number of hours worked divided by 40.~~

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

- Accrual begins immediately for those employees who work 30 or more days within a yearbut employee must work 30 days to become eligible
- Maximum accrual is 24 hours per employment year
- Employee may carry over hours to the following employment year, to a maximum of 48 hours

### 11.9 —Use of Sick Leave

Sick leaveUpon the verbal or written request of an employee, sick leave will be provided for the following purposes: is to be used for a bona fide medical condition that prevents an employee from performing the duties of their position. Sick leave may be used for yourself as well as for the illness or injury of a child, spouse or parent.

- Medical condition that prevents an employee from performing the duties of their position
- Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee's family member
- For an employee who is a victim of domestic violence, sexual assault, or stalking

For the purposes of Sick Leave, a “family member” is defined as

- A child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis).
- A biological, adoptive, or foster parent, stepparent, or legal guardian of the employee or the employees' spouse or registered domestic partner, or person who stood in loco parentis when the employee was a minor.
- A spouse, registered domestic partner, grandparent, grandchild, and/or sibling.

Employees that retire from CalPERS and meets the TVMWD retiree eligibility will get their unused sick hours converted to CalPERS service credit upon retirement from TVMWD.

**11.10 —Sickness Verification**

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

**11.11 —Notification of Supervisor**

Absent employees must notify their supervisor prior to the beginning of their work shift each day they will be off/unable to work. Employees are required to notify their supervisors as far in advance as possible of known absences. If the employee's supervisor is unavailable, the employee must contact the front office and notify a TVMWD employee of their absence.

**11.12 —Bereavement Leave**

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

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

**11.13 —Funeral of Deceased Employee**

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

**11.14 —Military Leave**

Military leave shall be granted in accordance with the provisions of state and federal law. In general, if the employee has been absent from a position of civilian employment by reason of service in the uniformed services, the employee will be eligible for reemployment under the Uniformed Services Employment and Reemployment Rights Act (USERRA) by meeting the following criteria:

- The employer had advance notice of the employee’s military obligation;
- The employee has been away from this employer five (5) years or less due to military obligations (excluding exemptions);
- The employee returns to work in a timely manner as defined under USERRA; and,
- The employee has not been separated from uniformed services with a disqualifying discharge or under other than honorable conditions

The Uniformed Services Employment and Reemployment Rights Act (USERRA)

USERRA also requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

**11.15 —Jury Duty Leave**

Employees are authorized to take a leave of absence with pay for jury duty service selection. The District will pay for a maximum of ten (10) days during any 24-month period. Employee will remit to the District any jury compensation (excluding mileage) received for the ten (10) days. Employees are required to notify their supervisors as far in advance of their reporting date as possible. All such leave must be coordinated with the immediate supervisor.

The General Manager is authorized to allow employees leave of absence with pay for selection to perform jury duty service, if the need of a jury duty leave is in excess of ten (10) working days. Notify your supervisor that you have been selected for jury duty service. You must provide proof of your selection prior to serving. At the conclusion of your service, you must provide court certification of the day(s) served to the District’s payroll department. The court will issue this certification to you on the last day of your jury duty service.

**11.16 —Quarantine Leave**

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

**11.17 —Time Off to Vote**



If an employee cannot make sufficient time outside of working hours to vote in a statewide election, they can take off up to two (2) hours of working time to vote without loss of pay. This time must be used at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from working. The employee must notify their supervisor at least two working days in advance to arrange a voting time.

### 11.18 — Time Off for Training

TVMWD will allow ~~up to one (1) day of~~ paid time off for employees to attend a work-related seminar or training course, subject to Supervisor approval, when it overlaps or conflicts with the an employee's work shift. TVMWD allows sufficient time for employees to complete any required certification renewal. Employees should plan training appropriately to avoid requesting for various training that will interfere with operations.

~~If time off for more than one (1) training day within the same occurrence, that overlaps or conflicts an employee's work shift, the employee may request be taken as paid personal time off, subject to Supervisor approval. Paid time off must be approved by the Department Head or General Manager.~~

### 11.19 — Family & Medical Leave

#### 11.19

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

The District will provide job-protected Leave to eligible employees requiring time off from work for family and/or medical reasons in accordance with applicable federal and state leave of absence laws.

1. Family care, medical, and military family leave for up to 12 or 26 weeks per year, depending on the reason, in accordance with the California Family Rights Act ("CFRA") and the Federal Family and Medical Leave Act of 1993, as amended ("FMLA");
2. Pregnancy leave for up to four (4) months in accordance with the California Fair Employment and Housing Act ("FEHA");
3. Disability leave as required to reasonably accommodate employees with a workplace injury or a qualified disability under the Americans with Disabilities Act ("ADA") or the FEHA; and
4. Leave for other legally required absences as set forth below.

TVMWD complies with applicable family care, medical leave, and military family leave laws. Under the FMLA it is unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

To be eligible for family care, medical, and military family leave, an employee must have

worked for TVMWD for at least twelve (12) months prior to the date on which the leave is to commence.

In the case of a pregnancy-related disability or other legally protected disability or medical condition or work-related injury, an employee may not need to satisfy all the above requirements. In such circumstances, the employee should contact Human Resources for clarification about ~~his or her~~their rights for other types of leave.

- Employee's Obligation to Periodically Report: Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.
- Fitness for Duty Certification: As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

If you have questions or would like further clarification about your rights under the FMLA, CFRA or other types of leave, please contact Human Resources.

## 11.20 Workers Compensation Leave

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

## 11.21 —Disability Leave

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

In addition to family, medical or pregnancy-related disability leaves described in previous section 11.19, employee may be eligible take a temporary disability leave of absence, if necessary, to reasonably accommodate a workplace injury or a disability under the ADAAA or the FEHA. Any disability leave under this section will run concurrently with any medical leave to which the employee is entitled.

## 11.22 —Leave ~~of Absence~~Without Pay

The General Manager shall have the power to grant a leave of absence without pay when the employee has two (2) or more years of continuous ~~regular~~ employment. In special cases, the General Manager may waive the two (2) year employment requirement if it is in the best

interest of the District. An employee shall not be eligible for a leave of absence without pay until all of the employee's accumulated leave time with pay has been used. While on leave, the employee will not accrue any additional leave time. During the period of a leave of absence without pay, the employee shall not accept any other employment except with express written permission of the General Manager. An employee on such a leave may continue within, the limits set by the provider, any insurance available to him/her as an employee by paying, in advance, all costs of such continued insurance. An employee granted leave must return to work not later than the start of the first working day following the end of the leave.

### **11.23 —Return to Work Program**

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

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

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

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

The District may recover from the employee the premiums that TVMWD paid to maintain coverage for the employee under the group health plan if the employee fails to remit such payment during the course of their leave of absence or if the employee failure to return from their leave of absence.

## 12. TRAVEL ALLOWANCE

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

### 12.1 Lodging

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

- The event/conference occurs more than 350 miles from the employee's home, and:
  - To incur lodging expenses for the night before, the event/conference would cause the employee to leave their home before 6:00-am.
  - To incur lodging expenses for the night of, the event/conference would cause the employee to not return to their home that night until after 7:00-pm.

### 12.2 Transportation

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

### 12.3 Airfare

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

### 12.4 Automobile

Use of the District's vehicles is encouraged whenever possible. Use of your personal vehicle requires use of your insurance for any accidents encountered. Mileage reimbursement shall be given when personal vehicles are used. If an employee attends an all-day event instead of coming to work, mileage will be calculated based on round-trip miles to the event less normal miles the employee would incur driving back and forth to work. The reimbursable mileage rate will be set equal to what is allowed by the Internal Revenue Service.

Employees will also be reimbursed for parking if necessary. If the employee is choosing to

drive rather than fly, non-exempt employees will be compensated only for the amount of time necessary had they flown, as outlined above.

### **12.5 Meals**

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

### **12.6 Compensation for Travel Time**

Non-exempt ~~E~~employees will be compensated for all hours worked. Travel time is considered compensable time, less the normal home-to-work commute. Travel time includes all necessary time spent driving, waiting to board a flight, time in flight and time commuting to the hotel.

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## 13 COMPLAINT PROCEDURE – NON-DISCIPLINARY MATTERS

### 13.1 Purpose

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

### 13.2 Matters Subject to the Complaint Procedure

A complaint may be filed for the alleged violation of the Personnel Rules; alleged improper treatment of an employee; or alleged violation of commonly accepted safety practices or procedures, or other matters pertaining to employment with the District.

### 13.3 –Limitations of Complaint Procedure

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

### 13.4 —Confidentiality of Complaint Procedure

Any matter leading to a complaint by an employee shall be kept confidential, to the extent permissible by law. During the course of workplace investigations, the District can only guarantee limited confidentiality – that the information will be limited to those who need to know, because if it may be necessary to disclose information obtained during the investigation in order to complete the investigation and take appropriate action. It is not possible to promise that a complaint can be kept entirely confidential for several reasons:

- If the complaint is of potential violation of law or policy, the employer will need to investigate, and in the process of investigating it is likely that people will know or assume details about the allegations, including the identity of the person who complained. This is true even when the name of the complainant is kept confidential since allegations are often clear enough for people to figure out who complained about what.
- The individual receiving the complaint will usually have to consult with someone else at the company about what steps to take and to collect information about whether there have been past complaints involving the same employee, etc. That means the complaint will be discussed with others within the organization.
- The District may need to take disciplinary action. Again, while the identity of the person who brought the complaint may in some cases be kept confidential, the complaint itself cannot be.

### 13.5 —Informal Complaint Adjustment

Whenever possible, an employee who has a complaint should try to solve the problem through informal discussion with their supervisor without delay. The supervisor shall make whatever

investigation they deem necessary and reply within five (5) calendar days. All matters, for which they do not have authority to make a decision, should be brought to the attention of a higher-level supervisor who does have the proper authority.

### **13.6 —Next Level of Authority**

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

### **13.7 —Formal Complaint Procedure**

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

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

### **13.8 —General Consideration**

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

### **13.9 —Alternative Dispute Resolution**

The District may, as an option, offer arbitration for workplace disputes involving alleged wrongful termination, workplace harassment, or discrimination based on the protected classes outlined in section 1.1.race, color, religion, gender, national origin, age and disability.

## 14 WHISTLEBLOWER POLICY

It is TVMWD's intent to protect its integrity, ensure the highest standards of conduct among its employees, and adhere to all applicable laws and regulations. TVMWD therefore encourages employees to report any reasonable belief that a violation has potentially occurred due to any rule, policy, procedure, practice or activity by TVMWD or its employees, districts, or vendors.- Reports of any such potentially improper activity may be submitted on a confidential basis to ~~any of the Chief Executive Managers a Chief Level Officer~~ or Human Resources.- Alternatively, employees may provide an anonymous report through the Fraud Hotline by calling: 1-855-FRAUD-HL (1-855-372-8345).

Reports of discrimination, harassment or retaliation should be made under the Discrimination, Harassment, and Retaliation Prevention Policy, below.

TVMWD will not retaliate against an employee who, in good faith, reports any potentially improper activity, whether to TVMWD or to a government enforcement agency. Nor will TVMWD tolerate any other employee retaliating against or attempting to influence the employee for such reports. Any employee who engages in retaliation will be subject to discipline up to and including termination of employment. TVMWD will conduct a prompt and appropriate investigation into all reports of potentially improper activity.

All employees are required to cooperate with TVMWD's internal investigations by providing any requested information and truthfully and fully answering questions. Failure to cooperate with or impeding an investigation, or knowingly providing false information, will result in disciplinary action. Reports of potentially improper activity and related investigations will be kept confidential to the extent possible, consistent with the need to conduct an appropriate investigation.

Anyone found to have engaged in improper activity will be subject to disciplinary action up to and including termination of employment.



1415 HARASSMENT & DISCRIMINATION

This Discrimination, Harassment and Retaliation Prevention Policy reflects TVMWD's commitment to a respectful workplace and commitment to preventing unlawful discrimination, harassment and retaliation from occurring in the work environment. This policy protects individuals who perform services for TVMWD in the workplace, including District employees, contractors, interns, and volunteers. This policy refers to this broad category of protected persons as "individuals."

Sexual harassment is the unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work environment. Discriminatory harassment is any unwelcome, typically repeated offensive conduct that is directed at an individual because of their/his/her membership in a legally protected class.

State and federal law protect individuals from workplace discrimination and harassment based on certain legally protected characteristics. This policy uses the term "Legally Protected Characteristics" to encompass all legally protected categories, including:

- Age (over 40)
- Race
- Religion/creed (including religious dress and grooming practices)
- Color
- National origin
- Ancestry
- Gender/sex (including pregnancy, childbirth, breastfeeding and/or related medical conditions)
- Sexual orientation
- Gender identity and gender expression
- Medical conditions
- Marital status
- Genetic information
- Military and Veteran status
- Disability (mental and physical)

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

Sexual harassment of the District's employees, by a person in or from the work environment, is strictly prohibited. Sexual harassment includes, but is not limited to,

unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or other physical conduct of a sexual nature when:

- Submission to such conduct is made either expressly or by implication a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the employee's performance, appraisal, assigned duties, or any other condition of employment or career development.

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

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

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

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

Any individual who engages in prohibited harassment, including Supervisors or Managers who knew about the harassment but took no action to stop it, may be held personally liable under the law for monetary damages. Any Supervisor or Manager who knew about prohibited harassment and failed to report the harassment as stated in this policy, may also be subject to disciplinary action, up to and including termination of employment.

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent permissible by law. Complete confidentiality cannot occur due to the

need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss their interview with a designated representative. TVMWD will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

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## 16 PROTECTIONS AGAINST RETAILATION

Retaliation is strictly prohibited against any individual by another employee or supervisor for using the employee complaint procedure, reporting proscribed harassment or discrimination, objecting to such conduct or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the District.

Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire or promote. Anyone found to be engaging in any type of prohibited discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

## 17 OPEN DOOR POLICY

TVMWD has an open-door policy that encourages employees to participate in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their supervisor or any other management representative with whom they feel comfortable. The District believes that employee concerns are best addressed through this type of informal and open communication. Employees are encouraged to raise work-related concerns with their immediate supervisor, or with a supervisor or other management representative of their choice, as soon as possible after the events that cause the concern.

Employees are further encouraged to pursue discussion of their work-related concerns until the matter is fully resolved. Although TVMWD cannot guarantee that in each instance the employee will be satisfied with the result, the District will attempt in each instance to explain the result to the employee if the employee is not satisfied. TVMWD will also attempt to keep all such expressions of concern, the results of any investigation, and the terms of the resolution confidential. In the course of investigating and resolving the matter, however, some dissemination of information to others may be necessary or appropriate. Furthermore, if employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors. We believe that TVMWD amply demonstrates its commitment to employees by responding effectively to employee concerns.

## 18 REASONABLE ACCOMODATION

TVMWD is committed to complying fully with the federal and state laws regarding equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. TVMWD will make reasonable accommodations for the known physical or mental limitations or an otherwise qualified individual with a disability who is an applicant or an employee, unless doing so would result in an undue hardship to the organization.

If the disability or the need for reasonable accommodation is not obvious, TVMWD may require the individual to provide reasonable medical documentation confirming the existence

of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the agency will: 1) explain the insufficiency; 2) allow the employee or applicant to supplement the documentation; and 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, TVMWD will provide the employee with notice of the need for a medical certification within two (2) business days after the employee's request for accommodation. A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: a description of the requested accommodation or transfer; a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

TVMWD will also make reasonable accommodations for employees who are victims of domestic violence, sexual assault, or stalking; and for applicants and employees based on their religious beliefs and practices.

- An employee who is a victim of domestic violence, sexual assault, or stalking and who requests an accommodation to provide for their safety while at work must provide both of the following:
  - (a) A written statement signed by the employee or an individual acting on the employee's behalf, to certify that the accommodation is to address victim-safety concerns while at work; and
  - (b) A certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking, which can be in the form of: a police report indicating the employee's victim status; a court order separating the perpetrator from the employee or that the employee has appeared in court for that purpose; or documentation from a medical professional or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, or stalking

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

## **1519 EMPLOYER-EMPLOYEE RELATIONS**

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

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# PERSONNEL MANUAL 2022

A handwritten signature in blue ink, appearing to read "M. Litchfield", is positioned above the name of the General Manager/Chief Engineer.

**Matthew H. Litchfield, P.E.**  
**General Manager/Chief Engineer**

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## **1. PURPOSE AND ADMINISTRATION**

The purpose of the District's Personnel Manual shall be to create a fair and uniform system of rights, incentives, and work rules for current and prospective employees. This manual applies to employees (collectively, "employee", "staff", "you", "they", "their") of Three Valleys Municipal Water District (collectively "TVWMD", "District" "we", "our").

This manual describes many rules, policies and procedures regarding employment at TVMWD. It is important that new and existing employees read and understand the material within this manual. Employees should contact the General Manager or Human Resources with any questions relating to the TVMWD Personnel Manual.

This Manual is intended only to summarize and highlight TVMWD Personnel Rules. No Personnel Manual can anticipate every circumstance or question about personnel rules. TVMWD will address situations as we become aware of them, and we expect and encourage employees to bring to our attention any employment issues that need to be addressed. As circumstances change, the rules described in the manual may also change from time to time. TVMWD reserves the right to change, add to or discontinue any of the rules in this manual, as it deems appropriate.

### **1.1 Equal Employment Opportunity**

TVMWD is an Equal Opportunity Employer. It is our policy to comply with all federal, state and local equal opportunity and non-discrimination laws. Our policy is to afford equal opportunity in all aspects of employment to all persons without discrimination on the basis of age (over 40), race, religion/creed (including religious dress and grooming practices), color, national origin, ancestry, gender/sex (including pregnancy, childbirth, breastfeeding and/or related medical conditions), sexual orientation, gender identity and gender expression, medical conditions, marital status, genetic information, military and veterans status, disability (mental and physical including HIV/AIDS, cancer, and generic characteristics) and any other status protected by law, provided, however, that the District may make employment decisions on the basis of a bona fide occupational qualification when permitted by law. Continued employment of those employees covered by these principles shall be subject to satisfactory work performance and the needs of the District.

This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, disciplinary action, and social and recreational programs. It is the responsibility of every manager and employee to conscientiously follow this policy. Any employee with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of Human Resources. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **1.2 Merit and Fair Employment Principles**

The District maintains a merit system governing personnel action. Employment and promotion shall be based on merit and ability, free of personal or political considerations, and shall in no way be affected or influenced by the protected classes listed in section 1.1.

### 1.3 Application of Rules

The District's personnel rules shall apply to all officers and employees in the service of the District except: members of the Board of Directors; the General Manager; voluntary personnel; persons engaged under contract to supply expert, professional, technical, or any other services. *Sections 5.9 Workplace Violence, Section 5.10 Drug & Alcohol Policy, Section 5.11 Ethics, Section 5.16 Social Media, Section 15 Harassment, and Section 16 Protections Against Retaliation* shall apply to all officers, employees, voluntary personnel, members of the Board of Directors, contractors and consultants.

### 1.4 Prior Rules

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

### 1.5 Severability of Provisions

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

In the event that any provision of this Manual conflicts with an otherwise applicable federal or state legal requirement, the federal and/or state requirement shall govern and control.

## 2. ADMINISTRATION

### 2.1 General Manager

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

### 2.2 Chief Executive Managers

The Chief Executive Managers, reporting to the General Manager, shall act and supervise in the absence of the General Manager.

### 2.3 Personnel Officer

The Human Resources/Risk Manager, shall serve as the Personnel Officer and shall perform, as necessary, the following duties and responsibilities:

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

the Board of Directors.

## **2.4 Classification & Reclassification Plan**

### **Full-Time Employee**

Defined as employees who have successfully completed their initial introductory period, unless otherwise stated. Full-time employees are assigned a definite work schedule of at least 30 hours per week and their employment is expected to continue for an indefinite period of time. Full-time employees are eligible for benefits as described in this manual.

### **Part-Time Employee**

Defined as employees who have successfully completed their introductory period, unless otherwise stated. Part-time employees are assigned a work schedule of less than 30 hours per week and it is expected to continue for an indefinite period of time. Part-time employees may be eligible for vacation, sick leave, and holiday benefits as described later in this manual.

### **Exempt/Non-Exempt Employee**

Employees whose jobs are governed by the FLSA are either "exempt" or "non-exempt." Non-exempt employees are entitled to overtime pay. Exempt employees are not. Most employees covered by the FLSA are non-exempt.

### **Reclassification Plan**

The Chief Administration Officer, in consultation with the Human Resources/Risk Manager, shall ascertain and record the duties and responsibilities of all positions and, after consulting with affected department heads, shall recommend a classification plan, including job descriptions, for such positions. The plan and any revisions thereof shall become effective upon approval by the General Manager.

Following the approval of the classification plan, the Chief Administration Officer shall allocate every position to one of the classifications established by the plan.

When a new position is created, such position may not be filled, until the classification plan has been amended to provide for the new position.

The Human Resources/Risk Manager may initiate a job audit to determine whether the duties of a position have changed to such an extent that they necessitate reclassification of the position from the existing classification to a more appropriate classification. Upon completion of the job audit, Human Resources shall make a recommendation regarding reclassification to the General Manager.

### **3. FILLING VACANCIES**

#### **3.1 Recruitment Policy**

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

Candidates must meet the minimum qualifications in order to compete in a recruitment and any specific parameters noted in the job announcement. Only those candidates that meet or exceed the minimum qualifications may be invited to participate in the interview and assessment process.

Applicants requesting reasonable accommodation should contact the District's Human Resources/Risk Manager.

#### **3.2 Qualifications of Applicants**

Only those applicants who possess the desirable qualifications may be considered and advanced to the next step in the interview process. Those candidates that meet the minimum qualifications, number of positions anticipated to be filled, and the volume and quality of the applicant pool, will be invited to participate in the recruitment process.

A candidate/applicant may not rate, score, or otherwise influence their own assessment evaluation. Whenever practical, panel members who have a close personal relationship with a candidate should be recused and replaced with an alternate rater.

#### **3.3 Selection**

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

#### **3.4 Examinations**

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

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

**3.5 Nepotism**

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

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

**4. SEPARATION, PROMOTION, AND INTRODUCTORY PERIOD**

**4.1 Separations**

Employees of the District are considered “at will” and shall be subject to the requirements of these policies with respect to the tenure of employment. An employee who is in their introductory period (six (6) months or one (1) year, depending on position) may be discharged at any time without cause by the General Manager. An employee who has failed to satisfactorily meet the requirements of their position or has violated District work rules, policies or procedures, as detailed in Section 5, may be discharged according to the procedures set forth in Section 6.

**4.2 Layoff**

An employee of the District may be laid off for reasons of economy, efficiency or other non-disciplinary purposes. All layoffs will be made at the discretion of the General Manager based on a combination of factors, including, but not limited to, qualifications, productivity, performance and seniority. As far as practical, the employee shall be given two (2) weeks’ notice prior to a layoff. Employees provided this two (2) weeks’ notice period will be expected to continue fulfilling their position roles and responsibilities throughout their notice period.

**4.3 Resignation**

An employee who wishes to voluntarily terminate employment with the District in good standing shall submit a written resignation, dated and signed, to their supervisor and Human Resources at least two (2) weeks prior to the date of resignation. This will enable TVMWD to arrange for a replacement and assist in the smooth transition of responsibilities. The resignation shall be deemed accepted upon receipt by the supervisor and Human Resources.

**4.4 Job Abandonment**

An employee is deemed to have resigned from their position if they are absent for five (5) consecutive scheduled work days/shifts without prior authorization and without notification during the period of the absence. The employee will be given written notice, at their address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the employee's unauthorized absence. An employee who promptly responds to the agency's written notice, within the timeframe set forth in the written notice, can arrange for an appointment with the General Manager before final action is taken, to explain the unauthorized absence and failure of notification. An employee separated for job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal.

### **4.5 Promotion**

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

### **4.6 Introductory Period**

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

### **4.7 Introductory Period Defined**

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

### **4.8 Introductory Period Procedures**

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

### **4.9 Termination of Introductory Employee**

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



the introductory employee and a copy filed in their personnel file.

#### **4.10 Promotional Introductory Period**

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

#### **4.11 Extension of Introductory Period**

At the discretion of the General Manager, an employee's introductory period may be extended for an additional period not to exceed one (1) year. Under no circumstances shall any employee's introductory period be extended more than once per classification.

#### **4.12 Return of District Property**

All TVMWD property in the employee's possession must be returned prior to separation, including keys, key fobs, identification cards, equipment, credit cards, gas cards, devices, and any other TVMWD equipment.

#### **4.13 Employee Reference Requests**

All requests for references must be directed to Human Resources. No other manager, supervisor, or employee is authorized to release references for current or former employees. TVMWD discloses only the dates of employment and the title of the last position held of former employees. If former or current employees authorize a disclosure in writing, TVMWD will also inform prospective employers or lenders of the amount of salary or wages.

### **5 WORK RULES**

#### **5.1 Participation in Work Action**

Participation by a District employee in a strike, work stoppage, or work slowdown shall subject the employee to disciplinary action as permissible by State law. As used in this section, "strike, work stoppage, or slowdown" means the concerted failure to report for work, the willful absence from the work place, the refusal to work, the stoppage of work being done by others, picketing or the abstinence in whole or part from the full and faithful performance of the duties of employment for the purpose of inducing, influencing, or coercing a change in the conditions to compensation, or the rights, privileges or obligations of employment. Picketing on an employee's own time, outside District property, on public property, is permitted.

#### **5.2 Participation on Boycott**

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

#### **5.3 Outside Employment or Activities**

Employees shall not carry on, concurrent with their public service, any private business or

undertaking which affects the time or quality of their District employment, or which casts discredit upon or creates embarrassment for the District, or which creates any conflict of interest whether or not reportable under the District's Conflict of Interest Rules. Outside employment may be allowed upon written authorization of the General Manager.

### **5.4 Employee Dress and Conduct**

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

### **5.5 Rest Periods**

The U.S. Department of Labor states that rest periods promote the efficiency of an employee, are customarily paid for as working time and must be counted towards hours worked. However, certain California labor code sections regarding paid rest periods do not apply to public agencies and the Fair Labor Standards Act (FLSA) does not require employers to allow rest periods (exemption from California IWC Orders: 1, 2, 4, 10, and 20). However, participation by employees in a daily rest period is encouraged by the District and should be taken at intervals that do not interfere with critical or time sensitive duties. A rest period of up to 15 minutes may be taken during each half of the regular work shift for full-time employees and once during the work shift for part-time, intern and apprentice employees working less than 8 hours in a workday.

### **5.6 Accommodation for Nursing Mothers**

The District will accommodate nursing mothers who wish to express breast milk while at work. TVMWD will provide a private area (other than a restroom) for expressing breast milk. Employees can use their regular rest breaks for this purpose. Employees who need a different time or additional time will be accommodated and should make arrangements with their supervisor. Regular rest break time used for expressing breast milk will be paid, but additional break time may be unpaid.

### **5.7 Financial Affairs**

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

### **5.8 Workplace Civility**

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

### **5.9 Workplace Violence**

The safety and security of employees and visitors are very important to the District. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the District's ability to execute its daily business will not be tolerated. Any person who makes threats, exhibits threatening behavior or engages in violent acts on District

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

### **5.10 Drug & Alcohol Use**

It is TVMWD's desire to promote a drug-free, healthy, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner. While on TVMWD premises and while conducting business-related activities of TVMWD, no employee may use, possess, distribute, sell, or be under the influence of alcohol and/or marijuana, and/or illegal drugs.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger the employee or other individuals in the workplace. Employees are required to notify Human Resources if they are taking any prescription drug that is likely to impair their performance. Violations of this policy may lead to disciplinary action, up to and including termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program.

### **5.11 Ethics**

The successful operation and reputation of TVMWD is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of all applicable laws and regulations, as well as maintaining the highest standards of conduct and personal integrity. TVMWD will comply with all applicable laws and regulations and conduct business in accordance with the intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

### **5.12 Visitors in the Workplace**

All visitors must check-in at the Reception Desk and disclose the visitors' name, company, reason for visit, phone number, arrival time and departure time using the check-in form located at the reception desk. If an unauthorized or suspicious individual is observed on TVMWD's premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the reception area.

### **5.13 Computer, Internet, Instant Messaging & E-Mail**

When using a District computer or other portable electronic devices to access the Internet, Instant Messaging and E-mail, employees shall conduct themselves professionally and appropriately in accordance with the Internet Acceptable Use Policy, Email Acceptable Use Policy and Password Policy detailed in the District's Policy Manual.

### **5.14 Cell Phone Use**

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

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

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

### **5.15 Electronic Devices**

The District establishes guidelines for the employee use of district-owned devices and service plans provided by the District. Electronic devices include but are not limited to tablets, laptops, workstations, and smartphones.

If the District determines that use of devices is a necessary component of an employee's job function, the employee shall be provided with a device to conduct District business.

For more complete information on device usage, please refer to the District's Device Policy (*See Appendix C – Policy Manual*).

### **5.16 Social Media**

Employees shall conduct themselves professionally and appropriately in accordance with the Social Media Policy detailed in the Policy Manual.

### **5.17 Standards of Conduct**

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

- a. Unsatisfactory job performance and/or inefficiency.
- b. Using abusive or vulgar language or causing disruption to the workplace or to fellow employees or visitor.

- c. Unavailability for work, i.e. absenteeism or tardiness.
- d. Misuse of District monies.
- e. Conducting non-business activities during working hours.
- f. Any action indicating a disrespect or disregard for the District, its vendors or member agencies.
- g. Release of confidential information about the District or its members.
- h. Possessing or bringing open containers of alcohol, illegal drugs or chemicals on or to the District's property.
- i. Unauthorized possession or removal of property, records, or other materials that belong to the District.
- j. Theft
- k. Smoking of tobacco products and electronic cigarettes in restricted areas, subject to Government Code 7596, 7597 & 7598.
- l. Leaving District property without supervisor approval prior to the end of a scheduled work day.
- m. Sexual harassment, discrimination, or other unlawful harassment of another employee (see Section 15).
- n. Giving false or misleading information during the application and/or selection process.
- o. Willful failure to report to a supervisor any significant omissions, errors or mistakes or accidental damage affecting work assignment, property or equipment.
- p. Unauthorized opening of, or tampering with, locks in desks, doors, cabinets, etc., or unauthorized use of or duplication of keys.
- p. Threatening or intimidating other employees or supervisors.
- q. Behavior unbecoming of a District employee; that behavior or action which would adversely prejudice public opinion of the District.
- r. Failure to immediately report the loss of a California drivers' license due to suspension, withdrawal, forfeiture or confiscation by any court of law or by the California Division of Motor Vehicles. Further, employees are responsible for all tickets received when driving a District or personal vehicle. This rule applies to all employees of the District.
- s. Installing unauthorized software on the District's computer system.
- t. Misuse of electronic systems (email, internet, fax, telephones, cellular phones, iPads).
- u. Inability to establish and maintain effective working relationships with co-workers and those contacted during the course of work.
- v. Violation of any department rules, TVMWD policies or regulations, ordinances or resolutions.
- w. Making any false representation or statement or making any omission of a material fact.
- x. Dishonesty

Since all employees are "at will", the employment relationship may be terminated at any time

by either the District or the employee with or without cause.

### 5.18 Cause for Disciplinary Action

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

- a. Making excessive non-emergency personal calls during working hours that interfere with productivity. Failure to immediately report an accident or injury occurring on the District premises, or involving District equipment, or giving false information in accident or insurance reports.
- b. Failure to maintain equipment assigned to the employee.
- c. Failure to immediately report breakdowns or unsafe operation of equipment or facilities.
- d. Failure to perform assigned tasks that are within the scope of the employee's position in a professional manner without undue waste or delay.
- e. Intentionally placing the District in a position of liability for damages or injury to another person or their property.
- f. Unauthorized binding of the District to a contract.
- g. Failure to maintain a positive working attitude in the daily course of District business.
- h. Use of intoxicants, narcotics, hallucinatory drugs or non-prescribed stimulating or depressing drugs, or being under the influence thereof while on duty. Employees suspected of being under the influence of any of the above will be required to undergo a medical evaluation at District expense to prove or disprove suspicion.
- i. Any form of insubordination or refusal to take direction from supervisors, including refusal to perform assigned tasks for any reason other than personal safety.
- j. Theft or misappropriation of any property of the District or its employees.
- k. Careless, negligent or intentional mishandling of any District property, records, vehicles, materials or equipment.
- l. Careless, negligent, abusive or other actions that endanger or threaten to endanger an employee or the public.
- m. Falsifying work records or the practice of fraud of any type.
- n. Leaving the job during duty hours without approval of supervisor.
- o. Violation of safety rules, procedures and regulations.
- p. Becoming uninsurable by standards of the District's insurance carrier for any reason.
- q. Sleeping on the job or repeatedly reporting to work later than the assigned hour, after having been duly warned.
- r. Unlawful possession of firearms or illegal weapons while on District property.
- s. Conviction of a felony, or misdemeanor involving moral turpitude, and incarceration for more than thirty (30) days.

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

## 6 DISCIPLINARY PROCEDURES

### 6.1 Forms of Discipline

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

### 6.2 Types of Counseling, Reprimands and Discipline

The following are types of counseling, reprimands and discipline which TVMWD may impose:

- **Counseling Memo:** A counseling memo will be provided to an employee to identify: a failure of appropriate conduct or performance issue; the performance the employee is to demonstrate in the future; and consequences for failure to correct the behavior or problem. A counseling memo will be retained in the supervisor's file until the completion of the evaluation year, and then documented in the performance evaluation, as the supervisor deems necessary. A counseling memo is not subject to the discipline or discipline appeal procedures described below.
- **Verbal Reprimand:** A verbal reprimand is a verbal direction from a supervisory employee to discontinue inappropriate conduct or to correct a performance issue. A verbal reprimand will be documented in writing and retained in the supervisor's file until the completion of the evaluation year and then documented in the performance evaluation, as the supervisor deems necessary. A verbal reprimand is not subject to the discipline or discipline appeal procedures described below.
- **Written Reprimand:** A written reprimand is written direction from a supervisory employee to discontinue inappropriate conduct or to correct a performance issue. A written reprimand will be retained in the employee's personnel file and documented in the performance evaluation. Unless required by law, a written reprimand is not subject to the discipline or discipline appeal procedures described below. The employee has the right to have their written rebuttal attached to the reprimand in the employee's personnel file, if the employee submits the rebuttal to the General

Manager within 14 days after the reprimand is received.

- **Suspension Without Pay:** TVMWD may suspend an employee from their position without pay for cause. Documents related to a suspension shall become part of the employee's personnel file when the suspension is final and documented in the performance evaluation. A suspension without pay is subject to the discipline and discipline appeal procedures described below. Employees who are FLSA exempt will only be suspended as permitted by the law.
- **Reduction in Pay or Paid Leave:** TVMWD may reduce an employee's pay or paid leave for cause. A reduction in pay for disciplinary purposes may take one of the following forms: 1) a decrease in salary; or 2) a decrease in salary paid to an employee for a fixed period of time; Documents related to a reduction in pay shall become part of the employee's personnel file when the reduction in pay is final and documented in the performance evaluation. A reduction in pay is subject to the discipline and discipline appeal procedures described below.
- **Demotion:** TVMWD may demote an employee from their position to a lower position for cause. Documents related to a demotion shall become part of the employee's personnel file when the demotion is final and documented in the performance evaluation. A demotion is subject to the discipline and discipline appeal procedures described below.
- **Dismissal:** TVMWD may dismiss an employee from the employees' position for cause. Documents related to the dismissal shall become a part of an employee's personnel file when the dismissal is final. A dismissed employee is entitled to the discipline and discipline appeal procedures described below.

### **6.3 Notice of Proposed Disciplinary Action**

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

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

The notice of proposed disciplinary action must be in writing and signed by the General



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

## 6.4 Limitations and Exclusions

Oral notice is insufficient as full notice to an employee and may be given only as the initial notice in extraordinary circumstances which call for immediate action. Employees may be suspended without prior written notice in extraordinary circumstances when it is essential to avert harm to the public, other employees, or to avert serious disruption of governmental business. Extraordinary circumstances include, but are not limited to, situations involving misappropriation of public funds or property, working while under the influence of alcohol or drugs, open insubordination, commission of a crime involving moral turpitude punishable by imprisonment for one (1) year, and disruption of the District's business through misconduct.

## 6.5 Order of Disciplinary Action

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

## 6.6 Appeal Procedure

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

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

## 6.7 Hearing Procedure

### Review of the Appeal

- a. After receipt of the appeal and request for hearing, the Board of Directors shall review the appeal and answer to the charges at an executive session at the next regularly

scheduled Board meeting subsequent to formal receipt of the appeal, or at such later date as mutually agreed upon by the Board of Directors and the appellant.

- b. The Board of Directors may elect to have the appeal heard by one of the following methods within thirty (30) days after their election:
  1. A full hearing by the Board of Directors.
  2. Appoint a hearing officer who shall present findings and a recommendation to the Board of Directors for a final disposition.
  3. Appoint a Disciplinary Review Board comprised of three members: one member to be selected by the District, one member to be selected by the employee, and the third member to be selected by the two members previously described. The Disciplinary Review Board shall present findings and recommendations to the Board of Directors for final disposition.
- c. The Board of Directors shall have the final authority on all appeals and may uphold, reverse, or modify the disciplinary action.
- d. The Board of Directors shall notify the Appellant in writing as to the governing hearing proceedings.

### Hearing

- a. Time and Place
  1. Pursuant to the Board's decision in Section 6.6, the General Manager shall take every appropriate action necessary and reasonable to convene a hearing within the time prescribed.
  2. The District's representative, the appellant and/or their representative, and the hearing officer or Review Board shall meet in a pre-hearing conference to determine the time, place and manner in which the hearing will be conducted.
- b. Purpose – The purpose of the hearing is to determine the accuracy and the sufficiency of the facts attendant to the disciplinary action. The District shall have the burden of proof. The parties may stipulate to certain facts or evidence which shall be considered without abridgment or adulteration by the hearing body or officers upon whom the action was based and any pertinent information which may establish the truth or falsity of such evidence.
- c. Parties – The Appellant and their representative, if any, and the District's representative shall attend the meeting. Failure of the Appellant, with or without representation, to appear in person at the time and place set for the hearing shall be deemed a withdrawal of the appeal, unless otherwise excused by the Board of Directors.
- d. Rights – Each party shall have the right to:
  1. Choose a representative.
  2. Testify under oath.
  3. Call witnesses and present documentary evidence.
  4. Question all witnesses and examine the evidence.

5. Argue a case.
- e. Order of the Proceedings
    1. The hearing shall be opened by the recording of the time, place and date of the hearing and the presence of the parties and representatives, if any. The District shall first present its case on which the disciplinary action was based. A hearing guide may be used and will be made available to all parties.
    2. If the appeal is to be heard by the Board of Directors, the President of the Board shall conduct the hearing. If the appeal is to be heard by the Disciplinary Review Board, the Disciplinary Review Board shall select a chairman to conduct the hearing. If a hearing officer is appointed to hear the appeal, the hearing officer shall have the sole discretion and authority to conduct the hearing.
  - f. Report of the Hearings: A record of the proceedings shall be taken and maintained by the District. The District may choose to make a mechanical or electronic record of the proceedings. Costs for transcripts shall be borne by the requesting party.
  - g. Adjournment: The hearing may be adjourned or recessed for good cause, upon the request of a party, hearing body or hearing officer.
  - h. Exhibits and Witnesses:
    1. The names of witnesses and exhibits shall be properly identified and shall be made part of the official record. The hearing body or officer may exclude witnesses not under examination and admonish witnesses to refrain from discussing the subject of their testimony with other witnesses or potential witnesses. The parties may remain at all times during the proceeding.
    2. Witnesses shall be required to testify under oath and affirmation. The oath shall read: *“Do you solemnly swear (or affirm) that the testimony that you are about to give in this matter shall be the truth, the whole truth and nothing but the truth.”*
  - i. Confidentiality: The hearing shall be closed to the public and shall not be a public record unless an open public hearing is requested by the appellant.
  - j. Expenses: The expenses of witnesses for either party shall be paid by the party producing such witnesses.
  - k. Closing of Hearing: The hearing body or hearing officer shall inquire if either side has anything further to offer. Upon receiving negative replies, the hearing shall be closed. The hearing body or hearing officer shall report its written recommendation to the Board of Directors and the parties within thirty (30) days after the closing of the hearing. The Board of Directors shall act upon that recommendation by upholding, reversing, or modifying the decision. The Board of Directors shall notify the parties within five (5) business days of the outcome of its final decision.

## 7 EFFECTS OF DISMISSAL

### 7.1 Effect of Dismissal

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

- a. Constitute a dismissal as of the same date from all positions that the employee may hold in the District service.
- b. Terminate the salary of the employee as of the effective date of the dismissal, except that they shall be compensated for any unpaid salary, unused vacation, unused universal leave for Chief Executive Managers, administrative leave and qualifying unused comp time for non-exempt employees as of the date of dismissal.
- c. Medical, Dental, and Vision benefits will end on the last day of the month of employment. Life and Disability coverages require "active" employment; therefore, coverage for these benefits will end on their last day worked. COBRA notification will be sent directly to employee's address on file.
- d. Employee must contact CalPERS directly to determine their options.
- e. If employee is enrolled in a deferred compensation program, employee must contact the plan carrier to discuss options.

## 8 RECORDS

### 8.1 Personnel Records

Human Resources shall maintain personnel records for each employee in the service of the District, showing the name, title of the position held, the department in which the employee is assigned, salary, changes in employment status, employee performance reviews, and such other pertinent information.

Inspection of File: A current employee may inspect their own personnel file, at a reasonable time and at reasonable intervals, within 30 days of a written request. A former employee is entitled to inspect their personnel records one (1) time per year. A current or former employee and/or their representative, who wishes to review the employees personnel file should make a written request to the Human Resources/Risk Manager. The inspection must occur in the presence of the Human Resources/Risk Manager, General Manager, or designee and: at the District and at a time other than the employee's work time at another agreed upon location without loss of compensation to the employee.

Copies: A current or former employee is entitled to receive a copy of their personnel records within 30 days after TVMWD receives a written request. A current or former employee who wishes to receive such a copy should contact the Human Resources/Risk Manager in writing. TVMWD may charge a fee for the actual cost of copying.

Representative's Inspection: If the current or former employee wishes to have another person/representative inspect their personnel file, the current or former employee must provide the person/representative with written authorization. The Human Resources Manager will notify the employee and/or representative of the date, time and place of the inspection in writing.

No Removal of File Documents: No person inspecting a personnel file is permitted to add or

remove any document or other item to/from the personnel file.

Limitations on access or copying of personnel file: Prior to making a copy of personnel records or allowing inspection, TVMWD may redact the names of nonsupervisory employees. Under no circumstances will TVMWD provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination.

## **8.2 Change of Status Report**

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

## **9. SALARY ADJUSTMENTS**

### **9.1 Determinations**

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

### **9.2 Merit Increases**

Full-time employees who have successfully completed the required introductory period may be considered for merit increases. Merit increases within an established salary range shall not be automatic but may be granted only for continued improvement by the employee in the effective performance of the duties of their position. For promoted employees who receive a pay increase upon their promotion, the increase will include any projected merit increase. Merit increases shall require the specific recommendation of the employee's immediate supervisor or Department Head and the approval of the General Manager.

### **9.3 Eligibility**

A new employee or reclassified employee shall be eligible for consideration of a merit increase upon completion of the required introductory period. A new employee or reclassified employee shall be eligible for consideration of a merit increase upon completion of one (1) year of service in the new or reclassified position.

### **9.4 Accelerated Merit Increases**

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

### **9.5 Certification Pay Increases**

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

## **10. ATTENDANCE, HOURS, PAY PERIODS AND PREMIUM PAY**

### **10.1 Attendance**

Employees shall attend their work in accordance with Section 10. All departments shall keep daily time records of employees that shall be reported to the General Manager in the form and on the dates they shall specify. Employees who are absent without leave and fail to return to duty within five (5) consecutive scheduled work days/shifts after notice to return has been provided shall be subject to immediate discharge, and such employees automatically waive all rights under these rules. The depositing in the United States mail of a certified postage paid letter, addressed to the employee's last known place of address shall be reasonable notice.

### **10.2 Pay Periods and Procedure**

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

### **10.3 Meal Periods**

For administrative or part-time employees:

- Up to a one (1) hour non-compensated meal period will be provided to all full-time administrative and part-time employees each day they work five (5) hours or more.
- Employees can request their meal period at a time agreed to by their supervisor.

For operations employees:

- Meal periods are compensated because operations employees are required to be available to respond to any operational demands of the TVMWD system. Because of this, employees are expected to stay at the treatment plant or their field location for their meal period. Exceptions permitted:
  - Attendance at an offsite meeting, conference, etc.
  - At the specific approval of the Chief Operations Officer or Operations Supervisor(s)

- Employees are permitted twenty (20) minutes to utilize a TVMWD vehicle to obtain their meal from a local establishment
- Employees can request their meal period at a time agreed to by their supervisor.
- Depending upon operational demands, supervisors will try to accommodate up to a one (1) hour meal period each day the employee works five (5) hours or more.

## 10.4 Work Week

The regular work week shall commence on Monday at 12:01am for all employees and conclude on Sunday at Midnight

## 10.5 Exempt Employees

In accordance with the Fair Labor Standards Act (FLSA) regulations, job classifications determined to be exempt are not eligible for overtime. Based upon the FLSA, the following job classifications are exempt:

- Chief Administrative Officer
- Chief Financial Officer
- Chief Operations Officer
- Chief Water Resources Officer
- Compliance Specialist
- Human Resources/Risk Manager
- Information Technology Manager
- Operations Supervisor
- Project Manager
- Senior Financial Analyst

TVMWD recognizes that on **occasion** exempt employees may have to attend to personal matters. TVMWD will attempt every effort to accommodate the employee's time off requested. However, TVMWD must ensure the District's needs are maintained at all times. Therefore, time off must be scheduled in advance and with prior approval of the employee's manager.

Exempt employees, in good standing with TVMWD, that request time off in increments of four (4) hours or less, do not have to use their available leaves.

There is no legal requirement or obligation of TVMWD to grant such arrangement. Therefore, the General Manager reserves the right to modify or terminate this practice at any time. Any abuse of this benefit will be immediately addressed with the employee. If it is determined that the employee abused such benefit, the benefit will be revoked for a period of time or revoked permanently, as determined by the General Manager.

## 10.6 Administrative Leave

Exempt employees, excluding Chief Executive Managers shall be eligible for 50 hours of Administrative Leave annually (pro-rated based on date of eligibility for leave). Administrative Leave shall be credited in a lump sum at the beginning of each calendar year. Unused Administrative Leave hours will be carried over from year-to-year, unless the exempt

employees has met their vacation cap. Administrative Leave would then be converted to vacation hours for mandatory vacation cash-out purposes. Use of Administrative Leave hours must be approved by employee's Manager and at times that are convenient to the District.

### **10.7 Overtime**

A non-exempt employee who performs work in excess of forty (40) hours in a work week shall be compensated for such overtime work at the rate of one and one-half times their regular rate of pay. The regular work week shall commence on Monday at 12:01am for all employees and conclude on Sunday at Midnight. A non-exempt operations employee who performs work in excess of ten (10) hours per workday (excluding weekends) shall be compensated for such overtime work at the rate of one and one-half times a regular rate of pay. Overtime shall be rounded to the nearest quarter-hour of overtime worked. All non-emergency overtime must be authorized in advance by the appropriate Department Head.

### **10.8 Flexible Work Schedules**

At the discretion of the General Manager or employee's direct supervisor, employees may be permitted to work a flexible work schedule equivalent to forty (40) hours in a work week.

Flexible Work Schedules allows an employee to work hours that differ from the normal district start and end time, while continuing to meet the needs of TVMWD.

### **10.9 Compensatory Time**

Hours accrued in addition of forty (40) hours in a work week and not compensated as overtime shall accrue at a rate of one and one-half times as compensatory (comp) hours. Comp hours can be used at the approval of the employee's supervisor. Comp time is not available to exempt or operations employees. Comp time is capped at 240 hours. Any additional time earned will be compensated to the employee. Comp time balances will be paid down to a balance of fifty (50) hours, once per year, on December 31. Earned and unused comp time will be paid-out at time of separation of employment.

### **10.10 On-Call Operators**

Two (2) operators will be designated to serve in an on-call capacity each day. Failure to respond to an alarm/call while assigned to the on-call duty shift may be subject to disciplinary action. If an employee claims on their timesheet phone/tablet/laptop time incurred but later found to be invalidated by the supervisor, that employee shall be subject to disciplinary action.

On-Call pay is not considered CalPERS pensionable compensation.

Standby Operator: One (1) operator will serve as the on-call standby operator and will respond to the on-call plant operator or supervisor as needed. The stand-by operator is expected to and be capable of returning to the plant within thirty (30) minutes of receiving a call.

Standby Operators who serve in an on-call capacity will be paid \$35 per day (\$70 on holidays) and will take home a TVMWD vehicle in order to respond to incidents. If the on-call operator is unable to fulfill their on-call duty shift, the employee is responsible for locating a substitute



operator from those that regularly serve in the Standby Operator role. The substitute operator will instead receive the standby pay. In addition to receiving the standby pay, the on-call operator will be paid for the additional time spent responding to the situation.

Lab Operator: One (1) operator will serve as the on-call plant operator and will be responsible for responding to plant operation alarms and incidents as needed during non-working hours (4 pm-6 am). This operator is expected to and be capable of responding to alarms remotely within 15 minutes and be ready for work as in any other instance.

Lab Operators who serve in an on-call capacity will be paid \$90 per day (\$180 on holidays) and will take home a TVMWD vehicle in order to respond to incidents. If the on-call Lab Operator is unable to fulfill their on-call duty shift, the Lab Operator duties will be fulfilled by the designated backup (Plant Operator). The substitute operator will instead receive the Lab Operator pay. In addition to receiving the Lab Operator pay, the on-call operator will be paid for the additional time spent responding to the situation as described below.

The following pertains to either the Standby or Lab Operator:

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

### **10.11 Shift Differential Pay**

Operators and plant assistants will be compensated with an additional 10% of their hourly pay for hours worked Friday, Saturday and Sunday.

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

### **10.12 Fatigue Pay and Adjusted Hours Worked**

Fatigue Pay and adjusted hours worked is a function of safety and should be carried out using an interactive process between the employee and the supervisor or manager.

Any employee who accumulates two (2) hours or more of worktime between 10:00pm and 6:00am before a scheduled workday shall be eligible for fatigue pay and be subject to an adjustment to their work schedule the following day. This means the employee will take an equivalent number of hours off during the following scheduled workday to rest. In addition to granting the time off, TVMWD will pay the employee for the time taken off during that scheduled workday. The combination of fatigue time and time worked during the next scheduled workday will not exceed ten (10) hours.

Example # 1: an employee who is scheduled to work Monday from 6:00am – 4:00pm and Tuesday from 6:00am – 4:00pm and is called in to work for additional hours on Monday from

10:00pm – 1:00am would log their hours as follows –

Monday	6:00am – 4:00pm (10 regular hours of pay) + 10:00pm – 1:00am (3 hours of overtime pay)
Tuesday	6:00am – 9:00am (3 hours fatigue pay paid at regular hourly rate) + 9:00am – 4:00pm (7-regular hours of pay)  The employee will report to work at 9:00am to ensure they are given appropriate rest time between work shifts and will be compensated for this rest time (fatigue pay)

Example # 2: an employee who is scheduled to work Monday from 6:00am – 4:00pm and is called in to work for additional hours on Monday from 3:00am – 6:00am may stay at work and in turn leave the equivalent number of hours early. In this scenario, the employee would log their hours as follows:

Monday	3:00am – 6:00am (3 hours of overtime pay) + 6:00am – 1:00pm (7-hours of regular pay) + 1:00pm – 4:00pm (3 hours of fatigue pay at regular hourly rate)
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If hours worked accumulates over eight (8) hours from 4:00pm – 6:00am, with supervisor or managers approval, the employee will be eligible to take off the next day and receive ten (10) hours of fatigue pay.

If an employee reports to work on Friday, Saturday and/or Sunday, the employee would be eligible for shift differential.

## 11. HOLIDAYS, VACATION AND LEAVES

### 11.1 Holidays

The District shall observe the following holidays:

1. New Year’s Day (January 1)
2. Presidents’ Day (Third Monday in February)
3. Memorial Day (Last Monday in May)
4. Independence Day (July 4)
5. Labor Day (First Monday in September)
6. Veterans’ Day (November 11)
7. Thanksgiving Day & Day After (Fourth Thursday and Friday in November)
8. Christmas Day (December 25)

Additional holidays may be approved and observed. Unassigned floating holidays will be provided to full-time employees at the beginning of each calendar year to make a total of 12 holidays each calendar year. Holiday hours must be taken in full day increments and must be approved by the supervisor.

The District will recognize a holiday break, typically between Christmas and New Years. The

holiday break will be designated every year by the General Manager. Employees will receive an equivalent number of holidays based on their normal work schedule during the holiday break.

**11.2 Holiday Observance**

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

**11.3 Vacation Accrual**

Based on a bi-weekly pay period, vacation time shall be accrued as follows for full-time employees (except for Chief Executive Managers):

Years of Service	Bi-weekly Pay Period Vacation Accrual Rate
0 – 4 years	3.08 hours
5 – 9 years	4.62 hours
10 years	4.93 hours
11 years	5.23 hours
12 years	5.54 hours
13 years	5.85 hours
14 + years	6.16 hours

Employees eligible for vacation accrual that regularly work less than a 40-hour work week will accrue at a rate equal to the number of hours worked divided by 40. Part-time employees working 24 hours per week will accrue vacation time at a prorated rate of 40 hours per week.

**11.4 Introductory Period Vacation Accrual**

Vacation time shall accrue as described above during the introductory period. An employee shall be entitled to use the vacation time accrued upon successfully completing three (3) months of employment or prior if approved by the General Manager.

**11.5 Use of Vacation Time**

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

**11.6 Vacation Buy Back**

On December 31<sup>st</sup> of each year, vacation balances will be paid down to 420 hours for full-time exempt employees and 320 hours for all other non-employees.

### 11.7 Universal Leave

Chief Executive Managers are eligible for universal leave, which shall accrue as follows:

Years of Service	Bi-weekly Pay Period Universal Leave Accrual Rate
0 – 4 years	8.93 hours
5 – 9 years	10.77 hours
10 – 14 years	11.70 hours
15+ years	13.54 hours

On December 31<sup>st</sup> of each year, universal leave balances will be paid down to 620 hours. Chief Executive Managers shall be entitled to use the universal leave accrued upon completing three (3) months of employment or prior if approved by the General Manager.

To comply with the Paid Sick Leave Act, Chief Executive Managers may use universal leave prior to completing the introductory period for the following purposes:

- Medical condition that prevents an employee from performing the duties of their position
- Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employees' family member
- For an employee who is a victim of domestic violence, sexual assault, or stalking

For the purposes of Sick Leave, a “family member” is defined as

- A child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis).
- A biological, adoptive, or foster parent, stepparent, or legal guardian of the employee or the employees' spouse or registered domestic partner, or person who stood in loco parentis when the employee was a minor.
- A spouse, registered domestic partner, grandparent, grandchild, and/or sibling.

### 11.8 Sick Leave Accrual

All full-time employees, with the exception of Chief Executive Managers, shall be credited with 3.7 sick hours per pay period.

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

- Accrual begins immediately for those employees who work 30 or more days within a year
- Maximum accrual is 24 hours per employment year
- Employee may carry over hours to the following employment year, to a maximum of 48 hours

### 11.9 Use of Sick Leave

Upon the verbal or written request of an employee, sick leave will be provided for the following purposes:

- Medical condition that prevents an employee from performing the duties of their position
- Diagnosis, care, or treatment of an existing health condition of, or preventative care for, an employee or an employee’s family member
- For an employee who is a victim of domestic violence, sexual assault, or stalking

For the purposes of Sick Leave, a “family member” is defined as

- A child (biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis).
- A biological, adoptive, or foster parent, stepparent, or legal guardian of the employee or the employees’ spouse or registered domestic partner, or person who stood in loco parentis when the employee was a minor.
- A spouse, registered domestic partner, grandparent, grandchild, and/or sibling.

Employees that retire from CalPERS and meet the TVMWD retiree eligibility will get their unused sick hours converted to CalPERS service credit upon retirement from TVMWD.

**11.10 Sickness Verification**

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

**11.11 Notification of Supervisor**

Absent employees must notify their supervisor prior to the beginning of their work shift each day they will be off/unable to work. Employees are required to notify their supervisors as far in advance as possible of known absences. If the employee’s supervisor is unavailable, the employee must contact the front office and notify a TVMWD employee of their absence.

**11.12 Bereavement Leave**

In the event of a death of a member of an employee’s family, the employee shall be granted a maximum of five (5) days of paid bereavement leave. Subject to the approval of the General Manager, employees may take additional days of bereavement leave for deaths outside the state boundaries, with such time to be deducted from the employee’s sick, vacation, administrative, universal or comp leave. For purposes of this Rule, a family member shall be defined as any of the following:

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

## 11.13 Funeral of Deceased Employee

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

## 11.14 Military Leave

Military leave shall be granted in accordance with the provisions of state and federal law. In general, if the employee has been absent from a position of civilian employment by reason of service in the uniformed services, the employee will be eligible for reemployment under the Uniformed Services Employment and Reemployment Rights Act (USERRA) by meeting the following criteria:

- The employer had advance notice of the employee's military obligation;
- The employee has been away from this employer five (5) years or less due to military obligations (excluding exemptions);
- The employee returns to work in a timely manner as defined under USERRA; and,
- The employee has not been separated from uniformed services with a disqualifying discharge or under other than honorable conditions

The Uniformed Services Employment and Reemployment Rights Act (USERRA)

USERRA also requires that service members provide advance written or verbal notice to their employers for all military duty unless giving notice is impossible, unreasonable, or precluded by military necessity. An employee should provide notice as far in advance as is reasonable under the circumstances. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

## 11.15 Jury Duty Leave

Employees are authorized to take a leave of absence with pay for jury duty service selection. The District will pay for a maximum of ten (10) days during any 24-month period. Employee will remit to the District any jury compensation (excluding mileage) received for the ten (10) days. Employees are required to notify their supervisors as far in advance of their reporting date as possible. All such leave must be coordinated with the immediate supervisor.

The General Manager is authorized to allow employees leave of absence with pay for selection to perform jury duty service, if the need of a jury duty leave is in excess of ten (10) working days. Notify your supervisor that you have been selected for jury duty service. You must provide proof of your selection prior to serving. At the conclusion of your service, you must provide court certification of the day(s) served to the District's payroll department. The court will issue this certification to you on the last day of your jury duty service.

## 11.16 Quarantine Leave

An employee who is quarantined may elect to take as much of their accumulated leaves as is necessary to avoid loss of pay.

## 11.17 Time Off to Vote

If an employee cannot make sufficient time outside of working hours to vote in a statewide election, they can take off up to two (2) hours of working time to vote without loss of pay. This time must be used at the beginning or end of the regular working shift, whichever allows the most-free time for voting and the least time off from working. The employee must notify their supervisor at least two working days in advance to arrange a voting time.

## **11.18 Time Off for Training**

TVMWD will allow paid time off for employees to attend a work-related seminar or training course, subject to Supervisor approval, when it overlaps or conflicts with the employee's work shift. TVMWD allows sufficient time for employees to complete any required certification renewal. Employees should plan training appropriately to avoid requesting for various training that will interfere with operations.

If time off for training overlaps or conflicts an employee's work shift, the employee may request paid personal time off, subject to Supervisor approval.

## **11.19 Family & Medical Leave**

The District will provide job-protected Leave to eligible employees requiring time off from work for family and/or medical reasons in accordance with applicable federal and state leave of absence laws.

1. Family care, medical, and military family leave for up to 12 or 26 weeks per year, depending on the reason, in accordance with the California Family Rights Act ("CFRA") and the Federal Family and Medical Leave Act of 1993, as amended ("FMLA");
2. Pregnancy leave for up to four (4) months in accordance with the California Fair Employment and Housing Act ("FEHA");
3. Disability leave as required to reasonably accommodate employees with a workplace injury or a qualified disability under the Americans with Disabilities Act ("ADA") or the FEHA; and
4. Leave for other legally required absences as set forth below.

TVMWD complies with applicable family care, medical leave, and military family leave laws. Under the FMLA it is unlawful for any employer to: interfere with, restrain, or deny the exercise of any right provided under the FMLA; or discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

To be eligible for family care, medical, and military family leave, an employee must have worked for TVMWD for at least twelve (12) months prior to the date on which the leave is to commence.

In the case of a pregnancy-related disability or other legally protected disability or medical condition or work-related injury, an employee may not need to satisfy all the above requirements. In such circumstances, the employee should contact Human Resources for clarification about their rights for other types of leave.

- **Employee's Obligation to Periodically Report:** Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.
- **Fitness for Duty Certification:** As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his or her job, the employee must obtain and present a fitness-for-duty certification from the health care provider stating that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

If you have questions or would like further clarification about your rights under the FMLA, CFRA or other types of leave, please contact Human Resources.

### **11.20 Workers Compensation Leave**

An employee injured in the scope and course of employment with the District may elect to take accumulated leaves, in minimum of one (1) hour increments, to offset their workers' compensation indemnity up to their full salary.

### **11.21 Disability Leave**

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

In addition to family, medical or pregnancy-related disability leaves described in previous section 11.19, employee may be eligible take a temporary disability leave of absence, if necessary, to reasonably accommodate a workplace injury or a disability under the ADAAA or the FEHA. Any disability leave under this section will run concurrently with any medical leave to which the employee is entitled.

### **11.22 Leave of Absence**

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



### **11.23 Return to Work Program**

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

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

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

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

The District may recover from the employee the premiums that TVMWD paid to maintain coverage for the employee under the group health plan if the employee fails to remit such payment during the course of their leave of absence or if the employee failure to return from their leave of absence.

## **12. TRAVEL ALLOWANCE**

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

### **12.1 Lodging**

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

- The event/conference occurs more than 30 miles from the employee's home, and:
  - To incur lodging expenses for the night before, the event/conference would cause the employee to leave their home before 6:00am.
  - To incur lodging expenses for the night of, the event/conference would cause the employee to not return to their home that night until after 7:00pm.

### **12.2 Transportation**

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

### **12.3 Airfare**

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

### **12.4 Automobile**

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

### **12.5 Meals**

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

### **12.6 Compensation for Travel Time**

Non-exempt employees will be compensated for all hours worked. Travel time is considered compensable time, less the normal home-to-work commute. Travel time includes all necessary time spent driving, waiting to board a flight, time in flight and time commuting to the hotel.

## **13 COMPLAINT PROCEDURE – NON-DISCIPLINARY MATTERS**

### **13.1 Purpose**

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

### **13.2 Matters Subject to the Complaint Procedure**

A complaint may be filed for the alleged violation of the Personnel Rules; alleged improper treatment of an employee; or alleged violation of commonly accepted safety practices or procedures, or other matters pertaining to employment with the District.

### **13.3 Limitations of Complaint Procedure**

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

### **13.4 Confidentiality of Complaint Procedure**

Any matter leading to a complaint by an employee shall be kept confidential, to the extent permissible by law. During the course of workplace investigations, the District can only guarantee limited confidentiality – that the information will be limited to those who need to know, because it may be necessary to disclose information obtained during the investigation in order to complete the investigation and take appropriate action. It is not possible to promise that a complaint can be kept entirely confidential for several reasons:

- If the complaint is of potential violation of law or policy, the employer will need to investigate, and in the process of investigating it is likely that people will know or assume details about the allegations, including the identity of the person who complained. This is true even when the name of the complainant is kept confidential since allegations are often clear enough for people to figure out who complained about what.
- The individual receiving the complaint will usually have to consult with someone else at the company about what steps to take and to collect information about whether there have been past complaints involving the same employee, etc. That means the complaint will be discussed with others within the organization.
- The District may need to take disciplinary action. Again, while the identity of the person who brought the complaint may in some cases be kept confidential, the complaint itself cannot be.

### **13.5 Informal Complaint Adjustment**

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

### **13.6 Next Level of Authority**

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

### **13.7 Formal Complaint Procedure**

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

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

### **13.8 General Consideration**

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

### **13.9 Alternative Dispute Resolution**

The District may, as an option, offer arbitration for workplace disputes involving alleged wrongful termination, workplace harassment, or discrimination based on the protected classes outlined in section 1.1.

## **14 WHISTLEBLOWER POLICY**

It is TVMWD's intent to protect its integrity, ensure the highest standards of conduct among its employees, and adhere to all applicable laws and regulations. TVMWD therefore encourages employees to report any reasonable belief that a violation has potentially occurred due to any rule, policy, procedure, practice or activity by TVMWD or its

employees, districts, or vendors. Reports of any such potentially improper activity may be submitted on a confidential basis to any of the Chief Executive Managers or Human Resources. Alternatively, employees may provide an anonymous report through the Fraud Hotline by calling: 1-855-FRAUD-HL (1-855-372-8345).

Reports of discrimination, harassment or retaliation should be made under the Discrimination, Harassment, and Retaliation Prevention Policy, below.

TVMWD will not retaliate against an employee who, in good faith, reports any potentially improper activity, whether to TVMWD or to a government enforcement agency. Nor will TVMWD tolerate any other employee retaliating against or attempting to influence the employee for such reports. Any employee who engages in retaliation will be subject to discipline up to and including termination of employment. TVMWD will conduct a prompt and appropriate investigation into all reports of potentially improper activity.

All employees are required to cooperate with TVMWD's internal investigations by providing any requested information and truthfully and fully answering questions. Failure to cooperate with or impeding an investigation, or knowingly providing false information, will result in disciplinary action. Reports of potentially improper activity and related investigations will be kept confidential to the extent possible, consistent with the need to conduct an appropriate investigation.

Anyone found to have engaged in improper activity will be subject to disciplinary action up to and including termination of employment.

### **15 HARASSMENT & DISCRIMINATION**

This Discrimination, Harassment and Retaliation Prevention Policy reflects TVMWD's commitment to a respectful workplace and commitment to preventing unlawful discrimination, harassment and retaliation from occurring in the work environment. This policy protects individuals who perform services for TVMWD in the workplace, including District employees, contractors, interns, and volunteers. This policy refers to this broad category of protected persons as "individuals."

Sexual harassment is the unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that tends to create a hostile or offensive work environment. Discriminatory harassment is any unwelcome, typically repeated offensive conduct that is directed at an individual because of their membership in a legally protected class.

State and federal law protect individuals from workplace discrimination and harassment based on certain legally protected characteristics. This policy uses the term "Legally Protected Characteristics" to encompass all legally protected categories, including:

- Age (over 40)
- Race
- Religion/creed (including religious dress and grooming practices)
- Color
- National origin

- Ancestry
- Gender/sex (including pregnancy, childbirth, breastfeeding and/or related medical conditions)
- Sexual orientation
- Gender identity and gender expression
- Medical conditions
- Marital status
- Genetic information
- Military and Veteran status
- Disability (mental and physical)

Harassment of employees due to their Legally Protected Class, by fellow employees, officers, directors, consultants, or non-employees will not be tolerated by the District. Harassment shall be reported either verbally or in writing to the General Manager, Human Resources or the President of the Board of Directors if the complaint is against the General Manager. Upon receipt of a harassment complaint, Human Resources in partnership with the General Manager or the President of the Board of Directors, as appropriate, shall take prompt action to conduct an investigation to determine whether harassment has taken place and/or is presently taking place. Where found appropriate, actions shall be taken to effectively stop such behavior where it does exist.

Sexual harassment of the District's employees, by a person in or from the work environment, is strictly prohibited. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or other physical conduct of a sexual nature when:

- Submission to such conduct is made either expressly or by implication a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the employee's performance, appraisal, assigned duties, or any other condition of employment or career development.

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

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

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

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

Any individual who engages in prohibited harassment, including Supervisors or Managers who knew about the harassment but took no action to stop it, may be held personally liable under the law for monetary damages. Any Supervisor or Manager who knew about prohibited harassment and failed to report the harassment as stated in this policy, may also be subject to disciplinary action, up to and including termination of employment.

Every effort will be made to assure the confidentiality of complaints made under this Policy to the greatest extent permissible by law. Complete confidentiality cannot occur due to the need to fully investigate and the duty to take effective remedial action. An employee who is interviewed during the course of an investigation is prohibited from attempting to influence any potential witness while the investigation is ongoing. An employee may discuss their interview with a designated representative. TVMWD will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

### **16 PROTECTIONS AGAINST RETALIATION**

Retaliation is strictly prohibited against any individual by another employee or supervisor for using the employee complaint procedure, reporting proscribed harassment or discrimination, objecting to such conduct or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by the District.

Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire or promote. Anyone found to be engaging in any type of prohibited discrimination or retaliation will be subject to disciplinary action, up to and including termination of employment.

### **17 OPEN DOOR POLICY**

TVMWD has an open-door policy that encourages employees to participate in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their supervisor or any other management representative with whom they feel comfortable. The District believes that employee concerns are best addressed through this type of informal and open communication. Employees are encouraged to raise work-related concerns with their

immediate supervisor, or with a supervisor or other management representative of their choice, as soon as possible after the events that cause the concern.

Employees are further encouraged to pursue discussion of their work-related concerns until the matter is fully resolved. Although TVMWD cannot guarantee that in each instance the employee will be satisfied with the result, the District will attempt in each instance to explain the result to the employee if the employee is not satisfied. TVMWD will also attempt to keep all such expressions of concern, the results of any investigation, and the terms of the resolution confidential. In the course of investigating and resolving the matter, however, some dissemination of information to others may be necessary or appropriate. Furthermore, if employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors. We believe that TVMWD amply demonstrates its commitment to employees by responding effectively to employee concerns.

### **18 REASONABLE ACCOMODATION**

TVMWD is committed to complying fully with the federal and state laws regarding equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. TVMWD will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee, unless doing so would result in an undue hardship to the organization.

If the disability or the need for reasonable accommodation is not obvious, TVMWD may require the individual to provide reasonable medical documentation confirming the existence of the disability and the need for reasonable accommodation, along with the name and credentials of the individual's health care provider. If the individual provides insufficient documentation, the agency will: 1) explain the insufficiency; 2) allow the employee or applicant to supplement the documentation; and 3) pursue the interactive process only to the extent that the request for reasonable accommodation is supported by the medical documentation provided.

If a pregnant employee, or an employee with a pregnancy-related condition, requests a reasonable accommodation or transfer due to pregnancy, TVMWD will provide the employee with notice of the need for a medical certification within two (2) business days after the employee's request for accommodation. A medical certification confirming the need for a reasonable accommodation, including transfer, is sufficient if it contains: a description of the requested accommodation or transfer; a statement describing the medical advisability of the accommodation or transfer due to pregnancy; and the date that the need for the accommodation or transfer will become necessary and the estimated duration of the accommodation or transfer.

TVMWD will also make reasonable accommodations for employees who are victims of domestic violence, sexual assault, or stalking; and for applicants and employees based on their religious beliefs and practices.

- An employee who is a victim of domestic violence, sexual assault, or stalking and who requests an accommodation to provide for their safety while at work must



provide both of the following:

(a) A written statement signed by the employee or an individual acting on the employee's behalf, to certify that the accommodation is to address victim-safety concerns while at work; and

(b) A certification demonstrating the employee's status as a victim of domestic violence, sexual assault, or stalking, which can be in the form of: a police report indicating the employee's victim status; a court order separating the perpetrator from the employee or that the employee has appeared in court for that purpose; or documentation from a medical professional or counselor that the employee is undergoing treatment for physical or mental injuries or abuse resulting from an act of domestic violence, sexual assault, or stalking

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

## **19 EMPLOYER-EMPLOYEE RELATIONS**

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

###

**RESOLUTION NO. 22-03-DRAFT**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THREE VALLEYS MUNICIPAL WATER DISTRICT  
ADOPTING THE PERSONNEL MANUAL**

**WHEREAS**, the Three Valleys Municipal Water District (“the District”) is a municipal water district organized and operating pursuant to the Municipal Water District Law of 1911 (“the Act”), California Water Code Section 71000 et seq.; and

**WHEREAS**, the District is governed by an elected Board of Directors (“the Board”) that is empowered by the Act to adopt rules and regulations concerning the operations of the District; and

**WHEREAS**, the Personnel Manual will be reviewed and revised as deemed necessary by the Board at least every ten years by Ordinance, last adopted on December 18, 2019. Interim changes to the Personnel Manual may be approved by the Board through motion or resolution.

**NOW THEREFORE BE IT RESOLVED** by the Board of Directors of the Three Valleys Municipal Water District that the Personnel Manual attached hereto and incorporated herein by this reference is hereby adopted in its entirety.

**ADOPTED** and **PASSED** at a meeting of the Three Valleys Municipal Water District’s Board of Directors held via teleconference, on this 16<sup>th</sup> day of March 2022 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Jody Roberto, President


ATTEST:

\_\_\_\_\_  
Carlos Goytia, Secretary

SEAL:



## Board of Directors Staff Report

**To:** TVMWD Board of Directors  
**From:** Matthew H. Litchfield, General Manager   
**Date:** March 2, 2022  
**Subject:** **Salary Schedule effective July 1, 2022**

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<input type="checkbox"/> <b>For Action</b>	<input type="checkbox"/> <b>Fiscal Impact</b>
<input checked="" type="checkbox"/> <b>Information Only</b>	<input type="checkbox"/> <b>Funds Budgeted:</b>

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**Staff Recommendation:**

**No Action Necessary – Informational Item Only**

**Background:**

Pursuant to CalPERS and California Code of Regulations Section 570.5, salary schedule changes must be approved and adopted by the employer's governing body according to the requirements of applicable public meeting laws.

**Discussion:**

Provided for review is a draft of the salary schedule to be effective July 1, 2022, which reflects a 4.29% increase to salary ranges, based on the change from calendar year 2020 to 2021 in the Consumer Price Index - Urban Wage Earners and Clerical Workers, as prepared by the Bureau of Labor Statistics. These ranges were included in calculating the budget for FY 2022-23.

As a reminder, these adjustments are made to the salary ranges, not to the individual employee's salary. Salary changes continue to be based on the merits of the employee's annual evaluation.

This item will be brought back for consideration of adoption on March 16, 2022.

**Strategic Plan Objective(s):**

3.3 – Be accountable and transparent with major decisions

**Attachment(s):**

Exhibit A – Salary Schedule effective July 1, 2022

**Meeting History:**

None

NA/VR

**THREE VALLEYS MUNICIPAL WATER DISTRICT  
ANNUAL SALARY RANGE BY CLASSIFICATION  
Effective: July 1, 2022**

CLASSIFICATION	Minimum Salary Range	Maximum Salary Range
	<b>ANNUAL</b>	
ACCOUNTING TECHNICIAN	\$ 59,038	\$ 94,461
ADMINISTRATIVE/COMMUNICATIONS ASSISTANT	\$ 52,226	\$ 83,561
ASSISTANT ENGINEER	\$ 72,198	\$ 115,517
CHIEF ADMINISTRATIVE OFFICER	\$ 159,862	\$ 255,780
CHIEF FINANCE OFFICER	\$ 159,862	\$ 255,780
CHIEF OPERATIONS OFFICER	\$ 159,862	\$ 255,780
CHIEF WATER RESOURCES OFFICER	\$ 159,862	\$ 255,780
COMPLIANCE SPECIALIST	\$ 78,812	\$ 126,099
ENGINEER	\$ 92,253	\$ 147,605
ENGINEERING ASSISTANT	\$ 68,038	\$ 108,860
EXECUTIVE ASSISTANT	\$ 69,204	\$ 110,727
GENERAL MANAGER	\$ 203,846	\$ 326,154
HUMAN RESOURCES/RISK MANAGER	\$ 90,172	\$ 144,275
INFORMATION TECHNOLOGY MANAGER	\$ 116,747	\$ 186,796
INSTRUMENTATION/ELECTRICAL SYSTEM OPERATOR	\$ 81,694	\$ 130,711
OPERATIONS SUPERVISOR	\$ 96,461	\$ 154,338
OPERATIONS SUPERVISOR (T5)	\$ 115,753	\$ 185,205
PLANT ASSISTANT	\$ 44,596	\$ 71,353
PROJECT MANAGER	\$ 116,386	\$ 186,217
SENIOR FINANCIAL ANALYST	\$ 90,172	\$ 144,275
SHIFT OPERATOR II	\$ 54,887	\$ 87,819
SHIFT OPERATOR III	\$ 67,553	\$ 108,085
SHIFT OPERATOR IV	\$ 76,114	\$ 121,782
SHIFT OPERATOR V	\$ 78,647	\$ 125,835

Based on Board approval, an adjustment to each salary range classification will be considered for July 1 of each year. Range adjustments are tied to changes in the Consumer Price Index - Urban Wage Earners and Clerical Workers for Los Angeles-Long Beach-Anaheim as prepared by the Bureau of Labor Statistics, from current year annual to the prior year annual. The adjustment to each salary range is intended to keep TVMWD's salary ranges at the market level and may not necessarily impact individual salaries. The opportunity for individual salary increases will continue under the merit-based system employed by TVMWD. An important note is that an employee's annual salary may be below the minimum salary range if: (1) their annual evaluation has not yet occurred in the current fiscal year or (2) their performance documented in prior annual evaluations has not merited an increase that has kept up with index adjustments to the salary ranges.

**Shift Differential Pay**

- Operators and plant assistants who work on Friday, Saturday or Sunday will be compensated with 10% additional pay for those hours.
- Shift differential pay is considered special compensation and will be reported to CalPERS as such.

**On-Call Pay**

- Standby operators who serve as the on-call standby operator each evening will be paid \$35 per day (\$70 on holidays).
- Lab operators who serve as the on-call plant operator each evening will be paid \$90 per day (\$180 on holidays).
- In addition to receiving the on-call pay noted above, the on-call operators will be paid for the additional time spent responding to situations.
  - If responding by phone/tablet/laptop only, the on-call operator will be guaranteed at least 15 minutes of additional pay. All time over 15 minutes will be rounded up to the nearest 15 minute increment.
  - If responding in person, the on-call operator will be guaranteed at least two hours of additional pay. All time over two hours (portal to portal) will be rounded up to the nearest 15 minute increment.
  - Operators will be eligible for OT and shift differential pay as applicable for time spent responding.
- On-call pay is not considered special compensation and thus will not be included as a part of final compensation in calculating CalPERS pension.

**Holiday Pay**

- Any employee scheduled who works on either the actual holiday or the observed holiday will be paid at one and one-half times the employee's regular rate of pay. Since the employee is working the holiday, the employee will also be paid an additional eight hours at regular pay for that holiday.



## Board of Directors Staff Report

**To:** TVMWD Board of Directors  
**From:** Matthew H. Litchfield, General Manager   
**Date:** March 2, 2022  
**Subject:** **FY 2022/2023 Budget**

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<input type="checkbox"/> <b>For Action</b>	<input checked="" type="checkbox"/> <b>Fiscal Impact</b>	<b>\$ 78,900,000</b>
<input checked="" type="checkbox"/> <b>Information Only</b>	<input type="checkbox"/> <b>Funds Budgeted:</b>	

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**Staff Recommendation:**

**No Action Necessary – Informational Item Only**

**Discussion:**

Staff will conduct a budget workshop today. Attached is the first draft of the FY 2022/2023 budget. Staff has considered the following assumptions in preparing this budget:

- This draft is based on MWD’s Ten-Year Financial Forecast presented by MWD staff on February 8, 2022 for the 2023 and 2024 rate setting cycles.
- TVMWD projected sales are based on TVMWD member agency input. Each agency provided an estimate regarding their 2022-2027 demands.
- Maximizing flows to JWL (Joint Water Line) from the Miramar Plant.
- Lack of Six Basins water rights for lease will increase groundwater costs.

Highlights of this draft budget:

**Pass Through Fund**

- The MWD RTS Charge is increasing \$500,000 for FY 2022/2023 and \$250,000 for calendar year 2023. This is primarily due to:
  - MWD allocating more costs to the Standby Charge (\$145 million for 2023 versus \$140 million for 2022)
  - TVMWD taking proportionately more water over the last 10 years than other MWD agencies (4.49% for 2023 versus 4.47% for 2022)

The standby charge collected for the fiscal year is estimated to increase from \$20.43 to \$23.05 per EDU.

- The MWD Capacity Charge is decreasing \$25,000 for the fiscal year and \$260,000 for calendar year 2023. This is primarily due to less MWD agencies “peaking” off the system, which causes less costs to be allocated towards the Capacity Charge. This caused the rate to decrease from \$12,200 to \$10,700 per cfs.

#### Capital Fund

- All major capital projects were detailed in the strategic plan adopted at the February 16<sup>th</sup>, 2022 Board of Directors meeting. TVMWD continues to utilize property taxes to fund capital projects with no need to issue debt.

#### Operating Fund

- MWD’s untreated water rate is increasing \$89/AF (11%). MWD’s treatment surcharge is increasing \$20/AF (6%). These changes result in an overall increase in the treated water rate of \$109/AF (10%). Two other items of note:
  - MWD staff is proposing to hire an additional 81 FTE’s to meet unfunded priorities. If these positions are approved, this will increase the 2023 rate by an additional 1%.
  - MWD’s Ten-Year Financial Forecast does not include costs for a Delta Conveyance Fix, however if included staff verbally stated that future rate increases would be an additional 2% annually.
- As a minor party member of Six Basins, TVMWD receives a base annual amount of only 25 AFY but is allowed to lease excess water rights from major party members, of which TVMWD has done for a number of years at a fairly low cost. At this time, excess rights are not widely available, so TVMWD is expected to purchase full cost untreated water from MWD to spread within Six Basins to meet groundwater well demands.
- The key to keeping TVMWD rates low is maximizing the Miramar Plant. We accomplish this primarily by providing as much supply as possible to the JWL from TVMWD’s Miramar Plant rather than MWD’s Weymouth Plant.
  - The lack of availability of State Water Project (SWP) water at this time has caused MWD to change system operations. TVMWD has entered into a temporary agreement with MWD from September 2021 to December 2023 to shift demands where possible from SWP to Colorado River Aqueduct in exchange for a \$ credit per each acre foot.
  - The budget presented today assumes deliveries in the normal manner, as the temporary agreement compensates TVMWD for any lost Miramar Plant sales.
- The controllable budget (All other Operating Fund expenses excluding water costs) is 2% higher than what we estimated last year for FY 2022/2023. Notable changes are as follows:

- Staff Compensation is 4% higher due to higher than expected increases for CPI, staff turnover, leave payouts and CalPERS. In addition, the deferred compensation match was increased effective January 1, 2022.
- Planning and Resources was increased for FY 2022/2023 only and then expected to return to around \$90,000 annually. This is to accommodate the preparation of a Water Resource Master Plan as well as studies for other local supply sources with some of our member agencies.
- Operations and Maintenance is 6% lower primarily due to lower cost expectations for electricity, landscaping, and computer equipment.
- Directors Compensation is 15% lower due to revised expectations for meeting compensation.
- Membership Dues and Fees is 30% lower primarily due to staying with our existing membership in the San Gabriel Valley Council of Governments as opposed to applying for our own membership.

### Reserves

All board designated reserves are expected to be at or above the lower goal limits at the end of FY 2022/2023, including overall board designated reserves to meet the emergency goal of \$10M.

### Summary

Based on this first draft of the budget, TVMWD expects to offer a discount rate of \$2 per acre foot below the MWD rate for 2023 and the foreseeable future.

This item will be discussed with TVMWD's member agency managers next week and brought back for further board discussion at the April 6, 2022 board meeting.

### **Strategic Plan Objective(s):**

- 3.1 – Utilize and comply with a set of financial policies to maintain TVMWD's financial health
- 3.3 – Be accountable and transparent with major decisions

### **Attachment(s):**

Exhibit A – FY 2022/2023 Budget Version I Draft

Exhibit B – Capacity Charges 2023 Draft

Exhibit C – Fixed Charges 2023 Draft

### **Meeting History:**

None

NA/JL

FY 2022/23 TVMWD BUDGET VERSION 1										
	FY 2021/22	FY 2021/22	FY 2022/23	Pass Through	Operating	Capital	FY 2023/24	FY 2024/25	FY 2025/26	FY 2026/27
	Budget	Projected	Budget	Fund	Fund	Fund	Budget	Budget	Budget	Budget
<b>REVENUES</b>										
Water Sales	62,771,483	69,119,177	69,286,474		69,286,474		74,088,622	77,481,890	80,937,561	84,486,057
Standby Charge	4,076,264	4,061,743	4,598,632	4,598,632			5,577,728	6,431,502	6,435,380	6,435,770
Capacity Charge Assessment	1,636,205	1,636,205	1,611,595	1,611,595			1,749,495	1,956,945	2,122,905	2,364,930
Property Taxes	2,362,573	2,490,411	2,614,466			2,614,466	2,614,466	2,614,466	2,614,466	2,614,466
Fixed Charge Assessment	754,617	754,617	838,536		838,536		869,734	897,961	930,669	963,926
Hydroelectric Sales	270,000	220,835	270,000		270,000		270,000	270,000	270,000	270,000
Interest Income	44,864	(79,967)	75,520		75,520		75,520	75,520	75,520	75,520
Pumpback O&M	10,000	1,996	10,000	10,000			10,000	10,000	10,000	10,000
Grants and Other Revenue	5,457	43,005	5,517		5,517		5,655	5,796	5,941	6,090
<b>TOTAL REVENUES</b>	<b>71,931,464</b>	<b>78,248,021</b>	<b>79,310,740</b>	<b>6,220,227</b>	<b>70,476,047</b>	<b>2,614,466</b>	<b>85,261,220</b>	<b>89,744,080</b>	<b>93,402,443</b>	<b>97,226,760</b>
<b>EXPENSES</b>										
Water Purchases	55,438,081	61,124,090	61,747,612		61,747,612		66,314,955	69,433,101	72,447,023	75,643,558
MWD RTS Charge	4,076,264	4,076,264	4,598,632	4,598,632			5,577,728	6,431,502	6,435,380	6,435,770
Staff Compensation	4,726,314	4,811,825	5,174,906		5,174,906		5,425,806	5,660,069	5,891,258	6,128,586
MWD Capacity Charge	1,636,205	1,636,205	1,611,595	1,611,595			1,749,495	1,956,945	2,122,905	2,364,930
Operations and Maintenance	1,979,750	1,770,136	1,866,750		1,866,750		1,923,151	1,981,256	2,041,117	2,102,786
Capital Repair and Replacement	745,377	489,741	1,465,000			1,465,000	250,000	510,000	200,000	200,000
Capital Investment Program	3,671,544	3,455,589	160,000			160,000	1,650,000	1,000,000	4,500,000	3,000,000
Professional Services	636,718	614,095	613,461		613,461		631,996	651,091	670,763	691,029
Directors Compensation	320,321	267,299	274,073		274,073		275,661	277,281	278,933	280,618
Communication and Conservation Programs	167,000	132,671	173,200		173,200		178,433	183,824	189,378	195,100
Planning and Resources	90,000	82,270	275,000		275,000		92,719	95,521	98,407	101,380
Membership Dues and Fees	126,956	91,851	93,100		93,100		95,913	98,811	101,796	104,872
Hydroelectric Facilities	30,000	16,353	30,000		30,000		30,906	31,840	32,802	33,793
Pumpback O&M	10,000	5,319	10,000	10,000			10,000	10,000	10,000	10,000
Board Elections	-	-	-		-		-	-	-	-
Reserve Replenishment	390,000	390,000	390,000		390,000		390,000	390,000	390,000	390,000
Encumbrances from prior year		471,592	471,592			471,592	-	-	-	-
<b>TOTAL EXPENSES</b>	<b>74,044,530</b>	<b>79,435,300</b>	<b>78,954,922</b>	<b>6,220,227</b>	<b>70,638,103</b>	<b>2,096,592</b>	<b>84,596,764</b>	<b>88,711,241</b>	<b>95,409,762</b>	<b>97,682,421</b>
<b>NET INCOME (LOSS) BEFORE TRANSFERS</b>	<b>(2,113,066)</b>	<b>(1,187,279)</b>	<b>355,818</b>	<b>-</b>	<b>(162,056)</b>	<b>517,874</b>	<b>664,457</b>	<b>1,032,840</b>	<b>(2,007,319)</b>	<b>(455,661)</b>
TRANSFER FROM BOARD ELECTION RESERVES	-	-								
TRANSFER FROM/(TO) CAPITAL RESERVES	1,796,427	1,796,427	(989,466)			(989,466)	(714,466)	(1,104,466)	2,085,534	585,534
TRANSFER FROM/(TO) OPPORTUNITY RESERVES										
TRANSFER FROM/TO ENCUMBERED RESERVES	307,921	307,921	471,592		-	471,592				
<b>NET INCOME (LOSS) AFTER TRANSFERS</b>	<b>(8,718)</b>	<b>917,069</b>	<b>(162,056)</b>	<b>-</b>	<b>(162,056)</b>	<b>-</b>	<b>(50,010)</b>	<b>(71,627)</b>	<b>78,214</b>	<b>129,872</b>
	<b>CY 2022</b>		<b>CY 2023</b>				<b>CY 2024</b>	<b>CY 2025</b>	<b>CY 2026</b>	<b>CY 2027</b>
MWD RATE	\$ 1,143		\$ 1,252				1,322	1,395	1,476	1,552
TVMWD SURCHARGE	\$ (16)		\$ (2)				(2)	(2)	(2)	(2)
TVMWD RATE	\$ 1,127		\$ 1,250				\$ 1,320	\$ 1,393	\$ 1,474	\$ 1,550
<b>ANNUAL FIXED CHARGE</b>	<b>\$ 819,318</b>		<b>\$ 857,754</b>				<b>\$ 881,714</b>	<b>\$ 914,207</b>	<b>\$ 947,131</b>	<b>\$ 980,722</b>



## MWD CAPACITY CHARGE SUMMARY EFFECTIVE JANUARY 2023

AGENCY	CFS BASIS	ANNUAL CHARGE	MONTHLY CHARGE	%
Boy Scouts	0.4	\$ 4,090.13	\$ 340.84	0.28%
Cal Poly	0.6	\$ 6,544.21	\$ 545.35	0.44%
Covina	3.8	\$ 40,901.33	\$ 3,408.44	2.76%
Covina Irrigating Company	16.1	\$ 171,785.57	\$ 14,315.46	11.61%
Glendora	11.6	\$ 124,340.03	\$ 10,361.67	8.40%
Joint Water Line (JWL)	28.9	\$ 309,214.03	\$ 25,767.84	20.90%
La Verne	13.2	\$ 141,064.59	\$ 11,755.38	9.53%
Mt. Sac	1.0	\$ 10,634.34	\$ 886.20	0.72%
Pomona	0.0	\$ -	\$ -	0.00%
Rowland Water District	6.2	\$ 66,260.15	\$ 5,521.68	4.48%
GSWC (Claremont)	15.8	\$ 168,967.47	\$ 14,080.62	11.42%
GSWC (San Dimas)	12.7	\$ 135,792.40	\$ 11,316.03	9.18%
Suburban	0.0	\$ -	\$ -	0.00%
Valencia Heights	0.0	\$ -	\$ -	0.00%
Walnut Valley Water District	28.1	\$ 300,215.74	\$ 25,017.98	20.29%
<b>TOTAL</b>	<b>138.3</b>	<b>1,479,810</b>	<b>\$ 123,318</b>	<b>100.00%</b>

### Notes:

1. The MWD Capacity Charge is paid by each member agency based on TVMWD's allocation of the specific non-coincidental peak calculation over a three year period 2019, 2020, and 2021.
2. The MWD Capacity Charge basis of 138.3 cfs at \$10700 per cfs is assigned to TVMWD by MWD and is passed-through directly to the member agencies.

# TVMWD FIXED CHARGES SUMMARY

Item 7.C - Exhibit C

## EFFECTIVE JANUARY 2023

AGENCY	IMPORTED WATER USE			CONNECTED CAPACITY			EQUIVALENT SMALL METER			TOTAL \$
	(3yr Avg) (AF)	ANNUAL \$	%	(cfs)	ANNUAL \$	%	METERS	ANNUAL \$	%	
Boy Scouts	17.9	\$ 80.93	0.03%	1.5	\$ 1,052.46	0.37%	254.3	\$ 285.92	0.10%	\$ 1,419.30
Cal Poly	103.6	\$ 469.26	0.16%	2.0	\$ 1,403.28	0.49%	2,542.6	\$ 2,859.18	1.00%	\$ 4,731.71
Covina	50.3	\$ 227.99	0.08%	20.0	\$ 14,032.78	4.91%	5,199.9	\$ 5,847.39	2.05%	\$ 20,108.16
Covina Irrigating Company	7,360.7	\$ 33,340.20	11.66%	20.0	\$ 14,032.78	4.91%	0.0	\$ -	0.00%	\$ 47,372.98
Glendora	1,484.7	\$ 6,724.81	2.35%	40.0	\$ 28,065.56	9.82%	28,083.9	\$ 31,580.66	11.05%	\$ 66,371.03
Joint Water Line (JWL)	18,012.2	\$ 81,586.34	28.53%	121.0	\$ 84,898.33	29.69%	0.0	\$ -	0.00%	\$ 166,484.68
La Verne	5,691.6	\$ 25,780.27	9.02%	15.0	\$ 10,524.59	3.68%	20,924.5	\$ 23,529.87	8.23%	\$ 59,834.72
Mt. Sac	420.7	\$ 1,905.56	0.67%	5.0	\$ 3,508.20	1.23%	2,542.6	\$ 2,859.18	1.00%	\$ 8,272.94
Pomona	0.0	\$ -	0.00%	20.0	\$ 14,032.78	4.91%	44,632.5	\$ 50,189.82	17.55%	\$ 64,222.60
Rowland Water District	3,781.9	\$ 17,130.30	5.99%	30.0	\$ 21,049.17	7.36%	23,974.5	\$ 26,959.63	9.43%	\$ 65,139.10
GSWC (Claremont)	5,567.3	\$ 25,217.20	8.82%	15.0	\$ 10,524.59	3.68%	27,654.5	\$ 31,097.84	10.88%	\$ 66,839.63
GSWC (San Dimas)	8,507.5	\$ 38,534.80	13.48%	35.0	\$ 24,557.37	8.59%	32,705.0	\$ 36,777.19	12.86%	\$ 99,869.36
Suburban	0.0	\$ -	0.00%	0.0	\$ -	0.00%	16,706.0	\$ 18,786.11	6.57%	\$ 18,786.11
Valencia Heights	0.0	\$ -	0.00%	4.0	\$ 2,806.56	0.98%	1,605.7	\$ 1,805.58	0.63%	\$ 4,612.14
Walnut Valley Water District	12,125.0	\$ 54,920.28	19.21%	79.0	\$ 55,429.49	19.39%	47,433.5	\$ 53,339.58	18.66%	\$ 163,689.35
<b>TOTAL</b>	<b>63,123.4</b>	<b>\$ 285,918</b>	<b>100%</b>	<b>407.5</b>	<b>\$ 285,918</b>	<b>100%</b>	<b>254,259</b>	<b>\$ 285,918</b>	<b>100%</b>	<b>\$ 857,754</b>


**Notes:**

1. *The Imported Water Use Charge is based on average import water deliveries in the 2018/19, 2019/20 & 2020/21 fiscal years.*
2. *Connected Capacity for the Badillo-Grand Pipeline is according to WVWD's maintenance allocation: WVWD 60 cfs and Valencia Heights. 4 cfs.*
3. *Boy Scouts ESM Charge is calculated based on 0.1% of total ESMs; Cal Poly & Mt. SAC ESM Charges are calculated based on 1.0% of total ESMs*
4. *Covina, Glendora, and Valencia Heights ESM Charges are calculated based on 27%, 98%, and 67%, respectively, of their corresponding total ESMs. Percentages are based on agencies' service area within TVMWD.*
5. *Fire Service Meters are not included in the ESM calculations*



## Board of Directors Staff Report

**To:** TVMWD Board of Directors

**From:** Matthew H. Litchfield, General Manager 

**Date:** March 2, 2022

**Subject:** **FY 2022/2023 Annual Purchase Orders**

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<input type="checkbox"/> <b>For Action</b>	<input type="checkbox"/> <b>Fiscal Impact</b>	<b>\$</b>
<input checked="" type="checkbox"/> <b>Information Only</b>	<input type="checkbox"/> <b>Funds Budgeted:</b>	

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**Staff Recommendation:**

**No Action Necessary – Informational Item Only**

**Background:**

In compliance with TVMWD’s purchasing policy, general purchases exceeding \$75,000 and public projects exceeding \$200,000 are to be approved by the Board.

**Discussion:**

Staff has listed below vendors/contractors used for an ongoing basis. Staff felt it appropriate to bring these before the Board for consideration for next fiscal year.

- ACWA Joint Powers Insurance Authority (JPIA) - \$630,000 for medical, dental, vision, employee assistance program, liability, property and workers’ compensation insurance. This activity is categorized as section E professional services of the purchasing policy. Staff feels JPIA qualifies as a single source vendor.
- Brunick, McElhaney & Kennedy Professional Law Corporation - \$212,000 for legal services. This activity is categorized as section E professional services of the purchasing policy. Brunick, McElhaney & Kennedy has been with TVMWD for decades. Staff feels Mr. Kennedy’s qualifications and history with TVMWD at a very reasonable fee justifies qualification as a single source vendor.
- Michael J. Arnold and Associates - \$75,000 to serve as state legislative lobbyist. This activity is categorized as section E professional services of the purchasing policy. Mr. Arnold has served as TVMWD’s state lobbyist for over 18 years. Staff feels Mr. Arnold’s qualifications and history with TVMWD justifies qualification as a single source vendor.
- Chemicals - Chemicals are categorized as section B general supplies of the purchasing policy, normally requiring competitive bids. However, chemicals meet the exception to competitive offer requirements as a good with significant market fluctuation. Requiring a guaranteed price for a year would cost more than simply paying the ebbs and flows of the

current market price. Senior staff frequently compares pricing to obtain the lowest cost for each order.

- JCI Jones Chemicals - \$135,000 for chlorine
  - Kemira Water Solutions - \$220,000 for aluminum chlorohydrate
  - Univar USA and Brenntag Pacific - \$135,000 for sodium hydroxide
  - Advanced Water Science - \$85,000 for algaecide
- Denali Water Solutions - \$120,000 for sludge removal services. This activity is categorized as section E professional services of the purchasing policy. Denali removes, transports and disposes the sludge generated during the residual management process. Denali has provided service to TVMWD since 2014. In recent years the cost for this service has increased due to an increased distance required for disposal. Staff has and continues to evaluate disposal options to minimize the costs.
  - Hach Company - \$75,000 for lab supplies, specialized equipment and servicing, categorized as section C proprietary equipment and goods and section E professional services of the purchasing policy. TVMWD uses multiple items of Hach equipment where the corresponding supplies and servicing can only be from Hach.

This item will be brought back to the board on March 16, 2022 for consideration of approval.

**Strategic Plan Objective(s):**

2.2 – Reduce residual solids disposal costs

3.3 – Be accountable and transparent with major decisions

**Attachment(s):**

None

**Meeting History:**

None

NA/JL