



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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

ADMINISTRATION COMMITTEE AGENDA

June 19, 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: Sharon Groen; Lisa Perez

1. Approval of Agenda

2. Approve Minutes of the April 17, 2019 meeting.

3. 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.

4. Information & Discussion Items:

A. Personnel Policies Review & Recommendation

- i. Review Sections VIII - IX
- ii. Vehicle Use Policy
- iii. Electronic Communications Systems Policy
- iv. Employee Development, Training and Reimbursement Policy
- v. Drug Free Workplace Policy

5. Committee Member Comments

6. Staff Comments

7. Future Agenda Items:

- A. Personnel Policies: Section X & XI - XII
- B. FMLA/CFRA/PDL Leave Policy
- C. Water Service Shut-Off Policy

8. Adjournment: The next regularly scheduled meeting of the Administration Committee is August 21, 2019.

Signed June 11, 2019

Kristy McEwen, Secretary of the Board



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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

ADMINISTRATION COMMITTEE MINUTES

April 17, 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: Sharon Groen; Lisa Perez (absent)

1. **Approval of Agenda**

The Agenda was approved unanimously by the committee.

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.

- None

3. **Information & Discussion Items:**

A. Introduce Citizen Volunteers

B. Personnel Policies

- i. Status Sections I - IV
- ii. Review Sections V – VII
- iii. Discrimination/Harassment Policy

Motion: Administration Committee recommend the Board of Directors approve Personnel Policy Sections I – IV and Sections V – VII; Groen. Second: Quinn

Ayes: 3

Noes: 0

C. Board Assignment: Gas Tax Revenue

Motion: Administration Committee recommend the Board of Directors direct the General Manager and necessary staff to work through CSDA to work toward dispersal of gas tax revenues to governments other than counties and cities; Quinn. Second: Groen

Ayes: 3

Noes: 0

4. **Committee Member Comments** – None

5. **Staff Comments** – Mr. Malinen spoke on his efforts to obtain a facilitator to conduct strategic planning sessions for the Board and staff.

6. **Future Agenda Items:**

- A. Personnel Policies: Sections VIII – IX & X
- B. Vehicle Use Policy

- C. Electronic Communications System Policy
- D. Misc. Leave Policies
- E. Training Reimbursement Policy
- F. Water Service Shut-Off Policy

7. **Adjournment:** The next regularly scheduled meeting of the Administration Committee is June 19, 2019.

Kristy McEwen, Secretary of the Board

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1 **RULE VIII WORKPLACE RULES**

2 **A. Personal Appearance**

3 1. In General

4 a. The District is a professional organization, and customers, suppliers, and
5 the general public (collectively “customers”) frequently form their initial
6 impressions of professional credibility based solely on employee
7 appearance. Therefore, all employees must present a professional
8 appearance by wearing attire appropriate to their job classifications and
9 must promote a positive image to customers.

10 b. This Section is intended to provide standards on dress and appearance and
11 is not meant to address all situations. There may be differences in some
12 Departments’ standards depending on the nature of the work environment,
13 nature of work performed, involvement with the public, required uniforms,
14 or other circumstances identified by the General Manager or Department
15 Head. The standards in this Section apply when the employee has officially
16 reported to work. Department Heads are responsible for enforcement of this
17 Policy and related Department Policies among their employees.

18 2. Guidelines for Attire and Footwear

19 a. Business Casual. Administration employees are required to dress each day
20 in business casual dress. Business casual wear is a style of dress which
21 projects a professional, business-like image while still permitting
22 employees to wear more casual and relaxed clothing. Business casual does
23 not include athletic wear, leisure wear, or beach wear. Clothing and
24 footwear should be clean and in good repair. It may not be faded, torn,
25 frayed, or revealing.

26 b. Professional Business Attire. Employees should always consider each
27 day’s activities when determining what to wear. If an employee is
28 representing the District at a meeting (including Board of Director
29 meetings), professional business attire should be worn, i.e. dress slacks;
30 collared shirt and tie; and classic, conservative styles. -

31 c. Uniforms. District shirts are provided for Public Works and Entry Gate
32 employees and must be worn at all times while on duty. Police Officers are
33 provided with an annual uniform allowance and an approved uniform in
34 good repair must be worn while on duty.

35 d. Safety Boots. Employees in the Public Works department are provided with
36 an annual boot allowance. Safety boots must conform to ANSI Z41-1999
37 requirements. Safety boots must be worn at all times while on duty.

38

- 1 3. Limited Exceptions.
- 2 a. Department Heads may exercise their discretion regarding appropriate attire
3 in light of weather conditions or requirements of special projects or
4 assignments.
- 5 b. The District may designate special casual days during which the dress code
6 may be relaxed. Criteria for such casual days will be announced in advance.

7 4. Tattoos and Jewelry.

- 8 a. All tattoos must be covered or inconspicuous.
- 9 i. Exceptions may be made for employees who have small, non-
10 offensive tattoos not easily covered by standard clothing. Such a
11 determination will rest in the discretion of the General Manager.
- 12 ii. The District reserves the right to ask employees to cover up any
13 body art that detracts from the employee’s professional appearance.
14 Such a determination will rest in the discretion of the General
15 Manager.
- 16 iii. Visible tattoos that are excessive, distracting, or offensive in nature
17 are prohibited, as are tattoos that pose safety issues, such as “gang
18 tattoos” or those reflecting affiliation with gangs.
- 19 b. No visible body art (such as surgically implanted ball bearings, spikes, and
20 the like) is permitted in the workplace.
- 21 c. Visible facial piercing jewelry, including, but not limited to that displayed
22 via nose piercing, tongue piercing, eyebrow piercing, lip piercing, or any
23 other facial piercing, is prohibited.
- 24 d. Employees may display one or more earrings in each earlobe as long as the
25 type or number of earrings does not detract from a professional appearance.
26 Ear gauges are prohibited.
- 27 e. All other jewelry must be appropriate, not detract from a professional
28 appearance, and not constitute a potential safety hazard for the employee or
29 others due to its characteristics or the manner in which it is worn. Such a
30 determination will rest in the discretion of the Department Head.

31 5. Grooming.

- 32 a. All employees are expected to practice daily hygiene and maintain a clean,
33 presentable appearance.

1 b. When used, perfumes, colognes, after shaves, and scented lotions may be
2 applied if done so in moderation.

3 c. Beards, sideburns, and moustaches must be neatly groomed. Hair should
4 be clean, combed, and neatly trimmed or arranged. Unkempt hair is not
5 permitted. Hair must be properly restrained as required for its length and
6 the nature of the assignment. Hair coloring must be within the range of
7 natural hair colors.

8 d. Make-up must be professional and conservative.

9 6. Violations.

10 a. Should an employee wear inappropriate attire or footwear to work, the
11 employee will be asked to leave the workplace and promptly return after
12 changing into appropriate attire and footwear. Non-exempt employees may
13 deduct the missed time from their available paid leave, or in the absence of
14 paid leave, will be required to take the missing time as leave without pay.
15 Failure by any employee to return to work promptly may be grounds for
16 discipline, pursuant to **Rule TBA.**

17 b. Repeated violations of this Section may be grounds for discipline, pursuant
18 to **Rule TBA.**

19 7. Accommodation of Protected Characteristics. The Human Resources
20 Representative may grant exceptions to this Section as required by law to
21 accommodate an employee's protected characteristic(s).

22 **B. Use of District Property and Equipment**

23 1. The District will provide all necessary equipment and supplies to allow employees
24 to perform their duties. Employees are discouraged from utilizing their own
25 equipment. The District 's insurance does not cover the loss of or damage to
26 employees' personal equipment, or accept any liability arising from its use.

27 2. Each District employee to whom District-issued property is given is responsible for
28 proper use of that District-issued property and is responsible for any loss or damage.
29 Equipment belonging to the District similarly must be secured properly when not
30 in use. District equipment is not to be removed from District property without
31 proper authorization from a supervisor.

32 3. An employee who loses or misplaces his/her District-issued property must notify
33 his/her supervisor immediately. Employees are prohibited from duplicating or
34 loaning District keys or other District-issued property to anyone for any reason. All
35 District-issued property must be returned to the supervisor prior to separation from
36 employment.

- 1 4. Use of District vehicles is governed by the District's **Vehicle Usage Policy,**
2 **included as Attachment C.**

3 **C. Customer Relations**

- 4 1. Employees are expected to be **respectful,** polite, courteous, prompt and attentive to
5 every customer and resident of the District.
- 6 2. If a situation arises which an employee does not feel comfortable or capable of
7 handling, including situations in which the customer or resident is being belligerent,
8 rude or unreasonable, a supervisor or the General Manager should be called
9 immediately.
- 10 3. Employees should display a positive attitude toward his or her job when interacting
11 with customers and residents. No one should be disrespectful to customers,
12 residents, or visitors, or use profanity or any other language which injures the image
13 or reputation of the District.

14 **D. Electronic Communication Systems.**

- 15 1. The District maintains an electronic mail system, a computer system (including
16 Internet and Intranet systems), and a voice mail system (collectively,
17 "Communication Systems.") These Communication Systems are provided as
18 technological tools for employees' use in conducting District business. Employees'
19 personal use of these Information Systems must in no way distract from that
20 business and must necessarily be limited and be subject to the approval of a
21 supervisor.
- 22 2. **Terms and conditions for use of the District's Electronic Communication Systems**
23 **are set forth in District's policy, included as Attachment D.** Employees are required
24 to read and comply with the District's policy.

25 **E. Workspace**

26 Employees are responsible for maintaining their own work areas, including vehicles, in a
27 presentable, professional, neat, and organized manner. At the close of each business day,
28 employees must ensure that all equipment is put away and all floor areas are clean and clear of
29 fluids or obstructions. All stationery and miscellaneous supplies should be removed from tables,
30 benches and furniture tops. Sensitive paperwork should not be left out overnight. Employees must
31 not litter or discard items on the premises.

32 **F. No Smoking**

33 Definitions. Smoking refers to the use of traditional tobacco products. Electronic smoking
34 device refers to any electronic product that can be used to simulate smoking in the delivery of
35 nicotine or other substances to the person inhaling from the device, including, but not limited to
36 an electronic cigarette, electronic cigar, electronic cigarillo or electronic pipe, and any cartridge or
37 other component of the device or related product.

1 Smoking and the use of electronic smoking devices are prohibited while on duty and in all
2 District buildings, facilities, vehicles and confined spaces, and within 20 feet of all entrances, exits,
3 and operable windows of such facilities. Employees are permitted to smoke in any area designated
4 as a smoking area during regularly scheduled rest and meal breaks.

5 **G. Telephone Calls and Visits**

6 1. The District has a limited number of telephone lines, and it is essential that those
7 lines be available for District business calls. When receiving a business call,
8 employees are expected to answer promptly and courteously. Personal telephone
9 calls should be minimized. Abuse of this provision may subject the employee to
10 discipline. The District reserves the right to request reimbursement from
11 employees for unauthorized personal calls.

12 Visits by friends or relatives during working hours can be disruptive and should be
13 discouraged.

14 **H. Cell Phone Use at Work**

15 Cellphones should be turned off or set to silent or vibrate mode during meetings,
16 conferences and in any circumstance where incoming calls may be disruptive.

17 1. Personal cellphones.

18 a. While at work, employees are expected to exercise discretion in using
19 personal cellphones. Excessive personal calls during the workday can
20 interfere with employee productivity and be distracting to others.
21 Employees are encouraged to make any personal calls during nonwork time
22 when possible and to ensure that friends and family members are aware of
23 District policy.

24 b. The District will not be liable for the loss of personal cellphones brought
25 into the workplace.

26 2. District-provided cellphones.

27 a. When job duties or business needs demand, the District may issue a business
28 cellphone to an employee for work-related communications. Personal use
29 of District-owned cellphones should be kept to a minimum.

30 b. Employees in possession of District-owned cellphones are expected to
31 protect the equipment from loss, damage or theft. Upon resignation or
32 termination of employment, or at any time on request, the employee may be
33 asked to produce the phone for return or inspection.

34 3. Safety issues for cellphone use.

- 1 a. All employees are expected to follow applicable local, state, and federal
2 laws and regulations regarding the use of cellphones at all times.
- 3 b. Employees whose job responsibilities include regular or occasional driving
4 and who are issued a cellphone for business use are expected to refrain from
5 using their phone while driving; use of a cellphone while driving is not
6 allowed by the District. Safety must come before all other concerns.
7 Regardless of the circumstances, including slow or stopped traffic,
8 employees are required to pull off to the side of the road and safely stop the
9 vehicle before placing or accepting a call. Exceptions will be made for
10 public safety personnel in emergency situations.
- 11 c. Reading or sending text messages while driving is strictly prohibited.
- 12 d. Employees who are charged with traffic violations resulting from the use of
13 their phone while driving will be solely responsible for all liabilities that
14 result from such actions.
- 15 4. Video or audio recording devices. The use of camera or other video or audio
16 recording-capable devices on District premises is prohibited without the express
17 prior permission of the Department Head and of the person(s) subject to recording.
18 Video or audio recording in restrooms and/or locker rooms is strictly prohibited.
- 19 5. Consequences for Violators. Employees violating this policy will be subject to
20 discipline, up to and including termination of employment.

21 **I. Employee Searches and Inspections**

- 22 1. In order to protect the safety and property of all employees, the District reserves
23 the right, to the extent permitted by law, to inspect employees' desks, cabinets,
24 workspaces, briefcases, lockers, purses, toolboxes, and personal vehicles, as well
25 as any other personal belongings brought into the workplace, based upon
26 reasonable suspicion of unlawful conduct.
- 27 2. Prohibited materials, including but not limited to, weapons, explosives, alcohol and
28 non-prescribed drugs or medications, may not be brought onto District property.
- 29 3. As set forth in the District's policy, included as Attachment D, the District may
30 access and review all files and records on computers (including similar electronic
31 equipment used to create, edit, or store data), cell phones, and other electronic
32 devices provided by the District at any time, with or without notice.
- 33 4. Employees shall cooperate in any appropriate search.
- 34

1 **RULE IX COMPENSATION AND PAYROLL PRACTICES**

2 **J. Work Schedules and Workweek.**

3 Regular full-time employees shall be scheduled to work regular work shifts having regular
4 starting and quitting times. Regular full-time employees may be required to work overtime,
5 rotational and on-call shifts and may be required to respond to call-outs on nights,
6 weekends and holidays.

7 Part-time employees are required to maintain a flexible work schedule that may vary from
8 week to week and include overtime, on-call status, call-backs, nights, weekends, holidays
9 and rotational shifts; part-time employees are not guaranteed a minimum number of
10 working hours per week.

11 Employees are required to be at their work areas and ready to work at their scheduled
12 starting time.

13 The District may make temporary assignments to different or additional locations, shifts,
14 or duties for the purpose of meeting an emergency or for special work assignments.

15 The workweek begins on Monday at 12:01 am and ends the following Sunday at midnight.

16 The workday begins at 12:01 am and ends at midnight.

17 1. Timecards.

18 a. Time records represent legal documents that are used to accurately record
19 working time to compensate employees properly. As such, employees must
20 accurately record all working time on the day it occurs and designate hours
21 toward any leaves taken.

22 b. Employees must sign each timecard as a statement attesting that the time
23 and hours recorded accurately and fully reflect all the time worked within
24 the pay period.

25 c. Employees must record any use of paid leaves in the following increments:

26 i. Vacation leave and Personal Leave hours must be taken and reported
27 in one-hour increments.

28 ii. Compensatory Time Off (“Comp Time”) and Administrative Leave
29 (“Admin”) must be taken and reported in one-hour increments.

30 iii. Sick (“Sick”) time must be taken and reported in 30-minute
31 increments.

32 iv. Exceptions to the above minimum increments must be authorized in
33 advance by a supervisor
34

- 1 2. Supervisors’ Duty to Monitor. Supervisors are responsible for monitoring
2 employee time including the following:
- 3 a. Start time for each work day
- 4 b. Start time for each meal period
- 5 c. End time for each meal period
- 6 d. End time for each workday
- 7 e. Whether a meal period is taken (if no meal period is taken it must be
8 recognized)
- 9 f. All actual time taken as paid leave
- 10 g. Any additional time during which work is performed, including work
11 performed outside the regular shift;
- 12 3. Submission of Time Cards for Supervisor’s Review. Employees responsible for
13 completing time cards must ensure that the time cards are submitted to their
14 supervisors on the day designated by the District. Supervisors will review and
15 address potential issues in time cards as established in these Policies. Supervisors
16 must sign each time card, attesting to the completion of such review and that the
17 time recorded reflects all work performed by the employee of which the supervisor
18 was reasonably aware.
- 19 4. Changes or Corrections to Time Cards. Any changes or corrections to an
20 employee’s time card or time record must be initialed by the employee and the
21 employee’s supervisor. Under no circumstances may any employee or supervisor
22 record time on another employee's time card.

23 **K. Hours Worked and Overtime**

24 1. In General.

- 25 a. Time taken as paid leave, including but not limited to, holidays, vacations,
26 sick leave, and other similar periods when no work is performed will
27 constitute “hours worked” for purposes of overtime calculation.
- 28 b. Non-exempt employees will be compensated for travel time, attendance at
29 training or meetings, and other similar time where required under applicable
30 state and federal wage and hour laws.
- 31 c. Time spent on standby status is not considered hours worked under
32 applicable state or federal wage and hour laws.

33 2. Meal Periods.

- 1 a. Non-exempt employees are entitled to unpaid meal periods during which
2 they will be entirely relieved of responsibilities and restrictions. Such time
3 will not constitute hours worked.
- 4 i. Non-exempt employees in the Administration and Public Works
5 Departments are entitled to a half-hour unpaid meal period to be
6 taken approximately in the middle of the workday.
- 7 ii. Non-exempt employees in the Public Safety Department are paid for
8 their time at work and are not provided with a meal period.
9 Employees may take short breaks as needed and coverage should be
10 arranged in cooperation with other employees.
- 11 b. Supervisors will schedule meal periods to ensure appropriate coverage,
12 subject to the above constraints.
- 13 c. All employees are expected to take reasonable measures wherever feasible
14 to avoid the need for work to be performed during meal periods. Where
15 required, time spent on work during meal periods must be kept to a
16 minimum, and must be authorized in advance by a supervisor. Non-exempt
17 employees who work during their meal periods will be paid for time
18 worked. Working through meal periods without advance approval is
19 grounds for employee discipline, up to and including termination.
- 20 3. Rest Periods.
- 21 a. Non-exempt employees in Administration and Public Works Departments
22 are entitled to two, 10-minute, paid rest periods during each workday. Such
23 time constitutes hours worked.
- 24 b. Non-exempt employees in the Public Safety Department are paid for their
25 time at work and are not provided with a rest period. Employees may take
26 short breaks as needed and coverage should be arranged in cooperation with
27 other employees.
- 28 c. Supervisors will schedule rest periods to ensure appropriate coverage.
- 29 4. Work Performed Outside Regular Shift or Schedule.
- 30 a. Non-exempt employees are not permitted to work outside of their regularly
31 scheduled shifts except as authorized or directed by their supervisor with
32 the prior approval of the Department Head or General Manager, or in the
33 event of an emergency.
- 34 b. Working outside the regularly scheduled shift without advance approval is
35 grounds for employee discipline, up to and including termination.

- 1 c. This requirement applies to, but is not limited to, the following work by
2 non-exempt employees:
- 3 i. Work performed before the start of the shift
- 4 ii. Work performed during meal periods
- 5 iii. Work performed after the end of the shift
- 6 iv. Other work performed "off the clock" including work performed at
7 home
- 8 d. All employees must take reasonable measures wherever feasible to avoid
9 the need for work to be performed outside of their regularly scheduled
10 shifts. Where required, time spent on such work must be kept to a
11 minimum.
- 12 e. The District may periodically require employees to work outside their
13 regularly scheduled shifts in order to meet agency needs. Supervisors must
14 adhere to the following guidelines in assigning work outside an employee's
15 regularly scheduled shift:
- 16 i. An employee who may be required to perform outside the regularly
17 scheduled shift should receive advance notice of the apparent need
18 for such work as soon as practicable before the work is expected to
19 begin.
- 20 ii. When practicable, such opportunities will be made available on an
21 equal basis to all full-time employees capable of performing the
22 work.
- 23 iii. All employees who are scheduled to work outside of their regularly
24 scheduled shift are required to work the assigned hours, unless
25 otherwise excused by their supervisor.
- 26 iv. Any employee who is called back due to an unforeseen circumstance
27 or emergency after leaving the building or work location at the end
28 of his or her regular shift and before the beginning of the next
29 regularly scheduled shift will be paid for the time worked or a
30 minimum of two hours, whichever is greater. Time worked will be
31 calculated at the employee's regular rate of pay. Overtime
32 compensation is applicable when total hours worked exceed the
33 regular full-time work cycle.
- 34 v. If such an assignment prevents an employee from commencing or
35 finishing his or her regularly scheduled shift, accrued time off, other
36 than sick time, should be used to compensate for the hours not
37 worked of the regular shift.

1 5. Compensation for Overtime Hours Worked.

- 2 a. A non-exempt employee will be paid for overtime in accordance with
3 applicable state and federal law.

4 One and one-half times (1.5) the regular rate of pay for:

- 5 i. All hours worked beyond 8 in a single workday.
6 ii. All hours worked beyond 40 hours per week.
7 iii. The first 8 hours on the 7th consecutive day worked in a single work
8 week.

9 Two times (2.0) the regular rate of pay for:

- 10 i. All hours worked beyond 12 in a single workday.

11 All hours worked beyond 8 on the 7th consecutive day worked in a single
12 workweek.

13 Alternate Work Week Schedule:

14 One and one-half times (1.5) the regular rate of pay for:

- 15 i. All hours worked beyond the regularly scheduled hours established
16 by the alternative workweek schedule, up to 12 hours per day.
17 ii. All hours worked beyond 40 hours per week.

18 Two times (2.0) the regular rate of pay for:

- 19 i. All hours worked beyond 12 in a single workday.
20 ii. All hours worked beyond 8 on days other than those regularly
21 scheduled.

22 Exception: Hours counted toward daily overtime on an alternative
23 workweek schedule do not count toward the weekly 40-hour limit.

- 24 b. Although employees are required to record actual time worked, in
25 computing compensation due for overtime hours, the District will round
26 total recorded overtime hours worked up to the nearest 15-minute
27 increment.

28 c. Compensatory Time Off.

- 29 i. Full-time, non-exempt employees may choose to be compensated
30 for overtime work through compensatory time (CT) at the applicable

1 overtime rate instead of receiving cash payment. The decision to
2 receive overtime pay or CT credit must be made at the end of the
3 workweek in which the overtime is worked, at the employee's
4 option, provided that the employee has not accrued the maximum
5 CT allowed under this Section and subject to approval by the
6 Department Head and/or General Manager.

7 ii. CT may be accrued up to a maximum of 120 hours for regular and
8 probationary non-exempt employees. If an employee reaches this
9 maximum limit they will be paid for all overtime worked until the CT
10 balance has been reduced below 120 hours.

11 iii. Employees who request to use accrued CT will be permitted to use
12 the CT within a reasonable period after making the request if the use
13 of CT does not unduly disrupt the operations of the District as
14 determined by the Department Head.

15 iv. Employees may not convert unused CT to pay except at termination
16 of employment or upon change in eligibility for CT accrual. The
17 District, in its sole discretion, may annually purchase any CT which
18 exceeds forty (40) hours. The District will notify you of its intent to
19 buy back compensatory time at least ninety (90) days prior to the
20 payoff date of June 30 of each year.

21 v. Procedure to Request Use of Compensatory Time. Employees
22 requesting to use compensatory time must complete and present a
23 written and dated "Leave/Overtime Request Form" to their
24 supervisor at least one week in advance of the requested leave.
25 (Exceptions to the above notice requirements must be authorized in
26 advance by a supervisor.) CT leave is granted at the sole discretion
27 of the General Manager or Department Head. The District reserves
28 the right to refuse an employee's application for CT if, in the
29 District's sole judgment, scheduling the leave at the time requested
30 will have an adverse effect on the operation of the District's
31 business. Use of compensatory time in emergency situations is
32 subject to approval by the General Manager.

33 vi. The District, in its sole discretion, may direct an employee to use up
34 to sixty (60) hours CT within any 12-month period. Every effort will
35 be made to accommodate an employee's chosen schedule, but the
36 District reserves the right to refuse an employee's request if such
37 schedule would adversely affect the operation of District business.

38 vii. If an employee has any accrued and unused CT at the time he/she
39 separates from District employment, pursuant to **Rule TBA**, the
40 employee will be paid for such unused CT at his/her regular rate of

1 compensation at separation in accordance with applicable state or
2 federal wage and hour laws.

3 **L. Payment of Wages**

- 4 1. Paychecks are distributed every other Friday following a two-week pay period. If
5 the paycheck distribution day falls on a holiday, or if another situation arises that
6 warrants an earlier paycheck release date, paychecks will be distributed one
7 workday sooner than the usual date for distribution.
- 8 2. The District makes all legally required deductions from employee payroll checks
9 and may make voluntary deductions toward benefit contributions upon the
10 enrollment and approval of the employee.
- 11 3. Each employee remains responsible for his/her own tax planning and for the
12 consequences thereof. The District does not cash employee payroll checks. The
13 District strongly encourages employees to use the available option for “Direct
14 Deposit” of payroll checks.

15 **M. Step Increases**

16 Employees receiving a standard or better annual performance evaluation will
17 receive a step increase consisting of at least one step within your position range, up to the
18 last step in that range. A step increase is not considered a promotion. Step increases are not
19 automatically awarded after probationary reviews.

20 **N. Certification Bonus**

21 At the request and discretion of the General Manager, any employee who obtains a
22 certification or license directly relevant to his or her current job responsibilities or planned
23 career progression shall be entitled to a one-time certification bonus in the amount of
24 \$300.00. Renewals or re-licensure after a lapse are not eligible for the bonus.

25 **O. Longevity Pay.**

26 Employees receiving a standard or better annual performance evaluation and who
27 meet the criteria of the District’s evaluation program, will be eligible for longevity pay as
28 follows:

- 29 1. 5% additional base pay after ten (10) years of service with the District
- 30 2. 10% additional base pay after fifteen (15) years of service with the District
- 31 3. 15% additional base pay after twenty (20) years of service with the District
- 32 4. 20% additional base pay after twenty-five (25) years of service with the District

33 Continuance of longevity pay is contingent upon the employee maintaining a standard or

better rating at their annual performance evaluation.

DRAFT



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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

VEHICLE USE POLICY

1
2

A. Introduction.

Bear Valley Community Services District is committed to safe, accident-free driving. Every District employee who drives a vehicle as part of their employment is responsible for its safe operation and condition. Drivers must practice defensive driving and take every possible precaution to avoid accidents.

It is the District practice that in order to perform District business, employees are allowed to drive vehicles that belong to the District.

This policy addresses employee responsibilities, restrictions, and safety directives. Failure to comply with the provisions of this policy will result in revocation of further District vehicle use privileges and possible disciplinary action.

B. Use of a District Vehicle

1. Employees of the Public Works and Police Departments will normally use a District vehicle while on duty. Operators of District vehicles are responsible for the safe operation and cleanliness of the vehicle.
2. District vehicles are intended to be used for job-related travel. This includes driving to job sites and meetings. Any departure from this provision must be authorized by the Department Head.
3. All drivers are required to perform vehicle inspections at regular intervals established by the supervisor or Department Head. The driver is to notify the supervisor of any hazardous or unsafe conditions.

C. Driver's License

It is a condition of employment that employees who drive District vehicles maintain at minimum a Class C driver's license. The District retains the right to transfer, suspend or terminate an employee whose job duties require him or her to drive, if the employee's driver's license is revoked, or the employee is uninsurable under the District's policy.

D. Passengers

No driver may pick up or transport non-employees while in a District vehicle or on District business without prior approval from the supervisor unless there is a work-related need to do so.

E. Use of Seat Belts

The use of seat belts and shoulder harnesses is mandatory for operators and passengers of District Vehicles. The driver is responsible for ensuring that there is a seat belt for all

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35 passengers and that all passengers are wearing a seat belt while the vehicle is in motion.
36 Coworkers or any other passenger are not allowed to ride in the back of a pickup.

37 Exception: Seatbelts are not required for short intervals of travel, such as travel between
38 properties on meter reading routes.

39 **F. Headlights**

40 For vehicles so equipped, headlights must be turned on for safety whenever the vehicle is in
41 operation. During inclement weather, such as rain, snow or fog, headlights must be turned on
42 for all vehicles when in operation.

43 **G. Use of Cell Phones or Handheld Electronic Devices**

44 Refer to Rule VIII.H.3 of District Personnel Policies – Safety Issues for Cell Phone Use.

- 45 1. All employees are expected to follow applicable local, state, and federal laws and
46 regulations regarding the use of cellphones at all times.
- 47 2. Employees whose job responsibilities include regular or occasional driving and who are
48 issued a cellphone for business use are expected to refrain from using their phone while
49 driving; use of a cellphone while driving is not allowed by the District. Safety must come
50 before all other concerns. Regardless of the circumstances, including slow or stopped
51 traffic, employees are required to pull off to the side of the road and safely stop the
52 vehicle before placing or accepting a call. Exceptions will be made for public safety
53 personnel in emergency situations.
- 54 3. Reading or sending text messages while driving is strictly prohibited.

55 Employees who are charged with traffic violations resulting from the use of their phone while
56 driving will be solely responsible for all liabilities that result from such actions.

57 **H. Moving and Parking Violations**

58 Employees are responsible for any moving and parking violations and fines which may
59 result when operating a District vehicle.

60 **I. Use of Personal Vehicles**

- 61 1. Employees may, with the authorization of their Department Head, use their personal
62 vehicle for District business. The employee must follow the same rules as if driving a
63 District vehicle as listed in this policy or any others that pertain to this topic.
- 64 2. Employees driving their personal vehicle on District business will be reimbursed at the
65 rate established by the IRS. Employees are not reimbursed for their normal commute
66 mileage.

67 **J. Take Home Vehicles**

68 District vehicles may be issued to certain employees whose use of a take home vehicle serves
69 the needs of the District. When District vehicles are taken home, the following practices are to
70 be followed:

- 71 1. The vehicle shall not be used solely for private purposes.

- 72 2. All District vehicles parked at a private residence shall be parked off the street and locked.
73 If no off-street parking is available, special permission must be obtained from the General
74 Manager.
- 75 3. Vehicles may only be used for the purpose for which they are intended. The exception is
76 for routine, necessary errands which the employee may need to perform while driving the
77 vehicle home or to a work location.
- 78 4. Personnel shall keep their Personal Protective Equipment in the vehicle.
- 79 5. Personnel shall be responsible for the cleanliness and appearance of their assigned vehicle.

80 **K. Additional Safety Directives**

- 81 1. Any employee driving a District vehicle or driving on District business must observe all
82 safety, traffic, and criminal laws of this state.
- 83 2. Drivers should refrain from consuming food while operating a District vehicle.
- 84 3. No driver shall consume alcohol or illegal drugs while driving a District vehicle, while on
85 District business, while in a District vehicle, or prior to the employee's shift.

86 **E. Employee Acknowledgement**

87 By signing below, Employee represents that he or she has read, understands, and agrees to
88 the District's Vehicle Use Policy.

89
90
91 _____
92 Signature Date

93
94 _____
95 Print Name
96



BEAR VALLEY COMMUNITY SERVICES DISTRICT

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

ELECTRONIC COMMUNICATIONS SYSTEM POLICY

A. Introduction.

Bear Valley Community Services District provides and maintains the following forms of electronic communication, messaging agents and electronic facilities: internal and external electronic mail (e-mail), telephones, voice mail, internet access, and computer hardware and software. As a condition of providing this technology, the District enforces certain restrictions on its workplace use and restricts such use to District business purposes.

This policy must be followed in conjunction with other District policies governing appropriate workplace conduct and behavior. Bear Valley Community Services District complies with all applicable federal, state and local laws as they concern the employer/employee relationship, and nothing contained herein should be construed to violate any of the rights or responsibilities contained in such laws. Nothing in this policy should be construed to prohibit conduct that is expressly permitted or protected under applicable federal, state or local laws.

B. Use of Communications Systems

1. The internal communication systems, as well as the equipment and data stored are, and remain at all times, District property.
2. All messages and files created, sent, received or stored within the system should be related to District business and are, and will remain at all times, the property of the District.
3. System or District-wide distribution of e-mail or other electronic messages (announcements, bulletins, etc.) requires approval of a Department Head or higher in advance of the distribution.
4. Personal use shall be strictly limited to inoffensive, non-obstructive and non-disruptive uses, with District approval. The District, in its sole discretion, will determine at what point personal use of District electronic communications systems becomes obstructive or disruptive and will take action accordingly.

C. Rules and Prohibitions

1. It is not possible to identify every standard and rule applicable to the use of electronic communications devices. Employees are therefore required to utilize sound judgment and professionalism whenever using any feature of the communications systems. In order to offer employees some guidance, the following rules apply and the activities identified below are strictly prohibited. Any employee who uses any electronic communications device in a manner that violates the District policies shall be subject to disciplinary action, up to and including termination of employment.

- 1 a. Employees shall adhere to the District’s Prevention and Correction of Harassment,
2 Discrimination and Retaliation policy against unlawful harassment, including sexual
3 harassment. This policy extends to the use of computers, the internet, and any
4 component of the communications systems. In keeping with that policy, employees
5 should not use any electronic communications device in a manner that would violate
6 that policy. For example, employees may not communicate messages that would
7 constitute sexual harassment, may not use sexually suggestive screen savers, and may
8 not receive or transmit pornographic, obscene, or sexually offensive material or
9 information.
- 10 b. Employees shall not intentionally access internet sites that contain pornography,
11 exploit children or are considered to be offensive.
- 12 c. Employees shall not send obscene, pornographic, profane, defamatory, harassing
13 (including sexually harassing), illegal, discriminatory or offensive communications,
14 including but not limited to e-mail, to any employee, supervisor, member of the public,
15 whether or not the employee believes that the material is offensive to the individual to
16 whom it is being sent.
- 17 d. Employees shall not use any electronic communications device for a purpose that is
18 found to constitute, in the District’s sole and absolute discretion, a commercial use that
19 is not for the direct and immediate benefit of the District.
- 20 e. Employees shall not use any electronic communications device for any purpose that is
21 competitive, either directly or indirectly, to the interests of the District or for any
22 purpose that creates an actual, potential or apparent conflict of interest with the District.
- 23 f. Employees shall not use any electronic communications devices in a manner that
24 violates the District’s no solicitation rule. The District’s policies against improper
25 solicitations and distribution extend to the communications systems.
- 26 g. Employees shall identify all communications as “privileged and confidential” or
27 “attorney/client” privilege when it is accurate and appropriate to do so. In this manner,
28 the District can assert any protections, privileges, and rights relating to communications
29 if it becomes necessary to do so.
- 30 h. Employees shall not use another user’s name and/or account without express
31 permission of the Systems Administrator.
- 32 i. Employees shall not access the District’s computer systems remotely unless
33 specifically authorized by the General Manager and initiated by the Systems
34 Administrator.
- 35 j. Employees shall not utilize personal disks, drives or software on the District computer
36 systems without the written approval of the General Manager or the Systems
37 Administrator.
- 38 k. Employees shall not use any personal peripheral on any part of the District’s computer
39 systems. Peripherals include, but are not limited to, external drives of any kind, palm
40 computers (a.k.a. PDAs), any type of memory device, cameras, microphones, and any
41 other physical thing that can be connected to a computer by any means.

- 1 l. Employees shall not engage in any activity to compromise any aspect of security of the
2 District's computer systems or engage in any activity which unreasonably disregards
3 the risk of compromising the security of the District's computer systems.
- 4 m. Employees shall not use the District's computer systems in any manner that violates
5 any other District policy, or any local, state, or federal law.
- 6 2. Vandalism. Vandalism includes, but is not limited to, uploading of computer viruses and
7 altering the appearance or operational characteristics of any network system. Any
8 employee found to have vandalized any electronic communications system or device will
9 be denied further access and will be subject to discipline, up to and including termination.
- 10 3. Security. Security on any computer system is a high priority. Any employee identifying a
11 security problem shall notify the Systems Administrator at once. Any employee identified
12 as a security risk due to activity on the internet or any other communications system will
13 be denied access and subject to disciplinary action, up to and including termination.
- 14 4. Concerns. Any employee who feels they have been exposed to offensive material via the
15 computer, who feels there is offensive material on the District computer system, or who
16 otherwise wishes to raise concerns regarding electronic communications, should
17 immediately bring the matter to the attention of his or her supervisor or the General
18 Manager.
- 19 5. Exceptions. If it is necessary for an employee of the District to carry out his or her duties,
20 in furtherance of the needs and objectives of the District, to use District computer systems
21 in a manner that would otherwise be considered an inappropriate use, such use shall not be
22 considered inappropriate, if there is a legitimate District-related basis for such use and such
23 use is carried out only to the extent necessary to further the needs and objectives of the
24 District. There shall be absolutely no tolerance for an abuse of this exception by any District
25 employee. If an employee abuses this exception, the employee's use of the District
26 computer systems will be treated as an inappropriate use. Such use must be authorized by
27 the Board, the General Manager or the Chief of Police.
 - 28 a. Information, files, etc. obtained pursuant to this exception shall not, once obtained, be
29 inappropriately used.
 - 30 b. This exception does not authorize any action that is illegal or unethical, regardless of
31 whether such action is engaged in to further the needs and objectives of the District.
 - 32 c. This exception does not authorize any action which could compromise the security of
33 the District's computer systems.

34 **D. District Access**

- 35 1. The District must retain the right and ability to enforce this policy and to monitor
36 compliance with its terms. While computers and other electronic devices are made
37 accessible to employees to assist them to perform their jobs and to promote the District's
38 interests, all such computers and electronic devices, whether used entirely or partially on
39 the District's premises or with the aid of District equipment or resources, must remain fully
40 accessible to the District and, to the maximum extent permitted by law, will remain the
41 sole and exclusive property of the District.

- 1 2. No Expectation of Privacy. Employees should not maintain any expectation of privacy with
2 respect to information transmitted over, received by, or stored in any electronic
3 communications device owned, leased, or operated in whole or in part by or on behalf of
4 the District. The District retains the right to gain access to any information received by,
5 transmitted by, or stored in any such electronic communications device, by and through its
6 agents, employees, or representatives, at any time, either with or without an employee's or
7 third party's knowledge, consent or approval.
- 8 3. Passwords. The District, at any time, may require employees who are provided access to
9 computers to provide to the General Manager, in writing, any password they use to gain
10 access to computer or the Internet as well as any changes to such password. The District
11 will keep copies of passwords. Employee passwords are accessible to the District's IT
12 provider. The existence or use of passwords does not imply that communications are
13 confidential.

14 **E. Guidelines for the Appropriate Use of Email and Other Forms of Communication**

15 When using District e-mail and other forms of electronic communication, appropriate
16 workplace etiquette must be observed. The guidelines for appropriate and effective e-mail and
17 other forms of electronic communication include:

- 18 1. Communicating urgent matters for immediate response, communicating with several
19 people quickly or communicating other time-sensitive matters.
- 20 2. Keeping all messages as brief as possible to minimize reading time, thereby keeping
21 communication efficient.
- 22 3. Using the simple rules of who, what, when, where and why to answer any anticipated
23 questions.
- 24 4. Avoiding sensitive subject matter that should be addressed in person, if possible.
- 25 5. Checking message content for accuracy and good business writing style (i.e., using correct
26 grammar, spelling and punctuation).
- 27 6. Following up when a response is expected or requested and has not been received in a
28 timely manner.
- 29 7. Reading all messages and responding when requested or expected.
- 30 8. Avoiding the use of all capital letters.
- 31 9. Avoiding the "reply all" function (i.e., systemwide distribution) when not necessary or
32 intended.
- 33 10. Saving, printing or deleting messages after reading to avoid using the e-mail server or
34 other electronic device as permanent storage.

35 **F. Guidelines for the Appropriate Use of the Internet**

36 Though the District encourages employee use of the internet, its use is restricted to the
37 following:

- 38 1. Communicating with employees, vendors or clients regarding matters within an
39 employee's assigned duties.
- 40 2. Acquiring information related to, or designed to facilitate, the performance of regularly
41 assigned duties.
- 42 3. Facilitating performance of any task or project in a manner approved by an employee's
43 supervisor.

1 **G. Prohibited Use of Email, Voice Mail, Internet and Other Electronic Communications**

- 2 1. E-mail, voice mail and other electronic communications transmitted on District
3 equipment, systems or networks may not contain any content that would reasonably be
4 considered offensive, harassing or disruptive to another individual. Offensive content
5 would include sexual comments or images, racial slurs, gender-specific comments, or
6 any comments that might be construed as offensive by a reasonable person on the basis
7 of race, age, sex, sexual orientation, religious or political beliefs, national origin, or
8 disability.
- 9 2. Regarding internet and e-mail access and use, employees should be advised that the use
10 of District-provided internet and e-mail for the following activities is expressly
11 prohibited:
- 12 a. Dissemination or printing of copyrighted materials, including articles and software,
13 in violation of copyright laws.
 - 14 b. Sending, receiving, printing or otherwise disseminating proprietary data, trade
15 secrets or other confidential information of the District or its business counterparts
16 in violation of policy or proprietary agreements.
 - 17 c. Using offensive or harassing statements or language, including disparagement of
18 others based on their race, national origin, sex, sexual orientation, age, disability,
19 religious or political beliefs.
 - 20 d. Sending or soliciting sexually oriented messages or images.
 - 21 e. Operating a business, usurping business opportunities, soliciting money for personal
22 gain or searching for jobs outside the District.
 - 23 f. Sending chain letters or e-mails.
 - 24 g. Gambling or engaging in any other activity in violation of local, state or federal law.
 - 25 h. Circulating jokes, comics or non-job-related computer graphics.

26 **H. Compliance**

27 Employees who violate any aspect of this policy or who demonstrate poor judgment in the
28 manner in which they use any electronic communications device may be subject to
29 disciplinary action, up to and including termination. Employees who have any questions
30 regarding this policy should bring them to the immediate attention of the General Manager.

31 Nothing in this policy should be construed to prohibit conduct that is expressly permitted or
32 protected under applicable federal, state or local laws.

33 **E. Employee Acknowledgement**

34 By signing below, Employee represents that he or she has read, understands, and agrees to
35 the District's Electronic Communications Systems Policy.

36
37
38 _____
39 Signature

_____ Date

40
41 _____
42 Print Name



BEAR VALLEY COMMUNITY SERVICES DISTRICT

28999 South Lower Valley Road • Tehachapi, CA 93561-7460

PHONE 661-821-4428 • FAX 661-821-0180

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EMPLOYEE DEVELOPMENT, TRAINING, AND REIMBURSEMENT POLICY

3

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I. OBJECTIVE

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Bear Valley Community Services District recognizes the importance of training and developing our staff and understands that our employees are the key to our success. The District, therefore, encourages all employees to be continually improving their skills and abilities both through on-the-job and off-the-job training.

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The District further believes that training and development of staff provides benefits both to its employees in terms of their overall career and prospects for advancement as well as being central to the fulfillment of the District's mission.

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In support of these goals, the District has adopted this policy which applies to all full-time employees who have been employed by the District for at least six months. This policy covers costs associated with:

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- Professional exams and exam preparation courses.
- Certificate programs and credentials.
- Courses offered by an accredited institution, including e-learning.
- Workshops, seminars and conferences.
- Membership in professional organizations.
- Magazine subscriptions.

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These guidelines are discretionary and not an entitlement or benefit of employment, and are subject to annual budgets established for training and memberships.

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II. MEMBERSHIPS

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Employees may be permitted to join professional associations with membership fees paid by the District under the following circumstances:

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1. The association must have a direct relationship to the job the employee performs.

28

- 1 2. The employee must demonstrate the benefits to be gained by the company as a
- 2 result of such membership.
- 3 3. The request must be presented to the employee's supervisor for approval.
- 4 4. Requests for additional memberships may be permitted, subject to the General
- 5 Manager's approval.

6 **III. TRAINING**

7 Employees may be permitted to attend off-site seminars, trainings, conferences or

8 workshops that will be paid for by the District under the following circumstances:

- 9 1. The training event to be attended must have a direct relationship to the job the
- 10 employee performs.
- 11 2. For work scheduling purposes, the employee's request for attendance must be
- 12 received well in advance, but at least one month prior to the event.
- 13 3. Supervisor approval may be dependent on factors such as budget, the ability of
- 14 the department to function in the employee's absence, and the relevance of the
- 15 activity to either the employee's current position or their professional
- 16 development plan. In all cases, participation in development activities should not
- 17 interfere with the effective performance of job responsibilities.
- 18 4. If an employee participates in job-related training and professional development
- 19 activities during a scheduled work day, it will be considered work time.
- 20 Professional development and training activities outside of and in addition to
- 21 regular work hours for non-exempt employees require approval in advance from
- 22 their supervisor because the activities are considered regular work hours for
- 23 overtime compensation purposes.
- 24 5. Requests for attendance at additional trainings may be permitted, subject to the
- 25 General Manager's approval.

26 **IV. EXAMINATIONS & CERTIFICATIONS**

27 The District will cover initial expenses for employees to obtain and maintain licenses,

28 certifications, and examinations to obtain such credentials under the following

29 circumstances:

- 30 1. The employee and the employee's supervisor have agreed upon this course of
- 31 advancement as part of the annual evaluation, or other periodic review process.

- 1 2. The certification is directly relevant to the employee’s current job responsibilities
2 or planned career progression.
- 3 3. The District will not pay for an employee to retake a course or take a second
4 exam if the employee fails to receive a passing score on the first. The District
5 may, at its discretion, reimburse expenses for a subsequent, successful attempt.

6 **V. TUITION REIMBURSEMENT**

7 Upon proof of successful completion, the District will reimburse employees for one-half
8 (1/2) the cost of tuition and required textbooks under the following circumstances:

- 9 1. The course of study is approved in advance by the General Manager.
- 10 2. The course of study is directly relevant to the employee’s current job
11 responsibilities or planned career progression, and is undertaken at an
12 accredited institution.
- 13 3. Final course grade of C or better (or B or better for post-graduate programs)
14 shall constitute successful completion.

15 **VI. TRAVEL EXPENSES**

16 1. Lodging: District travelers are expected to select reasonably priced lodging
17 accommodations when on official business and will be requested to justify
18 charges that appear to be excessive. All claims for lodging reimbursement must
19 be supported by original receipts that show:

- 20 • The name of the hotel
- 21 • The number of occupants
- 22 • The goods or services for which each individual charge is made (room rental,
23 food, tax, etc.)

24
25 Lodging expenses may be directly billed to the District, paid directly by the
26 District or reimbursed to the employee according to the specific needs and
27 capabilities of the providers. Employees are expected to book lodging that is
28 reasonable and relevant for the specific destination, time of year and business
29 purpose. Further justification may be required for expenses that appear to be
30 excessive. State or government rates should be utilized when available.

31 2. Meals: Meals will be reimbursed according to the current rates established by
32 U.S. General Service Administration for California.

- The suggested meal allowances are not a per diem. Itemized receipts must be submitted and only actual expenses will be reimbursed.
- The District will not reimburse for the purchase of alcohol.
- Tips are included in the cost of each meal.

OR

In lieu of actual meal expense reimbursement, a per diem for meals and incidental expenses is allowed.

3. Mileage: The District will reimburse employees for business use of personal vehicles at the then current IRS standard mileage rate.

VI. PROCEDURE

The employee must submit a professional development request form and forward it to his or her supervisor. If approved, the supervisor will send the form to the department head and human resources (HR).

The employee may incur expenses only after receiving approval from the department head. The employee must then submit the following documents for reimbursement:

- Completed Expense Report and Claim for Reimbursement form
- Itemized Receipts.
- Copy of the approved professional development request form.
- Certificate of completion or similar document and a professional development report (when applicable) to HR to be filed in the employee's personnel file.

**BEAR VALLEY COMMUNITY SERVICES DISTRICT
DRUG-FREE WORKPLACE POLICY**

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I. PURPOSE

- A. It is the goal of the District to create a healthy and safe working environment in order to deliver the best and most efficient service to the citizens of the District. It is the responsibility of all District employees to cooperate in efforts to protect the life, personal safety, and property of co-workers and fellow citizens.

- B. Substance abuse has been found to be a contributing factor to absenteeism, substandard performance, increased potential for accidents, poor morale, and impaired public relations. It is the goal of this policy to prevent substance abuse, including alcohol abuse, in the workplace by clearly stating employee responsibilities relative to substance abuse and by providing managers and supervisors with guidelines and procedures for the detection of such abuse and the enforcement of related rules. Employees must, therefore, take all reasonable steps to abide by and cooperate in the implementation and enforcement of these policies and regulations.

- C. The District encourages employees who believe that they may have a drug or alcohol problem to voluntarily seek counseling, assistance, and/or rehabilitation, and will be supportive of those employees who voluntarily seek help before the District discovers that the employee has a drug or alcohol problem. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance through the District's Employee Assistance Program (E.A.P.) However, the District will be equally firm in identifying and disciplining those employees who are substance abusers and do not seek help.

- D. Alcohol and/or drug abuse will not be tolerated on or off the job for any employee, and disciplinary action, up to and including termination, will be used as necessary to achieve the goal of eliminating substance abuse in the workplace.

- E. As required by the Drug-Free Workplace Act of 1988, this policy provides guidelines for the detection and deterrence of alcohol and drug abuse. It also outlines the responsibilities of District managers and employees/officers. To that end, the District will act to eliminate any substance abuse (alcohol, illegal drugs, prescription drugs or any other substance which could impair an employee's or officer's ability to safely and effectively perform the functions of the particular job) which increases the potential for accidents, absenteeism, substandard performance, poor employee morale or damage to the District's reputation. All employees

1 and applicants should be aware that violations of this policy may result in
2 discipline, up to and including termination, or in not being hired.

3 **II. APPLICABILITY:**

4 A. This policy applies to all employees, officers, and volunteers involved in
5 the operations of the District, as well as all applicants for positions with the
6 District. This policy applies to alcohol and to all substances, drugs, or
7 medications, legal or illegal, which could impair an individual's ability to
8 effectively and safely perform the functions of the job.

9 B. Certain District employees may be subject to the Omnibus Transportation
10 Employee Testing Act of 1991 (Pub. L. No. 102-143, 105 Stat. 952, as
11 amended) which requires alcohol and drug-testing of safety-sensitive
12 transportation employees who are required to have a commercial driver's
13 license (49 CFR Parts 40, 382, 391, 392, and 395, as amended). To
14 comply with Department of Transportation ("DOT") regulations, the District
15 has developed specific guidelines regarding when and how drug-alcohol
16 testing will occur, as well as provisions on rehabilitative services available
17 to all covered employees. The specific guidelines for District employees
18 who are required to have a commercial driver's license are set forth in the
19 District's Substance Abuse Policy – Commercial Drivers (the "Policy for
20 Commercial Drivers.")

21 C. District employees who are "covered employees" as defined in the
22 District's Policy for Commercial Drivers are covered by this policy, except
23 to the extent that it conflicts with the Policy for Commercial Drivers or with
24 the Omnibus Transportation Employee Testing Act of 1991, as amended,
25 the Federal Highway Administration Regulations, as amended, Federal
26 Motor Carrier Safety Administration, as amended, or any other applicable
27 Department of Transportation Agency regulations governing drug and
28 alcohol testing of covered employees.

29 **III. RESPONSIBILITY:**

30 It is the responsibility of all employees to understand and abide by the provisions of this
31 policy. It shall be the responsibility of managers and supervisors to ensure that all
32 employees abide by the provisions of this policy.

33 **IV. DEFINITIONS:**

34 A. Alcohol or Alcoholic Beverage: Any liquid containing ethyl alcohol
35 (ethanol) and/or any beverage that has alcoholic content in excess of .5%
36 by volume.

37 B. Applicant: Any person applying for employment with the District who has
38 been extended a conditional offer of employment.

- 1 C. General Manager: The General Manager or his/her designee.
- 2 D. Controlled Substance: Any drug that is classified by the federal Drug
3 Enforcement Administration into the five schedules or classes on the basis
4 of their potential for abuse, accepted use, and accepted safety under
5 medical supervision. Examples of controlled substances include, but are
6 not limited to, marijuana metabolites, cocaine metabolites, opiate
7 metabolites, amphetamines, and phencyclidine (PCP).
- 8 E. Drug(s): Any substance (other than alcohol) or metabolite capable of
9 altering the mood, sensory perception, cognitive abilities, motor skills,
10 reaction time, rationality or judgment of the individual in whose body it is
11 present. The term “drug” refers to both Legal and/or illegal drugs, as
12 defined herein.
- 13 F. Drug Paraphernalia: Any device or instrument used for injecting, smoking,
14 consuming, or otherwise administering a controlled substance or legal
15 and/or illegal drug, which includes, but is not limited to the items set forth
16 in California *Health and Safety Code* section 11364.
- 17 G. Employee: For purposes of this policy, “employee” shall include
18 volunteers and officials as well as all employees of the District.
- 19 H. Human Resources: For purposes of this policy, “Human Resources” shall
20 mean the Human Resources Manager or other authorized personnel.
- 21 I. Illegal Drug: A controlled substance, a legal drug which has not been
22 legally obtained, or a legal drug which was legally obtained, but that is
23 being sold or distributed unlawfully.
- 24 J. Impaired: Diminished capacity, ability, mental acuity, or performance.
- 25 K. Intoxicant: Any substance (including alcohol or alcoholic beverages) or
26 metabolite capable of altering the mood, sensory perception, cognitive
27 abilities, motor skills, reaction time, rationality, or judgment of the
28 individual in whose body it is present.
- 29 L. Legal Drug: Any drug, including any prescription drug or over the counter
30 drug, that has been legally obtained and that is not unlawfully sold or
31 distributed.
- 32 M. Prescription Drug: Any substance lawfully prescribed by a licensed or
33 regulated professional for consumption or use.
- 34 N. Reasonable Suspicion: A belief based upon objective facts, evidence, or
35 other indicators sufficient to lead a reasonably prudent person to suspect
36 that an employee is under the influence of drugs or alcohol so that the
37 employee’s ability to perform the functions of the job is impaired or so that

1 the employee's ability to perform his/her job safely is reduced. For
2 example, any of the following, alone or in combination, may constitute
3 reasonable suspicion:

- 4 1. Slurred speech;
- 5 2. Alcohol odor on breath;
- 6 3. Unsteady walking and movement;
- 7 4. Physical impairment (e.g., glassy eyes, eye dilation, shaking, or
8 erratic movement);
- 9 5. An accident involving District property that provides a reasonable
10 basis to believe that the accident was likely to have been caused by
11 impairment from drugs or alcohol;
- 12 6. Physical altercation;
- 13 7. Verbal altercation;
- 14 8. Unusual behavior;
- 15 9. Job impairment;
- 16 10. Possession of alcohol or drugs; or
- 17 11. Information obtained from a reliable source with personal
18 knowledge.

19 Supervisors and managers who have reasonable suspicion to believe that
20 an employee is in violation of this policy shall report the employee to
21 Human Resources.

22 O. Under the Influence of Drugs or Alcohol: The use or misuse of any of the
23 following in a manner and to a degree that impairs the employee's work
24 performance or ability to use District property or equipment safely:

- 25 1. Any alcohol or alcoholic beverage;
- 26 2. Any illegal drug or substance; or
- 27 3. Any legal drug.

28 **V. POLICY:**

29 A. No Right of Privacy. The District respects the individual privacy of its
30 employees. However, employee privacy does not extend to the
31 employee's use of District-provided equipment, supplies, or property.

1 Employees should be aware that the terms of this policy limit their privacy
2 in the workplace. Furthermore, employees should have no reasonable
3 expectation of privacy with respect to District property, which may be
4 searched at any time.

5 B. Employee Responsibilities:

6 1. Employees must sign and submit to Human Resources the
7 Acknowledgement of Receipt of Drug-Free Workplace Policy
8 (attached to this policy), noting specifically that the employee has
9 read, understood, and agreed to abide by the provisions of this
10 policy as a condition of continued employment.

11 2. Employees shall not report to work or be subject to duty while
12 under the influence of alcohol. Employees shall not consume, use,
13 possess, or be under the influence of alcohol or alcoholic
14 beverages while on District premises, on District property, or in a
15 District vehicle or at any time while on duty, during meal or rest
16 periods, while on-call, while on stand-by, or while wearing a District
17 uniform.

18 a. This policy is not intended to prevent an employee from
19 possessing alcoholic beverages in sealed containers in his/her
20 personal vehicle. Nor is this policy intended to prevent presentation
21 of alcohol as a gift where otherwise permitted under District policy.

22 3. Employees shall not consume, use, possess, or be under the
23 influence of drugs or other intoxicants while on District premises, on
24 District property, or in a District vehicle or at any time while on duty,
25 during meal or rest periods, while on stand-by, or while wearing a
26 District uniform.

27 4. Employees shall not report to work or be subject to duty while
28 under the influence of a legal drug whenever the use of the legal
29 drug might do any of the following:

30 a. Endanger the safety of the employee or another person;

31 b. Pose a risk of significant damage to District property or
32 equipment;

33 and/or

34 c. Substantially interfere with the employee's job performance
35 or the safe or efficient operation of the District's business or
36 equipment.

1 5. Employees shall notify their supervisor, before beginning work,
2 when taking any medication or drugs, prescription or non-
3 prescription, which may interfere with the safe and effective
4 performance of duties or operation of District equipment.
5 Employees shall not use prescription drugs or any other legal drugs
6 in a manner that impairs their ability to perform their job properly
7 and safely. Furthermore, prescription and other legal drugs shall
8 be used only in the manner, combination, and quantity prescribed
9 or otherwise indicated by the manufacturer. No prescription drug
10 shall be brought upon District premises by any person other than
11 the person for whom the drug is prescribed.

12 a. The District reserves the right to prohibit on-the-job use of
13 any prescription or other legal drug for safety reasons. An
14 employee who is unsure if a drug might impair his or her ability to
15 perform the job properly and safely, must advise his or her
16 supervisor of the potential concern before beginning work. In doing
17 so, employees are not required to disclose the name of a
18 medication or the medical reason for taking the drug, but may
19 instead focus on the potential for impairment in relation to assigned
20 job duties.

21 b. Employees shall provide, within 24 hours of a request, bona
22 fide verification of a current, valid prescription for any potentially
23 impairing drug or medication identified when a drug test is positive.
24 The prescription must be in the employee's name.

25 c. Recreational and Medical Marijuana. The District recognizes
26 that the State of California has legalized the use of marijuana for
27 recreational and certain medical uses. However, in accordance
28 with state and federal law, the District treats recreational and
29 medical marijuana the same as any other drug that is subject to
30 regulation under this policy. Moreover, although the use of
31 marijuana is legally permissible in the State of California, it remains
32 a prohibited and controlled substance under federal law. The
33 District reserves the right to take disciplinary action under this
34 policy when marijuana is the drug involved, whether it is used for
35 medicinal or non-medicinal purposes, and whether or not it has
36 been prescribed for the employee's use.

37 6. Whether done directly by an employee or through the use of a third
38 party, providing, storing, marketing, manufacturing, selling, offering
39 to sell, trading, and distributing alcohol, drugs, or other intoxicants
40 is strictly prohibited on District premises, on District property, or in
41 District vehicles, and during any on-duty time, during meal or rest
42 periods, while on-call, while on stand-by, or while wearing a District
43 uniform.

1 7. Whether done directly by an employee or through the use of a third
2 party, providing, storing, marketing, manufacturing, selling, offering
3 to sell, trading, and distributing of drug paraphernalia, equipment,
4 or substances that can be used for the manufacture, storage,
5 distribution, or use of drugs or alcohol is strictly prohibited on
6 District premises, on District property, or in District vehicles, and
7 during any on-duty time, during meal or rest periods, while on-call,
8 while on stand-by, or while wearing a District uniform.

9 a. The possession and use of such items by employees is also
10 prohibited unless expressly permitted by a supervisor or manager
11 for legitimate business reasons.

12 8. Employees shall submit to an alcohol and/or drug test, and comply
13 with any required follow-up procedures, when directed to do so by
14 the District in accordance with the guidelines set forth in this policy.

15 9. Employees must provide written notice to Human Resources within
16 five (5) days of any conviction based on violation of any criminal
17 drug statute due to conduct in the workplace or while on District
18 business. Such filing shall be required whether or not the
19 conviction has been or will be appealed. Convicted employees are
20 subject to discipline for conduct in violation of District policy, up to
21 and including termination.

22 10. Failing to comply with any aspect of the District's drug or alcohol
23 testing procedures as set forth in this policy, or otherwise engaging
24 in conduct in violation of District policy, is grounds for discipline, up
25 to and including termination.

26 C. District Responsibilities:

27 1. Supervisors and managers shall notify Human Resources when
28 they have reasonable suspicion to believe that an employee may
29 have violated the provisions of this policy and shall document in
30 writing the facts constituting the basis for reasonable suspicion.
31 Where feasible, supervisors and managers shall use the District's
32 form.

33 a. Where feasible, the employee's behavior should also be
34 separately observed and documented by another manager or
35 supervisor.

36 b. Additionally, where criminal activity is suspected, the
37 appropriate law enforcement agencies or authorities must be
38 notified.

- 1 2. Human Resources may then direct an employee to submit to a drug
2 and/or alcohol test in accordance with the guidelines set forth
3 herein. The employee will be detained for a reasonable time until
4 he or she can be safely transported for testing.
- 5 3. Whenever an employee refuses an order to promptly submit to a
6 drug or alcohol test upon appropriate request, the employee shall
7 be reminded of the requirements of this policy and the disciplinary
8 consequences for his/her refusal. Such refusal may also be
9 considered insubordination and is grounds for disciplinary action up
10 to and including termination.
- 11 4. The District may also initiate an investigation at any time when
12 Human Resources has reason to believe that any violation of this
13 policy has occurred. The investigation may include resources or
14 individuals external to the organization. Regardless, all employees
15 are required to cooperate with any District initiated investigation.
16 The failure to do so may result in disciplinary action up to an
17 including termination.
- 18 a. Employees must not physically search the person of another
19 employee, nor may they search the personal possession of another
20 employee without that employee's consent or without instruction
21 from Human Resources or law enforcement.
- 22 b. Upon completion of the investigation, Human Resources will
23 determine what action, if any, is to be taken, and will be
24 administered in accordance with applicable District policy.

25 D. Alcohol and Drug Testing Guidelines:

- 26 1. Drug Testing: Employees subjected to a drug test shall be tested
27 by submitting to a urinalysis test. The urinalysis test will be
28 administered by the medical facility designated by the District,
29 according to its testing protocol.
- 30 2. Alcohol Testing: Employees subjected to an alcohol test shall be
31 tested by submitting to a breathalyzer test. The breathalyzer test
32 will be administered by the medical facility designated by the
33 District, according to its testing protocol.
- 34 3. Pre-Employment Testing:
- 35 a. Applicability: Certain pre-employment physical examinations
36 for applicants shall include drug and alcohol testing. No drug
37 and/or alcohol test shall be administered prior to the applicant
38 receiving a conditional offer of employment. Only positions that
39 present a "special need" for drug and/or alcohol testing will be

1 subject to this section. The District shall designate whether the
2 position presents a “special need” in the job announcement and/or
3 job description. For purposes of pre-employment drug/alcohol
4 testing, “special need” shall be defined to include the following
5 categories of positions:

6 (i) Safety-Sensitive: Safety-sensitive positions include
7 those positions with duties that are fraught with such risks to
8 others that even a momentary lapse of attention can have
9 disastrous consequences.

10 (ii) History of Drug/Alcohol Use: Positions that have a
11 history of drug or alcohol use include those where the
12 District has established the existence of documented
13 problems with drug use by employees in a particular position
14 or particular department.

15 (iii) Otherwise Required or Permitted by Applicable Law:
16 Positions such as “Covered Employees” under the District’s
17 policy for Commercial Drivers (as addressed in Section II,
18 above) and other positions for which applicable state or
19 federal law requires pre-placement testing, or for which the
20 District reasonably determines a special need for testing
21 exists in accordance with applicable state or federal law.

22 b. Results: A positive result for a drug and/or alcohol analysis
23 may result in the applicant not being hired. If a drug screen is
24 positive at the pre-employment physical, the applicant may be
25 requested to provide, within 24 hours of the request, bona fide
26 verification of a valid current prescription for the drug identified in
27 the drug screen. If the prescription is not in the applicant’s name,
28 or if the applicant does not provide acceptable verification, or if the
29 drug is one that is likely to impair the applicant’s ability to perform
30 the job duties, the applicant may not be hired.

31 4. Alcohol/Drug Testing of Employees:

32 a. Cause: With the exception of the pre-employment drug and
33 alcohol tests, employees shall only be required to submit to drug
34 and/or alcohol tests under this policy in the following
35 circumstances:

36 (i) Following the reasonable suspicion determination that
37 an employee is under the influence of alcohol or drugs while
38 on the job or subject to being called to the job in accordance
39 with this policy.

1 (ii) Following the reasonable suspicion determination that
2 an employee is in possession of drugs or drug paraphernalia
3 in violation of this policy.

4 (iii) While receiving medical treatment, other than first aid,
5 after suffering a work-related injury in circumstances that
6 present reasonable suspicion.

7 (iv) When the employee is subjected to Return to Duty
8 and/or Follow-Up Testing following the employee's return
9 from rehabilitation and/or treatment.

10 b. Prerequisite: Prior to the administration of any drug and/or
11 alcohol testing, the District's designated physician, the designated
12 medical facility, and/or Human Resources shall attempt to obtain
13 from the employee to be tested a completed and signed consent
14 form. This form will provide the employee's consent in writing to
15 physical and/or psychological examination and testing and will
16 authorize the release of such information to the District. Refusal by
17 the employee to sign a consent form when requested to do so is
18 considered insubordination and may be grounds for disciplinary
19 action, up to and including termination.

20 c. Interference With a Required Test: An employee will be
21 subject to the same consequences as a positive test if he or she:

22 (i) Refuses the screening or test, by engaging in
23 behavior such as refusal to provide a urine specimen, body
24 fluid specimen, hair or breath sample without a valid medical
25 explanation; a verbal declaration of refusal; or physical
26 absence;

27 (ii) Adulterates, dilutes, contaminates, or tampers with
28 the specimen, or attempts to do so;

29 (iii) Substitutes the specimen with that of another person,
30 or sends an imposter to provide a specimen, or attempts to
31 do either act;

32 (iv) Refuses to sign the required forms or documentation;
33 and/or

34 (v) Otherwise refuses to cooperate in the testing process
35 in such a way that prevents conducting or completion of the
36 test.

37 d. Results: If a drug screen is positive, the employee may be
38 requested to provide, within 24 hours of the test results, bona fide

1 verification of a valid current prescription for the drug identified in
2 the drug screen. The prescription must be in the employee's name.

3 E. Voluntary Assistance or Rehabilitation:

4 1. General: The District encourages those employees who think that
5 they may have a problem with drugs and/or alcohol to seek
6 assistance and rehabilitation at an early date, prior to notification of
7 alcohol/drug testing and/or prior to discovery by the District of the
8 employee's prohibited drug and/or alcohol use. The District
9 reserves the right to discipline employees, up to and including
10 termination, who are discovered to have engaged in prohibited use
11 of drugs and/or alcohol, and who do not come forward for help prior
12 to the District's discovery of misconduct or prior to the District's
13 notification or demand that the employee must submit to a drug
14 and/or alcohol test.

15 2. Employee Assistance: The Employee Assistance Program (E.A.P.)
16 is available to assist employees in their efforts to overcome
17 problems with drugs and/or alcohol. Information pertaining to such
18 programs may be obtained by direct contact with the E.A.P. agency
19 or by contacting Human Resources.

20 3. Voluntary Referral: If done prior to the District's discovery of or
21 request for a drug or alcohol test, an employee's effort to voluntarily
22 seek treatment or rehabilitation for the first time, will not be used as
23 the basis for disciplinary action. However, the District may in such
24 cases require employees to comply with the provisions of the Last
25 Chance Agreement and Follow-Up Testing.

26 4. Leave: If necessary, the employee may be granted a leave of
27 absence without pay in order to participate in treatment and/or
28 rehabilitation. Such a leave of absence shall be unpaid and subject
29 to the requirements of applicable District policies and personnel
30 rules regarding unpaid leaves of absences. The District reserves
31 the right to deny such leave in accordance with applicable state or
32 federal law if granting the leave would impose an undue hardship
33 on the District.

34 5. Last Chance Agreement: Employees who undergo voluntary
35 treatment and/or rehabilitation due to use or abuse of alcohol or
36 drugs in violation of this policy, and are not otherwise subject to
37 termination, will be required to sign a Last Chance Agreement as a
38 condition of continued employment. In doing so, the employee
39 promises to complete the treatment and/or the rehabilitation
40 program and to comply with other terms stated therein, including
41 obtaining negative results from Return to Duty and/or Follow-up

1 testing. If the employee violates the Last Chance Agreement,
2 he/she will be subject to additional disciplinary action up to and
3 including termination.

4 F. Consequences for Positive Tests

5 1. Discipline. Employees who receive a confirmed positive drug
6 and/or alcohol test result, or are otherwise subject to consequences
7 of a positive test under this policy, will be subject to discipline, up to
8 and including termination.

9 2. Discretionary Leave: Employees who are not terminated may be
10 granted a leave of absence without pay in order to participate in
11 treatment and/or rehabilitation. Such a leave of absence shall be
12 unpaid and subject to the requirements of applicable District
13 policies and personnel rules regarding unpaid leaves of absences.
14 The District reserves the right to deny such leave in accordance
15 with applicable state or federal law if granting the leave would
16 impose an undue hardship on the District.

17 3. Last Chance Agreement: Employees who are not terminated will
18 be required to sign a Last Chance Agreement as a condition of
19 continued employment. In doing so, the employee promises to
20 complete any treatment and/or rehabilitation program required by
21 the District and to comply with other terms stated therein, including
22 Return to Duty and/or Follow-up testing. If the employee refuses to
23 sign the Last Chance Agreement or violates the agreement, he/she
24 may be subject to disciplinary action up to and including
25 termination.

26 G. Return to Duty and Follow-up Testing: Following successful rehabilitation
27 or assistance and before returning to duty, an employee must pass a
28 return to duty drug and/or alcohol test, and/or submit to follow-up testing,
29 as set forth in the Last Chance Agreement.

30 H. Confidentiality: Laboratory reports and/or test results shall not appear in
31 an employee's general personnel file. Information of this nature will be
32 contained in a separate confidential medical folder that will be securely
33 kept under the control of Human Resources. The reports or test results
34 may be disclosed to supervisors on a strictly need-to-know basis and to
35 the tested employee upon request.

36 Disclosures, without employee consent, may also occur when:

37 1. The information is compelled by law or by judicial or administrative
38 process;

1 2. The information has been placed at issue in a formal dispute
2 between the District and the employee;

3 3. The information is to be used in administering an employee benefit
4 plan; or

5 4. The information is needed by medical personnel for the diagnosis
6 or treatment of the employee, when he/she is unable to authorize
7 the disclosure.

8 I. Disciplinary Action: Disciplinary action, up to and including termination,
9 may be taken against an employee for any violation of this policy,
10 including, but not limited to the following reasons:

11 1. Failure to comply with any of the Employee Responsibilities set
12 forth in this policy.

13 2. Positive results from a drug and/or alcohol test.

14 3. Refusal to be tested in accordance with this policy.

15 4. Violation of a Last Chance Agreement.

16 5. Violation of Return to Work testing requirements as set forth in
17 Section G.

18 **VI. CONSTITUTIONALITY:**

19 It is the intent of this policy statement to conform to state and federal
20 constitutional guarantees. Should any provision of this policy statement not
21 conform to statutory, constitutional or court restrictions, such non-conformance
22 shall no longer be enforced.

23

24

**BEAR VALLEY COMMUNITY SERVICES DISTRICT
DRUG-FREE WORKPLACE POLICY
ACKNOWLEDGEMENT OF RECEIPT**

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21

By my signature below, I acknowledge that I have received, read and understood the District's Drug-Free Workplace Policy, and I will abide by its terms. I understand that failure to fully comply with all terms set forth in the policy may lead to disciplinary action, up to and including termination.

Employee's Name (PLEASE PRINT)

Employee's Signature

Date

