



## BEAR VALLEY COMMUNITY SERVICES DISTRICT

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28999 South Lower Valley Road • Tehachapi, CA 93561-7460  
PHONE 661-821-4428 • FAX 661-821-0180

### ADMINISTRATION COMMITTEE AGENDA February 20, 2019 11:00 am

**ROLL CALL:** Chair: Jane Baron; Vice-Chair: Terry Quinn  
Staff: Bill Malinen, General Manager; Kristy McEwen, Secretary of the Board  
Citizen Volunteers: Ken Ames, Sharon Groen

1. **Approval of Agenda**

2. **Public Comments on Non-Agenda Items**

Members of the public may address the Committee on matters within its subject matter area not listed on this Agenda. The Committee cannot take action on any item that is not on the Agenda. The Committee or staff may briefly respond to statements made or questions posed, or may ask questions for clarification. These items may also be referred to staff or scheduled on a future Agenda. There will be a separate opportunity for public comment for each item on the Agenda.

3. **Information & Discussion Items:**

- A. On-Call/Standby Policies
  - i. Public Safety
  - ii. Public Works
- B. Ordinance Amendment 4-1: District Roads
- C. Personnel Policies – Sections I - IV

4. **Committee Member Comments**

5. **Staff Comments**

6. **Adjournment:** The next regularly scheduled meeting of the Administration Committee is April 17, 2019.

**INFORMATION REGARDING AGENDA ITEMS:** Copies of the staff reports and other disclosable public records related to each open session item of business referred to on the Agenda are on file in the office of the District Secretary and are available for public information during regular business hours. Any person who has a question concerning any of the Agenda items may call the District Secretary at 661.821.4428.

**ADA compliance statement:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District Secretary to the Board of Directors, Kristy McEwen, at 661.821.4428. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting.

Signed February 12, 2019

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Kristy McEwen, Secretary of the Board



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### **Police Department Emergency Standby Pay Procedures**

#### **A. Introduction.**

The purpose of this policy is to establish guidelines for Bear Valley Police Department (“Department”) responses to emergency situations and to provide procedures for employees placed on emergency standby status to ensure the District’s ability to respond to emergency situations in order to protect the health and safety of the community.

#### **B. Applicability.**

This policy applies to all sworn Department employees. To the extent that any provision in a prior memorandum of understanding or the District’s employee handbook conflicts with this policy, the terms and conditions of this policy will govern.

#### **C. Policy.**

1. Assignment. Sworn Bear Valley Police Department employees may be placed on emergency standby by the Chief of Police (or the Chief’s designee) for emergency patrol response during periods of critical staffing shortages.
2. Expectations.
  - a. Employees assigned to emergency standby must be available to immediately answer their radio or phone when called. Employees using personal radios or phones are responsible for providing the Department with up to date contact information.
  - b. Employees assigned to emergency standby must remain within a 30 minute response time to the District.
  - c. Employees must refrain from the use of alcoholic beverages and any other activity which might impair their ability to safely respond to an emergency while assigned to emergency standby status. Employees must remain in a capable state, able to operate a motor vehicle and perform work duties should they be required to respond to a call.
3. Take Home Vehicle. Employees will be provided with either a marked or unmarked police vehicle to expedite their response while on emergency standby status. If assigned an unmarked vehicle, the employee may drive the District vehicle to attend to necessary personal business, such as meals and family commitments, if the employee remains within the 30 minute response time to the District. Department employees may transport

42 non-employees in the District vehicle with prior express permission of the Chief of Police  
43 or the Chief's designee.  
44

45 4. Response Procedures.

46 a. Once notified of an emergency response situation, the employee must respond  
47 directly to the incident as quickly and safely as possible.  
48

49 b. When responding to an incident upon being notified, the employee must either  
50 wear the full Department uniform or civilian clothes with an official Department  
51 jacket and duty belt clearly identifying them as a sworn Department employee.  
52

53 5. Standby Pay. Employees placed on emergency standby status will be compensated at a  
54 rate of:

55 a. \$15 per hour of standby.  
56  
57

58 6. Call-Out Pay. Employees who respond to an incident while on emergency standby status  
59 will be compensated at their applicable rate of overtime pay from the time of notification  
60 to the completion of the incident, with a minimum of two hours. This will be in lieu of  
61 any standby pay for the period of the incident to which the employee responds. If less  
62 than two hours are required for the emergency response, the employee will perform  
63 additional Department duties for the remainder of the call-out time.  
64



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### **PUBLIC WORKS STANDBY & EMERGENCY CALL-OUT POLICY**

#### **A. Introduction**

The purpose of this policy is to establish guidelines for Public Works employee responses after normal working hours to emergency situations to insure the District's ability to respond to after-hours emergency situations in order to protect the health and safety of the community.

#### **B. Applicability**

This policy applies to full-time Public Works employees. Employees will be scheduled on a rotating basis consistent with the Assignment Procedures covered in Section E. To the extent that any provision in a prior memorandum of understanding or the District's employee handbook conflicts with this policy, the terms and conditions of this policy will govern.

#### **C. Policy**

##### **1. Assignment Period.**

- a. The *weekday standby period* begins at 3:30 pm on Monday and continues to 7:00 am Friday.
- b. The *weekend standby period* begins at 3:30 pm on Friday and continues to 7:00 am Monday.
- c. A *holiday standby period* begins at 7:00 am on the holiday and continues to 7:00 am on the day following the holiday.

##### **2. Standby Pay.**

An on-call employee will be compensated at the rate of \$25 per day. If called out during the standby period, the employee will receive call-out pay for time worked in lieu of that day's standby pay. Time spent on standby status is not considered hours worked under applicable state or federal wage and hour laws. Additionally, standby pay applies solely to time outside normal hours of employment and is not reportable to CalPERS as compensation.

**Commented [KM1]:** PWD recommends changing to "in addition to that day's standby pay."

##### **3. Call-Out Pay & Travel Time.**

- a. A minimum of two hours of overtime, at the employee's applicable rate, will be paid for performing on-call emergency work.
- b. If more than two hours are worked, the employee will be compensated for all hours worked at his or her overtime rate.
- c. Employees called out on a District holiday will be compensated at two (2) times his or her regular rate of pay for all hours worked.
- d. If less than two hours are required for the emergency response (including travel time), the employee will perform additional duties for the remainder of the call-out time. This requirement is waived for call outs occurring on District holidays.
- e. The employee will be paid for reasonable travel time both to and from the job site, not to exceed 30 minutes each way.

##### **4. Expectations.**

- 45 a. All on-call employees must practice a professional commitment to public service while dealing  
46 with the specific emergency in a common sense and sensitive manner.
- 47 b. On call employees must keep an assigned District cell phone with them at all times during the  
48 standby period and are expected to respond to all calls within 15 minutes.
- 49 c. On call employees who are called in for an emergency response are expected to respond to the  
50 scene of the emergency within 45 minutes.
- 51 d. On call employees must refrain from ingesting drugs or alcohol during the assigned standby  
52 period. Employees must remain in a capable state, able to operate a motor vehicle and perform  
53 work duties should they be required to respond to a call.
- 54
- 55 5. Take Home Vehicle.
- 56 a. A District vehicle equipped with the necessary equipment will be kept at the employee's  
57 residence and will be used for call-outs while on standby duty.
- 58 b. District vehicles should not be used for personal purposes, nor should non-District personnel be  
59 transported in the District vehicle without the express permission of the Public Works Director  
60 or the employee's supervisor.
- 61
- 62 6. Response Procedures.
- 63 a. The on-call employee is responsible for determining whether or not the situation is a true  
64 emergency requiring an on-scene response. The on-call employee must collect pertinent  
65 information (name, address and telephone number of the reporting party) and a full description  
66 of the situation.
- 67 b. If it is determined by the on-call employee that the situation is a true emergency, the on-call  
68 employee must respond to the scene of the emergency as soon as possible, in most cases within  
69 a maximum of 45 minutes.
- 70 c. If the situation is not a true emergency, the on-call employee must notify the reporting party that  
71 the request will be forwarded to the responsible party at the start of the next business day.
- 72 d. A detailed Work Order must be completed for any call out and submitted to the employee's  
73 supervisor as soon as is practicable the next working day. The Work Order must include:
- 74 i. Date, time and name of reporting party
- 75 ii. Incident description, type of call and location
- 76 iii. Action taken, time involved and equipment used
- 77 iv. Additional personnel called to assist
- 78 v. Any necessary follow up
- 79

80 **D. Emergency and Non-Emergency Situations Defined.**

- 81
- 82 1. Emergency Situations. The following is a list of typical emergencies where a response is  
83 appropriate:
- 84 a. Sanitary sewer main blockage, alarm at a sewer lift station, or problem at Wastewater Treatment  
85 Plant.
- 86 b. Hazardous material spill where barricades, spill confinement, and/or cleanup is required.
- 87 c. Alarm or other notification indicating major event in the water system.
- 88 d. Major street problem such as significant pavement damage, downed tree or large limb blocking  
89 the roadway.
- 90 e. Significant flooding of streets and/or buildings; large amounts of debris on roadway.
- 91 f. Large animal blocking roadway.
- 92 g. Emergency support requests from the Police Department or California Department of Fish &  
93 Wildlife.
- 94

- 95 2. Non-Emergency Situations. The following is a list of situations where an emergency response is  
96 not appropriate:
- 97 a. Minor street problem such as a pothole or small amount of debris.
  - 98 b. Animal on roadside or right-of-way.
  - 99 c. Restoration of residential water service following shut-off procedure.
  - 100 d. Water breaks or leaks on private property; other private issues not in the public right-of-way  
101 (unless the District has an updated after-hours call out fee in place).
  - 102 e. Requests for snow plowing that do not originate from the Public Works Director or Roads  
103 Supervisor.
- 104
- 105 3. Situations Not Covered. When a request for emergency assistance is received and the situation is  
106 not clearly covered in this policy, the on-call employee must attempt to contact his or her supervisor  
107 for clarification. If the supervisor is not available, the on-call employee must evaluate the facts and  
108 act accordingly. If reasonable doubt exists as to the seriousness of the request, the employee must  
109 respond to the request.  
110

#### 111 **E. Assignment Procedures**

112

- 113 1. An equitable on-call schedule will be prepared and issued quarterly. The District will create a rotation  
114 that distributes the on-call assignments as evenly and fairly as is reasonably possible.  
115
- 116 2. Employee preferences will be considered; however, District needs will take precedence.  
117
- 118 3. The District will create a list of volunteers for District holiday coverage. If insufficient numbers of  
119 qualified employees volunteer, the District will assign employees to work. Every effort will be made  
120 to ensure that the same employee does not work the same major holidays recognized by the District.  
121
- 122 4. Employees are expected and required to be available to respond to calls for emergency call-outs  
123 during their scheduled standby period. The District may place employees on the on-call schedule as  
124 necessary.  
125
- 126 5. Substitutions and trades will be allowed subject to the scheduling needs of the District. The scheduled  
127 employee is responsible for finding a substitute. The substitution must have prior approval from the  
128 Public Works Director or the scheduled employee's supervisor.

#### 4-1-2: DISTRICT ROADS:

A. Designation Of Roads: No person ~~may shall~~ operate a motor vehicle within the district except upon a district road in compliance with this chapter or upon private property with permission of the property owner. ~~A map and list of d~~District roads ~~is are listed on exhibit A attached to ordinance 64 on file in the office of the district secretary and hereby incorporated by reference and are shown on the map attached as exhibit B and hereby incorporated by reference.~~

B. Designation Of Rights Of Way: No person ~~may shall~~ operate a motor vehicle upon district owned property or rights of way which are not designated ~~herein~~ as a road without the prior express written permission of the district. (Ord. 09-230, 1-8-2009)

**Commented [DMD1]:** Confirm existence of the Map and whether it needs to be updated. This language is not necessary for the Code since the exhibits are not made a part of the code. If the Map is out of date, we may need to adopt a new one by separate ordinance.

#### 4-1-3: ENTRY TO DISTRICT AND ACCESS TO DISTRICT ROADS:

A. Entry With Permit: Except as provided under this section, no person ~~may shall~~ enter through the electronic or manually operated guarded gates onto district roads unless that person has been issued a gate permit by authorized district personnel.

B. Entry Without Permit: The following persons ~~are shall be~~ permitted to enter the district without a gate permit:

1. Upon proper identification:
  - a. Association members, and members of their family residing with them;
  - b. Tenant assignees and members of their family residing with them;
  - c. District residents who are neither association members nor tenant assignees;
  - d. Association members who have assigned their membership rights to a tenant;
  - e. Nonresident employees of the district and the association-

Proper identification includes, but is not limited to, windshield stickers issued by the district, ~~other electronic or visual mechanism ("credential") issued by the district to activate the district automated entry system, and use privilege cards issued by the association, and electronic devices programmed to operate the unmanned gate.~~

2. Operators of emergency vehicles or vehicles entering following proclamation of a local emergency.
3. Operators of vehicles on behalf of the association, government agencies, and public utilities and services, including, but not limited to, mail and package delivery services, school buses, propane trucks, sanitation vehicles, delivery vehicles to the district, the association, the general store and the service station. (Ord. 09-230, 1-8-2009)

#### 4-1-4: GATE PERMITS:

##### 4-1-4-1: ~~AUTOMATIC DEVICES~~AUTOMATED ENTRY:

A. Purpose: The purpose of this section is to establish district policy regarding entry via the district automated entry system. ~~the issuance and use of automated gate devices.~~

B. General:

The following persons ~~are shall be~~ permitted to enter the district via the automated entry system:

1. Association members, and members of their family residing with them;
2. Tenant assignees and members of their family residing with them;
3. District residents who are neither association members nor tenant assignees;
4. Association members who have assigned their membership rights to a tenant;
5. Nonresident employees of the district and the association

~~Full time and part time residents of the district may acquire automated gate devices and are allowed unlimited use of the devices for themselves and their immediate family members to gain entrance to district roads through the automated gate.~~

C. Issuance Of ~~Credentials~~Devices: ~~Two (2) devices maximum (either 2 cards, 2 transmitters, or 1 of each) may be issued to each household. Credentials for access through the automated entry system will be granted upon verification of the following:~~

1. Government ~~i~~ssued photo identification;
2. Proof of residency ~~or~~ employment;
3. Current vehicle registration;
4. Vehicle Information:
  - a) License plate number
  - b) Vehicle Identification Number
  - c) Make & Model
  - d) 2-wheel drive, 4x4, AWD

D. One credential per vehicle will be issued.

~~-Ownership of multiple residences does not entitle persons to additional devices. Proof of residency is required and may be demonstrated by the presentation of a recorded grant deed or a formal rental agreement. A personal photo identification, such as a California driver's license, is also required. Renters may be issued devices as long as there are not devices being held by the property owner. Nonresident employees of the district and the association may be issued devices pursuant to the same rules governing issuance of devices to residents of the district including payment of the appropriate fee.~~

~~D. Application Required: Any persons desiring use of gate devices must complete and sign an application agreeing to all of the terms and conditions as set forth by the board of directors.~~

E. Fee Required: A fee is required for each ~~credential issued by the district card and each transmitter~~. The fees are to cover the district's cost for the ~~cards credentials, system operational costs and the transmitters~~ and the administrative costs for issuing the ~~credentials devices~~ and maintaining related records. The fees ~~will shall~~ be established by resolution of the board.

F. Ownership Of ~~Credentials~~Devices: Ownership of the ~~devices credential will shall~~ be with the resident or employee to whom it was issued. The district reserves the right to electronically cancel the ~~devices credential~~ for failure of the ~~device holder recipient~~ to comply with the provisions of this chapter or upon



receiving evidence that the ~~device holder~~recipient no longer resides at the address for which the ~~devices~~credentials were issued or is no longer employed by the district or the association.

~~G. Responsibilities Of The District: The district will maintain a complete listing of the persons holding the devices and the numbers of the devices. The district will administer an annual verification program to inventory and ensure the appropriate distribution of the devices.~~

GH. Responsibilities Of Device Holders~~Credential Recipients: Device holders must ensure that devices in their possession are not utilized to admit unauthorized individuals through the gate. Device holders~~Recipients of a credential are prohibited from transferring ~~devices, the credentials~~ to anyone outside their immediate household ~~any vehicle other than the one to which it was issued~~. Failure to comply will result in deactivation of the ~~credential~~device. ~~Recipients~~Device holders must notify the district within ~~forty eight (48)~~ hours of a lost, stolen, damaged or destroyed ~~credentials~~devices. Issuance of a replacement ~~device-credential~~ requires payment of the appropriate fee. ~~Device holders are responsible for replacing batteries in the transmitters as required. The district does not stock or issue replacement batteries. (Ord. 09-230, 1-8-2009)~~

#### **4-1-4-2: SPECIAL PERMITS:**

A. Types Of Permits: Various types of gate permits ~~may shall~~ be issued, depending on the need and purpose for entering the district. Permits may be valid for a specified period of time or for an indefinite period.

B. Use Of Community Facilities Not Authorized: A gate permit ~~does shall~~ not authorize the permittee use of the community facilities operated by the association.

C. Descriptions And Conditions Of Gate Permits Issued:

##### 1. Guest Gate Permits:

a. Guest gate permits ~~may shall~~ be issued to the guests of the district and the association upon proper authorization by those organizations.

b. Guest gate permits ~~may shall~~ be issued to the guests of association members and guests of tenant assignees upon proper authorization by the association member or the tenant assignee host. Hosts must verify their identity and provide ~~gate personnel with~~ the name of each person to whom a gate permit is to be issued. ~~Gate personnel will verify the identity of hosts.~~ Hosts (or their designee) must be over ~~eighteen (18)~~ years of age to request a guest permit.

c. Guest gate permits ~~will shall~~ be valid for the period specified by the host, not to exceed ~~fourteen (14)~~ days unless renewed by the host.

##### 2. Special Event Gate Permits:

a. Special event gate permits, valid only for that event, will be issued to persons attending special events that are sponsored by the district, the association, association members or tenant assignees.

b. Special event sponsors ~~are shall be~~ responsible for preparing an alphabetical list of persons invited to the event and ~~presenting submitting~~ the list ~~to the district to gate personnel~~ not less than ~~seventy two (72)~~ hours prior to the event.

c. Persons who are not on the list and are requesting entrance to attend the event must contact the event sponsor, who may then request a gate permit ~~via telephone~~.

### 3. Gate Permits For Members Of Local Nonprofit Corporations/Associations:

a. Gate ~~permits passes may will~~ be issued to members and guests of local nonprofit corporations/associations attending a meeting or event sponsored by the nonprofit corporation/association.

b. The nonprofit corporation/association ~~must shall~~ provide ~~gate personnel with~~ a list of members or persons who regularly attend meetings from outside Bear Valley. Gate ~~permits passes~~ will be issued to these persons for the stated activity only. It is the responsibility of the corporation/association to update their gate ~~permit pass~~ list as required but at least semiannually.

c. Persons who are not on the list and are requesting entrance to attend a meeting must contact the nonprofit corporation or association, who may then request a gate permit ~~via telephone~~.

### 4. Gate Permits For Government, District And Association Employees And Contractors:

a. Employees Of Federal, State, Local Government And Association: Indefinite term gate permits ~~may shall~~ be issued to employees of federal, state and local government bodies, and the association. These permits ~~will shall~~ expire automatically upon termination of their employment or contract.

b. Contractors: Contractors who are employed or contracting with property owners, ~~tenants~~, the association or the district ~~may shall be required to apply for a permit to~~ be issued ~~a gate permit by the district~~. The district ~~may shall~~ issue a short term contractor ~~permit pass~~, an extended term contractor ~~permit pass~~ or a recurring contractor ~~permit pass~~ depending on the needs and length of employment or contract of the contractor. ~~The board of directors shall establish policies and regulations for the issuance of each classification of gate permits to contractors, the procedure to obtain the gate permits, and any fees or deposits that may be required with the issuance of the gate permits.~~

~~c. Display Of Gate Permits: Permittees entering in vehicles shall display their gate permit on the driver's side of their vehicle, located in a position clearly visible through the windshield from the outside.~~

### 5. Permits For Real Estate Brokers And Agents:

a. ~~Upon application to the district by a~~ licensed real estate brokers ~~and each of the broker's licensed agents may be issued,~~ gate permits valid for one year, and renewable annually, ~~will be issued to the broker for the broker and for each of the broker's licensed agents.~~

b. Brokers are responsible for each permit issued to the broker's agents.

**Commented [DMD2]:** The term "permit" is used everywhere else. Not sure if there is a reason to refer here to "passes" and the section also uses "permit" in some places.

**Commented [DMD3]:** I suspect the host or the contractor may apply so best to focus on the issuance of the permit similar to (a) above.

**Commented [DMD4]:** Same mix of pass and permit language. Best to stick with permit.

**Commented [DMD5]:** The policies should apply to everyone – not just contractors.

**Commented [DMD6]:** I agree it is a general requirement and may be deleted here.

**Commented [KM7]:** Not sure if this belongs under this section, as it is a general requirement and is repeated below

c. Permits issued to brokers and agents are not transferable and ~~must be~~ shall be void and returned to the district upon termination of the agent's employment or the broker's business, or the revocation of the broker's or agent's license.

6. Permits For Business Invitees:

a. Business invitees of the district, the association, members of the association and district residents ~~may will~~ be issued a gate permit upon proper identification.

b. Gate permits issued under this subsection ~~66 will shall~~ be valid for one day unless the invitee shows that a longer time is required to complete the business.

7. Permits For Process Servers, Private Investigators And ~~Repossessors~~ Repossession Agents:

Process servers, licensed private investigators and licensed ~~repossessors-repossession agents~~ may shall be issued gate permits, valid for one day, upon proper identification ~~presented to a district police officer~~.

D. Display Of Gate Permits: Permittees entering in vehicles ~~must shall~~ display their gate permits on the driver's side of their vehicle, located in a position clearly visible through the windshield from the outside.

E. Additional Policies, Regulations And Fees. The board of directors may establish by resolution additional policies and regulations for the issuance of each classification of gate permit, the procedure to obtain the gate permits, and any fees or deposits that may be required with the issuance of the gate permits.

~~(Ord. 09-230, 1-8-2009)~~

**Commented [DMD8]:** This requirement seems unnecessary.

**Commented [DMD9]:** This gives us flexibility to modify without amending the code.

1     **SECTION 1 GENERAL PROVISIONS.**

2           **A.     Purpose**

3                     These Personnel Policies are adopted by the Board of Directors of the Bear Valley  
4     Community Services District to establish a uniform system of personnel administration for  
5     the District.

6           **B.     Applicability**

- 7           1.     These Rules apply to all regular, full-time employees in the District.
- 8           2.     Unless otherwise required by law, these Policies will also apply to all temporary,  
9     part-time and seasonal employees who meet all applicable eligibility requirements  
10    for that Policy: **TBA**

11          **C.     Prior Policies Repealed**

12                     Upon adoption by the Board of Directors, these Personnel Policies supersede any  
13     and all prior personnel policies.

14          **D.     Distribution of Personnel Policies**

15                     A copy of these Personnel Policies will be distributed to each District employee.  
16     Newly hired employees will receive a copy upon hire. Human Resource representatives  
17     will maintain a hard copy. In addition, these Policies will be maintained electronically on  
18     the District’s server or intranet.

19          **E.     No Contract of Employment**

20                     These Policies do not create any contract of employment, express or implied, or any rights  
21     in the nature of a contract.

22          **F.     Conflicting Provisions**

23                     In the event of conflict between any provisions of these Policies and any provisions  
24     of a memorandum of understanding (“MOU”) between the District and a recognized  
25     employee organization, employment contract, District ordinance, or state or federal law,  
26     the terms and conditions of that MOU, contract, ordinance, rule or law will prevail. In all  
27     other cases, these Policies will apply.

28          **G.     Coordination with Department Policies**

29                     The General Manager or individual Department Heads may develop and administer  
30     supplemental written department policies and procedures as deemed necessary for the  
31     efficient, safe and orderly administration of the District or department. However, no such  
32     policies or procedures will conflict with or supersede these Policies, or other Board of  
33     Directors resolutions and ordinances or existing laws, and any such policies must be

34 submitted for and receive written approval by the General Manager before implementation.  
35 Copies of departmental policies and procedures must be distributed to each employee in  
36 the affected department with a copy maintained with Human Resources. In the event of an  
37 apparent conflict with departmental policy, an employee should discuss any concerns  
38 directly with his/her supervisor.

39 **H. Amendments and Modifications to Policies**

40 Consistent with Sections 3500 and following of the California Government Code,  
41 the District reserves the right to amend, supplement, revise, or rescind any provision of  
42 these Policies. Recommendation for such amendments or modifications may be made by  
43 the General Manager or Human Resources Representative to the Board of Directors. At  
44 the time of Board of Directors consideration, any interested party may appear and be heard.  
45 Amendments and revisions will become effective upon adoption by the Board of Directors.

46 **I. Delegation of Authority**

47 Except as otherwise provided, any duties, responsibilities, powers, and authority  
48 granted by these Policies to the Human Resources Representative, or Department Heads  
49 may be delegated in writing to any subordinate employee at the discretion of the delegating  
50 individual and upon approval of the General Manager. The General Manager may  
51 delegate his/her authority, except where delegation is limited or prohibited.

52 **J. Severability**

53 If any article, section, subsection, sentence, clause or phrase of these Policies is  
54 found to be illegal by a court of competent jurisdiction, such findings will not affect the  
55 validity of the remaining provisions of these Policies.

56 **K. Definitions**

57 1. **General Definition:** All words and terms used in these Policies and in any  
58 procedures are intended to be defined as they are normally and generally defined in  
59 the field of personnel administration, unless a specific definition is provided in  
60 these Policies.

61 2. **Specific Definitions:**

62 a. **Acting Appointment:** A temporary or interim appointment of a current  
63 District employee by the General Manager to temporarily perform the full  
64 duties of another Classification, usually of a higher rank or with a higher  
65 maximum base rate of pay.

66 b. **Additional Duties:** Temporary duties assigned to an employee by the  
67 General Manager as part of the employee's regular schedule, which differ  
68 from the duties typically required of his/her current Position or  
69 Classification, but do not require the employee to assume the full duties of  
70 another Position or Classification.

- 71 c. **Board of Directors:** The Board of Directors of Bear Valley Community  
72 Services District.
- 73 d. **Classification:** All Positions sufficiently similar in duties, authority, and  
74 responsibility that permit grouping under a common job title and  
75 description, with equitable application of salary, standards of selection and  
76 working conditions.
- 77 e. **Compensation:** The salary, wage, allowance, and all other forms of  
78 valuable consideration earned by or paid to any employee by reason of  
79 service in any Position, but does not include expenses authorized and  
80 incurred incidental to employment.
- 81 f. **Days:** Calendar days unless stated otherwise in these Policies.
- 82 g. **Demotion:** The movement of an employee from one Classification to  
83 another Classification having a lower maximum base rate of pay.
- 84 h. **Disciplinary Action:** The verbal or written reprimand, suspension,  
85 reduction in pay, demotion, or discharge of a regular employee for punitive  
86 reasons.
- 87 i. **District:** Bear Valley Community Services District.
- 88 j. **Domestic Partner/Registered Domestic Partner:** A person who has filed  
89 a Declaration of Domestic Partnership with the California Secretary of State  
90 pursuant to Section 297 and following of the Family Code.
- 91 k. **Exempt Employees:** Employees in a Classification that, based on both the  
92 job requirements and the salary earned, do not entitle the Employee to  
93 receive Compensation at an overtime rate under applicable state or federal  
94 wage and hour laws.
- 95 l. **Full-Time Employees:** Employees who hold Positions normally requiring  
96 40 or more hours worked per week or 80 or more hours worked per pay  
97 period.
- 98 m. **Human Resources Representative:** The General Manager or the General  
99 Manager's designee.
- 100 n. **Lay-Off:** The separation of Employees from the active work force due to  
101 lack of work or funds, or organizational changes, or the abolition of  
102 Positions or Classifications by the Board of Directors for any of those  
103 reasons.
- 104 o. **Memorandum of Understanding/MOU:** An agreement entered into  
105 between the District and a recognized employee organization pursuant to

- 106 Government Code Sections 3500 and following, and any local rules adopted  
107 by the District in accordance with Government Code Section 3507.
- 108 p. **Non-Exempt Employees:** Employees in a Classification that, based on  
109 either the job requirements or the Compensation earned, may entitle the  
110 Employee to receive compensation at an overtime rate under applicable  
111 state or federal wage and hour laws.
- 112 q. **Open-Competitive Examination/ Recruitment:** A process that is open to  
113 all interested applicants and is not limited to current District employees.
- 114 r. **Ordinance:** The District’s Municipal Code, as it may be amended.
- 115 s. **Part-Time Employees:** Employees who hold Positions normally requiring  
116 fewer than 40 hours worked per week or fewer than 80 hours worked per  
117 pay period. Part-Time Employees serve at the will and pleasure of the  
118 General Manager and may be dismissed at any time without right of appeal,  
119 grievance or hearing. Part-Time Employees are not eligible for employee  
120 benefits offered by the District, except those mandated by applicable law.
- 121 t. **Position:** A group of duties and responsibilities requiring the Full-Time or  
122 Part-Time employment of one person.
- 123 u. **Probationary Period:** An integral part of the selection process during  
124 which an employee is required to demonstrate fitness for his/her Position  
125 based on actual performance of the duties of the Position.
- 126 v. **Promotion:** The movement of a Full-Time Employee or Part-Time  
127 Employee from a Position in one Classification to a Position in another  
128 Classification having a higher maximum base rate of pay.
- 129 w. **Promotional Examination/Recruitment:** A process that is limited to  
130 current District employees who are employed in any capacity.
- 131 x. **Provisional Appointment:** A temporary appointment to a Position by the  
132 General Manager of a person who is not a current District employee and  
133 who possesses the minimum qualifications established for the particular  
134 Class.
- 135 y. **Reclassification:** The reassignment of one Position in a Classification to a  
136 different Classification by the General Manager in accordance with these  
137 Policies.
- 138 z. **Reduction in Pay:** A temporary or permanent decrease in an employee’s  
139 base rate of pay for disciplinary reasons.
- 140 aa. **Reemployment List:** A list of names of Regular Employees who have been  
141 laid off from a Position.

- 142                   bb.     **Regular Employee:** An employee who has successfully completed the  
143                                       Probationary Period and has been retained in accordance with these  
144                                       Policies.
- 145                   cc.     **Reinstatement:** The restoration without examination of a former regular or  
146                                       probationary employee to a Position in a Classification in which the  
147                                       employee formerly served.
- 148                   dd.     **Rejection:** The involuntary separation from service of an employee who  
149                                       has not successfully completed the Probationary Period for a Position, or  
150                                       the return to the former position of an employee who did not successfully  
151                                       complete a Promotional Probationary Period.
- 152                   ee.     **Resignation:** The voluntary separation of a District employee from service.
- 153                   ff.     **Salary Rate/Base Salary Rate:** The dollar amount paid to an employee in  
154                                       accordance with the salary range for the employee's Classification,  
155                                       exclusive of any overtime compensation, stipends, premium pay, or other  
156                                       wage augments.
- 157                   gg.     **Seniority:** An Employee's status in relation to other employees based first  
158                                       on years of service in a particular Classification and then on total years of  
159                                       service at the District.
- 160                   hh.     **Suspension:** The temporary separation from service of an Employee  
161                                       without pay for disciplinary purposes.
- 162                   ii.     **Temporary Employee:** A person who is employed by the District for a  
163                                       limited period of time for a specified, limited purpose. Temporary  
164                                       Employees serve at the will and pleasure of the General Manager and may  
165                                       be dismissed at any time without right of appeal, grievance or hearing.  
166                                       Temporary Employees are not eligible for employee benefits offered by the  
167                                       District, except those mandated by applicable law.
- 168                   jj.     **Transfer:** The movement of an employee from one Position to another  
169                                       vacant Position in the same Classification, or to a vacant Position in another  
170                                       Classification with the same maximum base rate of pay.

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173 SECTION II NON-DISCRIMINATION.

174 A. **Equal Opportunity Employment**

- 175 1. The District is committed to providing equal employment opportunity based on  
176 individual merit in all employment practices, including, but not limited to,  
177 placement, promotion, disciplinary action, layoff, transfer, leave of absence,  
178 compensation and training to all qualified applicants and employees without regard  
179 to race, religion, color, sex, gender, gender identity, gender expression, sexual  
180 orientation (including heterosexuality, homosexuality and bisexuality), national  
181 origin, ancestry, military or veteran status, marital status, pregnancy, childbirth, or  
182 a related medical condition, age over 40, medical condition, physical or mental  
183 disability or any other classification protected under state, federal, or local law.
- 184 2. Any technique or procedure used in recruitment and selection of employees will be  
185 designed to measure only the job-related qualifications of applicants. No  
186 recruitment or selection technique will be used which, in the opinion of the Human  
187 Resources Representative, is not justifiably linked to successful job performance.
- 188 3. Individuals who believe that they have experienced any form of employment  
189 discrimination by the District are encouraged to report their concerns immediately  
190 using the complaint procedure provided in the District's policy prohibiting  
191 harassment, discrimination and retaliation.

192 B. **Disabled Applicants and Employees**

- 193 1. The District is committed to ensuring equal opportunities for disabled applicants  
194 and District employees. Every reasonable effort will be made to provide an  
195 accessible work environment for such employees and applicants. Discrimination  
196 on the basis of disability against an applicant or an employee who is a qualified  
197 individual with a disability, by a supervisor, management employee, or co-worker,  
198 will not be tolerated. This policy applies to the job application process and to all  
199 employment practices, including, but not limited to, hiring, testing, placement,  
200 training, compensation, benefits, promotion, disciplinary action, layoff, recall,  
201 transfer, leave of absence, compensation and training.
- 202 2. The District provides employment-related reasonable accommodation to qualified  
203 individuals with disabilities within the meaning of the California Fair Employment  
204 and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA").
- 205 a. **Request for Accommodation.** An applicant or employee who seeks a  
206 reasonable accommodation in order to perform essential job functions  
207 should make such a request in writing to a Human Resources  
208 Representative. The request must identify (a) the job-related functions at  
209 issue; and (b) the desired accommodation(s). Reasonable accommodation  
210 can include, but is not limited to, job restructuring, reassignment to a vacant  
211 position for which the employee is qualified, and making facilities  
212 accessible.

- 213 b. Reasonable Documentation of Disability. Following receipt of the request,  
214 the Human Resources Representative may require additional information,  
215 such as reasonable documentation of the existence of a disability or  
216 additional explanation as to the effect of the disability on the employee's  
217 ability to perform his/her essential functions (or the applicant's ability to  
218 perform the essential functions of a desired position), but will not require  
219 disclosure of diagnosis or genetic history.
- 220 c. Interactive Process. The District will engage in the interactive process, as  
221 defined by the FEHA and ADA, to determine whether an applicant or  
222 employee is able to perform the essential functions of his/her position.  
223 During this process, the District will examine potential reasonable  
224 accommodations that will make it possible for the employee or applicant to  
225 so perform. Such interactive process will include a meeting with the  
226 employee or applicant, the District's designated representative(s), and, if  
227 necessary, the employee or applicant's health care provider.
- 228 d. Case-by-Case Determination. The District determines, in its sole discretion,  
229 whether reasonable accommodation(s) can be made, and the type of  
230 reasonable accommodation(s) to provide. The District will not provide an  
231 accommodation that would impose an undue hardship upon the District or  
232 that is not required by law. The District will inform the employee or  
233 applicant of any decisions made under this section in writing.
- 234 e. Fitness for Duty Leave. While the District is engaged in the interactive  
235 process with an employee, the District may require that the employee be  
236 placed on a fitness for duty leave in accordance with **Section TBA**.

237 **C. Immigration Law Compliance**

238 The District is committed to employing only United States citizens and aliens who  
239 are authorized to work in the United States. The District does not unlawfully discriminate  
240 on the basis of citizenship or national origin.

241 In compliance with the Immigration Reform and Control Act of 1986, each new  
242 employee, as a condition of employment, must complete the Employment Eligibility  
243 Verification Form I-9 and present documentation establishing **identity** and **eligibility to**  
244 **work in the U.S.** In accordance with the IRCA, the I-9 should be completed within three  
245 days of first reporting to work.

246 **D. Medical Examinations**

- 247 1. Depending on the essential functions of a position, a medical examination may be  
248 required for:
- 249 a. Applicants who have received a conditional offer of employment;

- 250 b. Employees seeking a promotion, demotion, or transfer from one position  
251 requiring general physical abilities to another position requiring physical  
252 abilities of a different nature;
- 253 c. Employees returning to work from a medical leave of absence. The  
254 physician conducting the medical examination will be supplied with a  
255 current job description identifying the essential functions of the position;
- 256 d. Employees for whom a supervisor reasonably suspects, based on personal  
257 observation or reliable reports, a lack of fitness for duty, in accordance with  
258 **Section TBA.**

- 259 2. In accordance with **Section TBA**, the doctor examining the applicant or employee  
260 will be limited to finding the employee “fit for duty” or “fit for duty with  
261 restrictions” or “unfit for duty”. In the case of finding an employee fit for duty, the  
262 doctor may issue work restrictions. In no case will the doctor reveal the underlying  
263 diagnosis or cause of the fitness or unfitness for duty without the employee’s  
264 written authorization.
- 265 3. The results of all medical examinations will be kept confidential and in a separate  
266 medical file from the general personnel file.
- 267 4. No person may hold any position in which he or she is not able to perform the  
268 essential functions of the position, with or without reasonable accommodation.

269 **E. Policy Against Harassment, Discrimination and Retaliation**

- 270 1. The District’s policy prohibits unlawful harassment and discrimination based upon  
271 an applicant or employee’s race, religion, color, sex, gender, gender identity, gender  
272 expression, sexual orientation (including heterosexuality, homosexuality and  
273 bisexuality), national origin, ancestry, military or veteran status, marital status,  
274 pregnancy, childbirth, or a related medical condition, age over 40, medical  
275 condition, physical or mental disability or any other classification protected under  
276 state, federal, or local law.
- 277 2. The District also prohibits unlawful harassment and discrimination based on the  
278 perception that anyone has any of those characteristics, or is associated with a  
279 person who has or is perceived as having any of those characteristics. In addition,  
280 the District prohibits retaliation because of the applicant or employee’s opposition  
281 to a practice he/she reasonably believes to constitute employment discrimination or  
282 harassment or because of his/her employee’s participation in an employment  
283 investigation, proceeding or hearing.
- 284 3. Applicants or employees who believe they have been harassed, discriminated  
285 against, or retaliated against, should report that conduct in accordance with the  
286 District’s complaint procedures. Applicants and employees should review the  
287 City’s complete **Policy Prohibiting Harassment, Discrimination and Retaliation,**  
288 **which is included as Attachment A.**

289 **F. Religious Accommodation**

290 The District will make accommodations to the known religious creed of an  
291 applicant during the hiring process and of an employee in the course of employment, unless  
292 doing so would impose an undue hardship on the District.

293 **G. Employees Who Are Required to Drive**

294 1. Employees who drive a District-owned vehicle or personal vehicle for District use  
295 must immediately inform a supervisor if their driver's license is revoked, suspended  
296 or expired, if they receive a driving under the influence citation or if their  
297 automobile insurance is expired or canceled.

298 2. The District participates in a program that regularly verifies the DMV records of  
299 all employees who drive as part of their job responsibilities. The District reserves  
300 the right to transfer, suspend or terminate an employee if his or her driver's license  
301 is revoked or is uninsurable under the District's policy.

302 3. As required by law, any employee possessing a commercial driver's license who  
303 drives a commercial vehicle as part of their job responsibilities is subject to random  
304 drug and alcohol testing.

305 **H. Anti-Nepotism Provisions**

306 1. Definitions

307 a. Applicant. A person who applies for a position at the District and is not a  
308 Current Employee.

309 b. Change of Status. A change in the legal status or personnel status of one or  
310 more Current Employees.

311 i. Changes in legal status include but are not limited to marriage,  
312 divorce, separation, or any such change through which a Current  
313 Employee becomes a Family Member of another Current Employee  
314 or ceases to be a Family Member of another Current Employee.

315 ii. Changes in personnel status include but are not limited to  
316 promotion, demotion, transfer, resignation, retirement or  
317 termination of a Current Employee who is a Family Member of  
318 another Current Employee.

319 c. Current Employee. A person who is presently a District employee, or an  
320 elected or appointed District official.

321 d. Direct Supervision. One or more of the following roles, undertaken on a  
322 regular, acting, overtime, or other basis constitutes Direct Supervision:

- 323 i. Occupying a position in an employee’s direct line of supervision; or
- 324 ii. Functional supervision, such as a lead worker, crew leader, or shift  
325 supervisor; or
- 326 iii. Participating in personnel actions including, but not limited to,  
327 appointment, transfer, promotion, demotion, layoff, suspension,  
328 termination, assignments, approval of merit increases, evaluations,  
329 and grievance adjustments.
- 330 e. Family Member. A spouse, domestic partner, parent, parent-in-law, step-  
331 parent, legal guardian, sister, step-sister, sister-in-law, brother, step-brother,  
332 brother-in-law, child, step-child, legal ward, daughter-in-law, son-in-law,  
333 grandchild, or grandparent.
- 334 f. Prohibited Conduct. Conduct by Family Members including, but not  
335 limited to, one or more of the following:
- 336 i. Participation directly or indirectly in the recruitment or selection  
337 process for a position for which a Family Member is an Applicant.
- 338 ii. Direct Supervision of a Family Member that does not comply with  
339 limitations set forth in this Section.
- 340 iii. Conduct by one or more Family Members that has an adverse effect  
341 on supervision, safety, security or morale.
- 342 2. Applicants for Employment
- 343 a. Right to Apply. No qualified Applicant may be denied the right to submit  
344 an application for employment and compete in the examination process.  
345 However, consistent with this Section, the District may reasonably regulate,  
346 condition, or prohibit the employment of an Applicant for a full-time  
347 position.
- 348 b. Disclosure of Relationship. Each Applicant is required to disclose the  
349 identity of any Family Member who is a Current Employee.
- 350 c. Review by Human Resources Representative. For each Applicant who has  
351 a Family Member who is a Current Employee, the Human Resources  
352 Representative will assess and issue a written decision as to whether any of  
353 the following circumstances exist:
- 354 i. Business reasons of supervision, safety, security or morale warrant  
355 the District’s refusal to place the Applicant under Direct Supervision  
356 by the Family Member; or

357 ii. Business reasons of supervision, security, or morale that involve  
358 potential conflicts of interest or other hazards that are greater for  
359 Family Members than for other employees, which warrant the  
360 District's refusal to permit employment of Family Members in the  
361 same department, division, or facility.

362 d. Effect of Decision of the Human Resources Representative.

363 i. If the Human Resources Representative determines that either of the  
364 above circumstances exists, the Human Resources Representative  
365 may either reject the Applicant or consider the Applicant for  
366 employment in a position that does not present either of the above  
367 circumstances.

368 ii. Following examination, if the Applicant is successfully certified as  
369 eligible pursuant to Section TBA, he or she may be employed in a  
370 position for which the Human Resources Representative has  
371 determined that neither circumstance exists pursuant to Section  
372 TBA of this Rule.

373 iii. When an eligible Applicant is refused appointment by virtue of this  
374 policy, his/her name will remain on the eligibility list for openings  
375 in the same classification. For each opening, the Human Resources  
376 Representative will make a determination consistent with Section  
377 TBA of this Rule.

378 3. Guidelines for Current Employees

379 a. Duty to Report. Employees must report a Change of Status to the Human  
380 Resources Representative within a reasonable time after the effective date  
381 of the Change of Status. Wherever feasible, Employees must report a  
382 Change of Status in advance of the effective date.

383 b. Review and Decision by the Human Resources Representative.

384 i. The Human Resources Representative will undertake a case-by-case  
385 consideration and individualized assessment of the particular work  
386 situation to determine whether the Change of Status has the potential  
387 for creating an adverse impact on supervision, safety, security, or  
388 morale.

389 ii. The Human Resources Representative will consult with an affected  
390 Department Head to make a good faith effort to regulate, transfer,  
391 condition or assign duties in such a way as to minimize potential  
392 problems of supervision, safety, security, or morale.

393 iii. Notwithstanding the above provisions, the District retains the right  
394 to exercise its discretion to determine that the potential for creating

395 an adverse impact on supervision, safety, security, or morale cannot  
396 be sufficiently minimized and to take further action as set forth in  
397 Section **TBA** of this Rule.

398 iv. The Human Resources Representative will issue a written decision  
399 within 30 days from receipt of notice of a Change of Status.

400 4. Appeal of Decision by Human Resources Representative.

401 a. Current Employees and Applicants affected by the application of this  
402 Section may appeal the action to the General Manager within five days of  
403 receipt of the Human Resources Representative's decision.

404 b. The General Manager will hear the individual's concerns and issue a written  
405 decision within 30 days of the receipt of the individual's appeal. The  
406 decision of the General Manager is final, and no other appeal may be had  
407 unless the employee is entitled to further administrative appeal under other  
408 provisions of these Policies.

409 5. Monitoring by Department Head.

410 a. Following a Change of Status or new hire of a Family Member, affected  
411 Department Heads must reasonably monitor and regulate both Family  
412 Members' conduct and performance for a period of one year from the date  
413 of the Human Resources Representative's determination. The Department  
414 Head will document these actions. Successive Department Heads may re-  
415 visit such a determination at their discretion.

416 b. If the Department Head determines, subject to any applicable requirements  
417 of due process, that an employee has engaged in Prohibited Conduct, the  
418 Department Head will revisit the Human Resources Representative's  
419 determination. Depending on the severity of the Prohibited Conduct, the  
420 Department Head may recommend that the Human Resources  
421 Representative take one or more of the following additional measures:

422 i. Transfer one of the Family Members to a similar position that would  
423 not be in violation of this policy and would not be a promotion. The  
424 transfer will be granted provided the Family Member qualifies and  
425 there is an opening to be filled. There can be no guarantee that the  
426 new position will be within the same classification or at the same  
427 salary level.

428 ii. If the situation cannot be resolved by transfer, one of the Family  
429 Members must separate from District employment. If one of the  
430 employees does not voluntarily resign, the employee with primary  
431 responsibility for the Prohibited Conduct will be discharged.



- 432 c. Department Heads who receive complaints from other employees that one  
433 or more Family Members has engaged in Prohibited Conduct must respond  
434 in accordance with existing complaint and disciplinary procedures, where  
435 applicable.
- 436 d. Where situations exist prior to the effective date of this Section that may be  
437 in conflict with this Section, every effort will be made to reasonably address  
438 the situation so as to avoid any future conflict.
- 439 6. Employee Complaints. Employees who believe that they have been adversely  
440 affected by Prohibited Conduct by a Family Member should submit complaints to  
441 a Department Head or to the Human Resources Representative.
- 442 **I. Non-Fraternization.**
- 443 1. In General. Consensual romantic or sexual relationships between District  
444 employees can lead to misunderstandings, complaints of favoritism, adverse effects  
445 on employee morale, and possible claims of sexual harassment during or after  
446 termination of the relationship. As a result, such relationships present existing or  
447 potential conflicts that adversely affect efficient operation of the District.  
448 Relationships that present an actual conflict under this Section are therefore  
449 prohibited.
- 450 2. Application. This section applies to all District employees, regardless of gender or  
451 sexual orientation, who have a romantic or sexual relationship with another District  
452 employee. The provisions of Section **TBA** of this Rule, regarding nepotism, will  
453 govern employees who marry or become domestic partners with another District  
454 employee.
- 455 3. Definition of Conflict. For purposes of this section, a conflict exists if business  
456 issues of supervision, safety, security, or morale would be implicated by a romantic  
457 or sexual relationship between two employees.
- 458 4. Supervisor's Duty to Report. If a romantic or sexual relationship exists between a  
459 supervisor and another employee (including another supervisor), the supervisor  
460 must promptly disclose the relationship to the Human Resources Representative  
461 and request a determination as to whether the relationship presents a conflict. The  
462 disclosure must identify the names and positions of both employees.
- 463 5. Determination by Human Resources Representative. Within five working days, the  
464 Human Resources Representative will issue a written determination as to whether  
465 the relationship presents a conflict, and is thereby prohibited. The Human  
466 Resources Representative, in consultation with the General Manager, will have  
467 exclusive discretion in making the determination.
- 468 6. Resolution of Conflicts. Subject to any limitations imposed by these Policies, the  
469 Human Resources Representative will attempt in good faith to work with the  
470 supervisor and the other employee to consider options to eliminate the conflict,

471 including removing the supervisory authority that created the conflict,  
472 reassignment, transfer or voluntary demotion of a supervisory employee, or where  
473 the Human Resources Representative determines that modification of a  
474 supervisor's assignment is not feasible, reassignment, transfer or voluntary  
475 demotion of a non-supervisory employee. The Human Resources Representative  
476 retains discretion to determine that the conflict may be resolved via voluntary  
477 resignation or termination only.

478 7. Prohibited On-Duty Conduct. All District employees are prohibited from engaging  
479 in intimate, physical, or other conduct in furtherance of a romantic or sexual  
480 relationship with another District employee at work locations during work hours.  
481 Moreover, upon termination of a sexual or romantic relationship with another  
482 District employee, employees are prohibited from engaging in behavior that  
483 adversely affects the working conditions of such District employee or any other  
484 District employee. In general, all employees are expected to observe appropriate  
485 standards of workplace conduct in their interactions with other District employees.

486 8. Employee Complaints. Employees who believe that they have been adversely  
487 affected by romantic or sexual relationships between District employees should  
488 follow the complaint procedures provided under the District's **Policy Prohibiting**  
489 **Harassment, Discrimination, and Retaliation, included as Attachment A.** The  
490 complaint procedures are available to all employees regardless of their past or  
491 present participation in a romantic or sexual relationship with another District  
492 employee.

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495 **SECTION III OUTSIDE EMPLOYMENT, ENTERPRISE, OR ACTIVITY**

496 **A. Attention to Duties During the Workday**

497 During the workday, employees are expected to devote their full time in the  
498 performance of their assigned duties. Any approved outside work, part-time job, hobbies,  
499 or personal business must be performed during off duty hours. Off duty hours include  
500 unpaid lunch break periods, but do not include other rest or break periods during which the  
501 employee continues to receive pay.

502 **B. Prohibited Conduct**

503 1. In General. In accordance with Government Code Section 1126, no employee may  
504 engage in any outside employment, enterprise, or activity that is inconsistent,  
505 incompatible, in conflict with, or adverse to his/her employment or his/her ability  
506 to perform his/her duties and responsibilities, including performance of overtime  
507 work and emergency duties, or any other aspect of District operations. Employees  
508 are required to notify their Department Head in writing of all outside employment  
509 in which they are engaged or in which they intend to engage, so that the District  
510 may assess whether such outside employment conflicts with the employee's  
511 District employment.

512 2. Specific Examples. An employee's outside employment, enterprise, or activity will  
513 be prohibited when any of the following are present:

514 a. It involves the receipt or acceptance by the employee of any money or other  
515 consideration from anyone other than the District for the performance of an  
516 act which the employee would be required or expected to render in the  
517 regular course or hours of his/her District employment or as part of his/her  
518 duties as a District employee;

519 b. It involves the use for private gain or advantage of his/her District time,  
520 facilities, equipment and/or supplies; or the badge, uniform, prestige, or  
521 influence of his/her District employment;

522 c. It involves the performance of an act, in other than his/her capacity as a  
523 District employee, which may later be subject directly or indirectly to the  
524 control, inspection, review, audit, or enforcement of any other officer or  
525 employee of the District; or

526 d. It involves time or scheduling demands as would render performance of  
527 his/her duties as a District employee less efficient.

528 3. Department Head Determination. When outside employment is reported to a  
529 Department Head, the Department Head will determine whether the employee's  
530 outside employment conflicts with the performance of his/her duties, and will  
531 advise the employee of such determination in writing.

- 532 4. Appeal of Department Head's Determination.
- 533 a. An employee may appeal the Department Head's determination to the  
534 Human Resources Representative within 14 days from the employee's  
535 receipt of the Department Head's determination by filing a written appeal  
536 with the Human Resources Representative.
- 537 b. The employee must specify the grounds on which he/she challenges the  
538 Department Head's determination, and must attach all relevant  
539 documentary evidence to the appeal. The Human Resources Representative  
540 must schedule a meeting with the employee and the Department Head to  
541 discuss the Department Head's determination.
- 542 c. The Human Resources Representative will issue a written decision to the  
543 employee and the Department Head within 14 days from the date of the  
544 meeting.
- 545 d. The decision of the Human Resources Representative will be final.

546 **C. Political Activity**

547 1. In General. Consistent with the provisions of Government Code sections 3201-  
548 3209, employees may not engage in political activity during working hours, while  
549 on District property on which members of the public would not be entitled to  
550 engage in political activities, or while in uniform.

551 2. Solicitation of Political Contributions.

552 a. No District employee may knowingly, directly or indirectly, solicit a  
553 political contribution from a District employee, District officer, or person  
554 on an employment list. However, this does not prohibit District employees  
555 from requesting political contributions if the solicitation is part of a  
556 solicitation made to a significant segment of the public, which may include  
557 District employees. This rule also does not prohibit a District employee  
558 from soliciting or receiving political funds or contributions to promote the  
559 passage of or defeat of a ballot measure which would affect the rate of pay,  
560 hours of work, retirement, civil service, or other working conditions of  
561 District employees, provided that such solicitation cannot occur during  
562 working hours or while on District property.

563 b. For purposes of this Section, "contribution" means a payment, a forgiveness  
564 of a loan, a payment of a loan by a third party, or an enforceable promise to  
565 make a payment except to the extent that full and adequate consideration is  
566 received, unless it is clear from the surrounding circumstances that it is not  
567 made for political purposes.

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**SECTION IV PERSONNEL ALLOCATION**

**A. Personnel Officer**

1. The General Manager shall be the Personnel Officer of the District. The General Manager shall administer the provisions of these Personnel Policies as they relate to personnel practices. As Personnel Officer, the General Manager or his/her designee is responsible for the following:
  - a. Preparing personnel allocations, job descriptions and a salary schedule for Board approval
  - b. Preparing an organization chart to be included with the annual budget
  - c. Providing for the publication or notice of employment openings when necessary and conducting examination of candidates thereof
  - d. Annually evaluating the performance of each employee
  - e. Making appropriate promotions and imposing disciplinary actions within the established parameters
  - f. Notifying the Board of any important or non-routine personnel matters
  - g. Recommending changes to assigned position descriptions or salary ranges for Board approval

**B. Reserved**

**C. Reserved**

**D. Allocation of Positions**

1. The General Manager will prepare an organization chart and personnel allocation to be included with the annual budget.

**E. Job Descriptions**

1. The General Manager will prepare job descriptions including title, description of typical duties and responsibilities of each position, and a statement of the desirable training, experience and other qualifications of applicants.
2. The Board of Directors will approve the complete job description; however, immaterial and non-substantive modifications may be warranted and approved administratively by the General Manager.
3. Approved job descriptions are available electronically and are also available upon request to Human Resources.

600 **F. Reclassifications**

- 601 1. The District reserves the right, at any time, with or without notice, to alter or change  
602 job responsibilities, re-assign or transfer job positions, or assign additional job  
603 responsibilities if the District, in its sole discretion, determines that such changes  
604 or modifications are in the District's best interest.
- 605 2. When the assigned duties of a position have been materially changed by the District  
606 so as to necessitate reclassification, the affected employees(s) will be allocated by  
607 the General Manager to a more appropriate class, whether new or already created.  
608 Reclassifications may not be used for the purpose of avoiding restrictions  
609 concerning demotions and promotions, or to effect a change in salary in the absence  
610 of a significant change in assigned duties and responsibilities.
- 611 3. If employees believe they are performing work outside the scope of the  
612 classification description covering their position, they should report the  
613 information, in writing, to their immediate supervisor, who will work with the  
614 Department Head and Human Resources Representative to further evaluate the  
615 position.

616 **G. Temporary Transfers**

- 617 Occasionally an employee may be required to assume the duties of another  
618 employee due to vacation, illness or other similar situations.
- 619 1. Employees temporarily assigned the responsibility to work at a job classification  
620 higher than their current classification shall receive written notice from the General  
621 Manager indicating the increased level of responsibility and the starting date.  
622 Employees working at a higher classification for a period in excess of fifteen (15)  
623 consecutive work days shall receive an increase in salary of 5% for all days in  
624 excess of fifteen (15) work days.
- 625 2. Training for another position is not considered working at higher classification, but  
626 training for advancement.
- 627 3. Employees requesting a transfer for medical and/or family medical leave reasons  
628 will be considered a temporary transfer if a position exists at the time the transfer  
629 is requested and the employee is qualified to perform the essential functions of the  
630 job. In such a case, the employee will be paid in accordance with the responsibilities  
631 of the temporary job.

632 **H. Salary Schedule**

- 633 1. The General Manager is responsible for preparing a Salary Schedule for all  
634 classifications and positions within the District to be adopted by the Board of  
635 Directors.

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2. The General Manager will have sole discretion as to an employee's placement on the scale upon hire, promotion or evaluation.

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