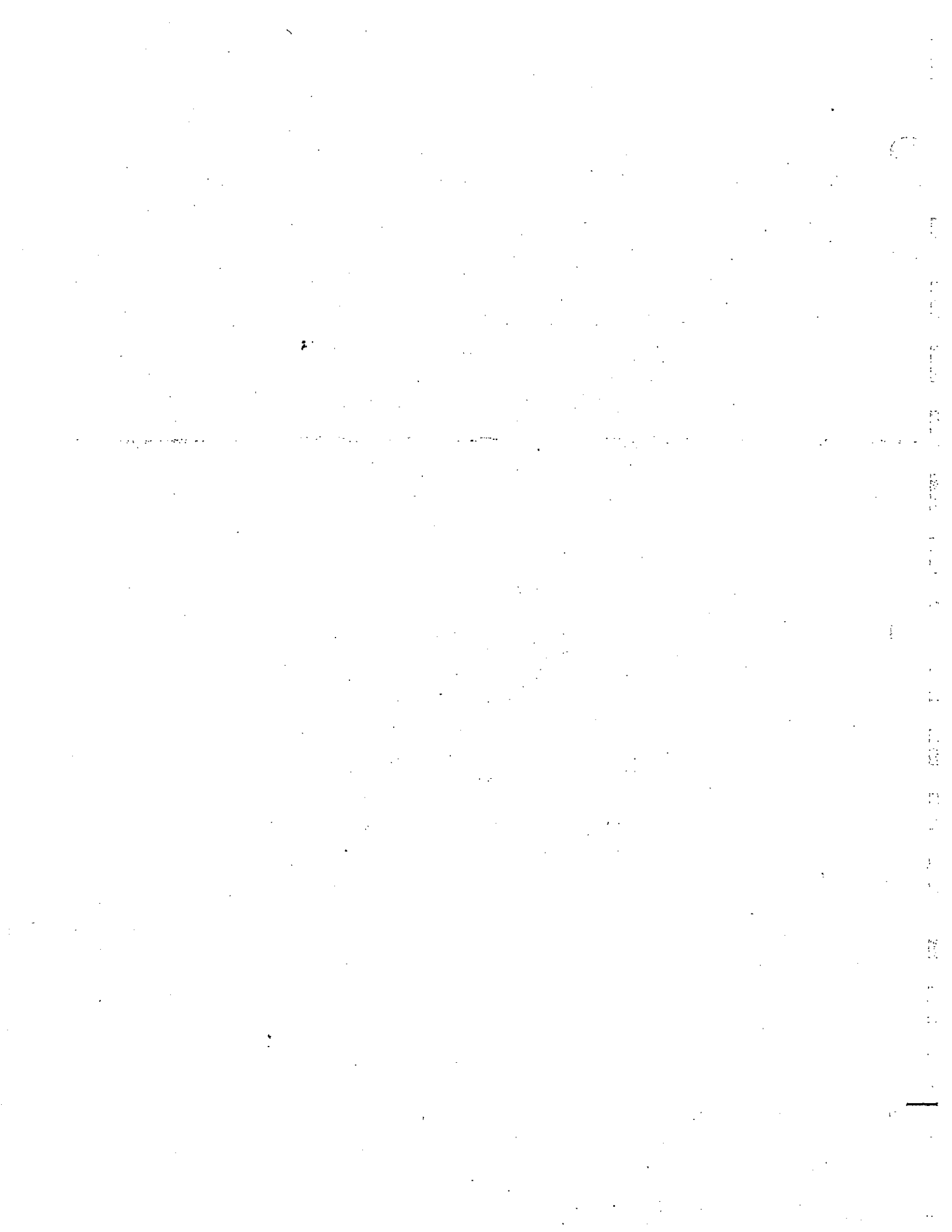


**CAMBRIA COMMUNITY SERVICES DISTRICT
PERSONNEL POLICY, PROCEDURES AND RULES**



ADOPTED OCTOBER 26, 1987



PERSONNEL POLICY, PROCEDURES AND RULES

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CAMBRIA COMMUNITY SERVICES DISTRICT
Exhibit "A" to Resolution No. 27-87

PERSONNEL POLICY, PROCEDURES AND RULES

ARTICLE 1
DEFINITION OF TERMS

- 1.1 ADVANCEMENT A salary increase within the limits of a pay range established for a class.
- 1.2 ALLOCATION The assignment of a single position to a classification in accordance the duties performed, and the authority and responsibilities exercised.
- 1.3 ANNIVERSARY DATE The annual date established as the month and day an employee successfully completes the probationary period.
- 1.4 APPOINTING AUTHORITY The General Manager of the District, or any officer or employee of the District to whom he has delegated such authority.
- 1.5 BOARD The Board of Directors of the Cambria Community Services District.
- 1.6 COMPETITIVE SERVICE All positions of employment in the service of the District except those excluded by the personnel ordinance.
- 1.7 CONFIDENTIAL POSITION A position so designated by the Board of Directors that has access to privileged and confidential information relating to District administration, employer-employee relations and other personnel matters. The employee's access to such confidential matters shall be strictly limited to the areas of work in which each individual position is normally engaged.
- 1.8 CONTINUOUS SERVICE Uninterrupted employment with the District from the effective date of employment, except by authorized absence with pay, or approved absence without pay.
- 1.9 CORRECTIVE ACTION PLAN Plan approved by the Manager to rectify or improve substandard performance as indicated by evaluation.
- 1.10 DAYS Means calendar days unless otherwise stated.

- 1.11 **DEMOTION** the movement of an employee from one position to another position having a lower maximum base rate of pay.
- 1.12 **DISCIPLINARY ACTION** The warning, reprimand, discharge, demotion, reduction in pay, or suspension of a regular employee or any other similar action taken by the District for punitive reasons and not for any non-punitive reasons.
- 1.13 **DISMISSAL** Involuntary termination of employment with District.
- 1.14 **DISTRICT** The Cambria Community Services District.
- 1.15 **ELECTED POSITIONS** Those positions filled by popular vote or by appointment pending the next scheduled election.
- 1.16 **ELIGIBLE** A person whose name is on an employment list.
- 1.17 **EMPLOYEE** Any person legally occupying a position in the District service.
- 1.18 **EMPLOYMENT LIST**
- (a) **Open employment list** A list of names of persons who have taken an open-competitive examination for a position in the competitive service and have qualified.
 - (b) **Promotional employment list** A list of names of persons who have taken a promotional examination for a position in the competitive service and have qualified.
- 1.19 **EXAMINATION**
- (a) **Open-competitive examination** An examination for a position which is open to all persons meeting the qualifications for the position.
 - (b) **Promotional examination** An examination for a position which is open only to employees meeting the qualifications for the position.
 - (c) **Continuous examination** An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one year.
- 1.20 **EXEMPT EMPLOYEE** Employees designated as Executive, Administrative, Managerial, Supervisory, or Professional are exempt employees. Exempt employees are expected to complete their assigned duties rather than adhere to a strict workday schedule. Consequently, no overtime or compensatory time will be provided for working beyond a forty-hour work week.
- 1.21 **FULL-TIME EMPLOYEE** Any position, approved by the Board, in which an employee works a continuing, year-round shift of 30 or more hours per work week.

- 1.22 **IMMEDIATE FAMILY** Spouse, parent or child. "Member(s) of Immediate Family" as used for Bereavement Leave only shall mean mother, father, husband, wife, son, daughter, brother, sister, grandmother, grandfather, grandson, granddaughter, guardian with whom employee has lived. The definition includes "In-law" relationships in each case, and "Step" relationships in the case of parents and children.
- 1.23 **INCENTIVE PAY** A salary increase of up to 7.5% that recognizes individual employee performance which consistently exceeds the standards normally associated with job performance and significantly contributes to the efficient and effective operation of the District. The limits and requirements of this action are further detailed in the District's Payment and Compensation Plan.
- 1.24 **INTERN POSITION** A temporary non-paying position, authorized by the Manager, with concurrence of the Board, provided for the educational benefit of the intern employee and administered in conjunction with an educational institution.
- 1.25 **LAY-OFF** The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions or reorganization of the District's operations and/or personnel by the Board. May also be termed "Reduction on Force (R.I.F.)".
- 1.26 **LEAVE OF ABSENCE** Permission to be absent from duty without pay for a specified period and purposes.
- 1.27 **MANAGER** The General Manager of the Cambria Community Services District. For the purposes of these Policies, Procedures and Rules the Manager may delegate various personnel powers and responsibilities to assistants, employees or professional personnel consultants.
- 1.28 **MERIT INCREASE** That periodic increase in salary that is based on performance and duration of employment in any given position.
- 1.29 **MERIT SYSTEM** The personnel system of the District. Also referred to as the competitive service.
- 1.30 **PART-TIME POSITION** A position, approved by the Board, in which an employee works a continuing, year-round shift averaging less than 30 hours per week.
- 1.31 **PAYMENT AND COMPENSATION PLAN** A plan detailing the pay ranges and steps, and the specifics of employee compensation. The plan is adopted by the Board and may be adopted in conjunction with the annual District budget.

- 1.32 **PERFORMANCE STANDARDS** Standards which stipulate what is expected of an employee in fulfilling the duties of the position. Standards are expressed in terms of quantity, quality, or manner or performance.
- 1.33 **PERSONNEL ORDINANCE** Ordinance 6-86 which creates a personnel system for the District.
- 1.34 **POSITION** A group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.
- 1.35 **PREMIUM PAY** A pay rate which compensates employees for time worked at time an one-half or greater. Regular pay rate shall not include premium pay.
- 1.36 **PROBATIONARY PERIOD** A period to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.
- 1.37 **PROMOTION** The movement of an employee from one position to another position having a higher maximum base rate of pay.
- 1.38 **PROVISIONAL APPOINTMENT** A temporary appointment of a person who possess the minimum qualifications established for a particular position and who has been appointed to that position in the absence of available employees or eligibles. In no instance shall a provisional appointment exceed six months.
- 1.39 **RECLASSIFICATION** As approved by the Board, a significant change in the duties and responsibilities of a position. A reclassification downward does not affect an employees' anniversary date.
- 1.40 **REGULAR EMPLOYEE** An employee in the competitive service who has successfully completed the probationary period and has been retained.
- 1.41 **REGULAR PAY RATE** The hourly rate actually paid to an employee for his/her normal, non-premium work time wherein the duties for which that employee has been employed by the District has been performed.
- 1.42 **REINSTATEMENT** The restoration without examination of a former regular employee to a position in which the employee formerly served as a regular employee.

- 1.43 RELIEF OF DUTY The temporary assignment of an employee to a status of leave without pay.
- 1.44 REPRESENTATION Representing of an employee or employee group. An employee or employee group may be represented in their dealings with the District under these Personnel Policies, Procedures and Rules.
- 1.45 SPECIFIC EMPLOYMENT POSITION A contracted position employed to perform and complete a specific task. Once the task is completed, the employee's contract is terminated. An employee may occupy specific employment status for a maximum of three years.
- 1.46 SUSPENSION Temporary separation of an employee from District service with or without pay for disciplinary purposes.
- 1.47 TEMPORARY EMPLOYEE An employee who is appointed to a Temporary Position.
- 1.48 TEMPORARY POSITION A position intended to be occupied on less than a year-round basis to cover seasonal peak work loads, unanticipated work loads of a limited duration, normal vacation and sick leave relief, and other situations involving a fluctuating staff. Temporary positions are paid on an hourly basis with no other District benefits, except those required by Federal or State law.
- 1.49 TRANSFER At the Manager's discretion, a change of an employee from one position to another with the same or comparable duties.
- 1.50 VOLUNTARY DEMOTION Demotion performed at the employee's request. This is not a disciplinary action.
- 1.51 WORK EXPERIENCE POSITION A temporary position, authorized by the Manager, with concurrence of the Board, which is designated to provide job training to persons who might not otherwise be able to compete in the labor market for regular positions, or a position established to give temporary on-the-job training for full-time students.

ARTICLE 2 GENERAL PROVISIONS

- 2.1 GENERAL POLICY It is the policy of Cambria Community Services District to employ the best qualified individuals available. Employee selection, promotion, and advancement shall be determined on individual merit as identified through performance and examinations. The acts and decisions of the District regarding selection and compensation of individuals under its employ shall be based on the policies, procedures and rules established hereby. In addition,

the District affirms that it will not discriminate because of age, race, religious creed, sex, color, national origin, marital status, ancestry, physical handicap, mental condition, sexual preference or Union activities. No recruitment or selection technique shall be used which, in the opinion of the Manager, is not justifiably linked to job performance.

ARTICLE 3 CLASSIFICATION

- 3.1 PREPARATION OF PLAN The Manager, or person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and shall recommend a classification plan for such positions. The classification plan shall consist of detailed position descriptions for positions in the competitive service.
- 3.2 ADOPTION, AMENDMENT AND REVISION OF PLAN The classification plan shall be adopted by the Manager and may be amended by the Manager from time to time. During the process of consideration, any recognized employee organization affected shall be advised. Amendments and revisions of the plan may be suggested by any interested party, including any recognized employee organization, and shall be submitted to the Manager for consideration.
- 3.3 ALLOCATION OF POSITION Following the adoption of the classification plan, the Manager shall allocate every position in the competitive service to one of the positions established by the plan.
- 3.4 NEW POSITIONS A new position shall not be created and filled until the classification plan has been amended to provide therefore and an appropriate employment list established for such position.
- 3.5 RECLASSIFICATION Whenever, at the discretion of the Board, it changes District organization methods, procedures, etc., resulting in need to reclassify position, the Manager shall allocate such positions to more appropriate positions descriptions. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

ARTICLE 4 APPLICATIONS AND APPLICANTS

- 4.1 ANNOUNCEMENT All examinations for positions in the competitive service shall be publicized by such methods as the Manager deems appropriate, including posting at work site. Special recruiting shall be conducted, if necessary, to insure that all segments of the

community are aware of the forthcoming examinations. The announcements shall specify the title and pay of the position for which the examination is announced; the nature of the work to be performed; experience and education desirable for the performance of the work of the position; the manner of making application; and other pertinent information.

- 4.2 **APPLICATION FORMS** Applications shall be made on District forms as prescribed on the examination announcements. Application forms shall require information covering training, experience, and other pertinent information, and may include certificates of one or more examining physicians, references and fingerprints. All applications must be signed by the person applying.
- 4.3 **DISQUALIFICATION** The Manager may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the application indicates facts that show that the applicant is physically or psychologically unable to perform the job applied for, and no reasonable accommodation can be made for such disability; is addicted to the habitual excessive use of drugs or intoxicating liquor; has made any false statement of any material fact, or practiced any deception or fraud in an application. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Manager. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.
- 4.4 **CRIMINAL CONDUCT - INELIGIBILITY FOR EMPLOYMENT** Conviction, including pleas of guilty and nolo contendere, of a felony shall be prima facie disqualification of an applicant for employment; provided, however, that the appointing authority may disregard such conviction if it is found and determined by such appointing authority that mitigating circumstances exist. In making such determination, the appointing authority shall consider the following factors:
- (a) the classification, including sensitivity, to which the person is applying or being certified and whether the classification is unrelated to the conviction;
 - (b) the nature and seriousness of the offense;
 - (c) the circumstances surrounding the conviction;
 - (d) the length of time elapsed since the conviction;
 - (e) the age of the person at the time of conviction;
 - (f) the presence or absence of rehabilitation or efforts at rehabilitation;

- (g) contributing social or environmental conditions.

An applicant who is disqualified for employment under this section or Section 4.3 may appeal the determination of disqualification. Such appeal shall be in writing and filed with the Manager within ten (10) days of the date of the notice of disqualification. The Manager shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the Manager on the appeal is final.

4.5 APPLICATION RESTRICTIONS An applicant will not be considered for any non-elected position if the applicant:

- (a) is a member of the immediate family or a member of the Board.
- (b) has a member of his/her immediate family already employed with the District.

4.6 VERIFICATION A successful job applicant may be fingerprinted before employment and all statements submitted on the employment application or attached resume shall be subject to verification.

**ARTICLE 5
EXAMINATIONS**

5.1 EXAMINATION PROCESS The selection techniques used in the examination process shall be impartial and relate to those subjects which, in the opinion of the Manager, fairly measure the relative capacities of the persons examined to execute the duties and responsibilities of the position to which they seek to be appointed. Examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interview, performance tests, physical agility tests, evaluation of daily work performance, work samples, medical tests, psychological tests, successful completion of prescribed training, or any combination of these or other tests. The probationary period shall be considered as a portion of the examination process. Examinations shall be designed to provide equal opportunity to all candidates by being based on an analysis of the essential requirements of the position, covering only factors related to such requirements.

5.2 PROMOTIONAL EXAMINATIONS Promotional examinations may be conducted whenever, in the opinion of the Manager, the needs of the service require. Promotional examinations may include any of the selection techniques mentioned in Section 5.1 of this Article, or any combination of them. Only regular employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

5.3 CONTINUOUS EXAMINATIONS Open-competitive examinations may be administered periodically for positions as the needs of the service require. Names shall be placed on employment lists, and shall remain on such lists, as prescribed in Article 6.

5.4 CONDUCT OF EXAMINATION The Board may contract with any competent agency or individual for the preparing and/or administering of examinations. In the absence of such a contract, the Manager shall see that such duties are performed. The Manager shall arrange for the use of public buildings and equipment for the conduct of examinations.

5.5 NOTIFICATION OF EXAMINATION RESULTS AND REVIEW OF PAPERS Each candidate in an examination shall be given notice of the results thereof, and if successful, of the final earned score and/or rank on the employment list.

All candidates shall have the right to inspect his/her own test answer sheet within five working days after the notification of examination results. Any error in computation, if called to the attention of the Manager within this period, shall be corrected. Such corrections shall not, however, require invalidation of appointments previously made.

ARTICLE 6 EMPLOYMENT LISTS

6.1 EMPLOYMENT LISTS As soon as possible after the completion of an examination, the Manager shall prepare and maintain an employment list consisting of the names of candidates who qualified in the examination.

6.2 DURATION OF LISTS Employment lists other than those resulting from a continuous examination shall remain in effect until exhausted or abolished by the Manager.

Open-competitive lists created as a result of continuous examinations shall remain in effect for not more than one year after the last administration of the examination, unless sooner exhausted or abolished by the Manager. Names placed on such lists may be merged with any others already on the list.

6.3 REMOVAL OF NAMES FROM LIST The name of any person appearing on an employment, re-employment, or promotional list shall be removed by the Manager if that person requests in writing that his/her name be removed or if that person fails to respond to a notice of certification mailed to the last designated address. The person affected shall be notified of the removal of the name by a notice mailed to the last known address. The names of persons on promotional employment lists who resign from the service shall automatically be dropped from such lists.

ARTICLE 7
METHOD OF FILLING VACANCIES

- 7.1 TYPES OF APPOINTMENT** Whenever practical vacancies in the competitive service shall be filled by transfer, demotion, re-employment, reinstatement, or from employment lists certified by the Manager. Also, provisional appointments may be made in accordance with these Personnel Policies, Procedures and Rules.
- 7.2 NOTICE TO MANAGER** If a vacancy in the competitive service is to be filled, the appointing authority shall notify the Manager. If there is a no re-employment list available for the class, the Manager shall have the right to decide the most appropriate method to fill the vacancy, including reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.
- 7.3 CERTIFICATION OF ELIGIBLE FROM EMPLOYMENT LISTS** If the Manager does not consider it in the District's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification may be made by the Manager from an appropriate employment list, provided eligibles are available, or by such other method the Manager deems appropriate.

When the appointing authority requests a vacancy be filled by appointment from a promotional employment list or from an open employment list, the Manager may certify, to the appointing authority, from the specified list the names of all individual willing to accept appointment. The appointing authority shall make selection for appointment from the top three (3) individuals on the certified list of eligibles who are willing to accept appointment to the position. Whenever there are fewer than three names of individuals willing to accept appointment on a promotional employment list or on an open employment list, the appointing authority may make an appointment from such eligibles or may request the Manager to recruit additional applicants. When so requested, the Manager may recruit using methods he/she deems appropriate, including holding a new examination and establishing a new employment list.

- 7.4 APPOINTMENT** After interview and investigation, the appointing authority shall make appointment from among the top three eligibles, as provided in Section 7.3, and shall immediately notify the Manager of the persons appointed. The appointing authority shall provide a written notice of appointment to each successful applicant. The written notice of appointment shall include a statement that the appointment is subject to the applicant undergoing a physical examination prior to final confirmation of appointment by the Manager. The person accepting appointment shall report to the Manager, or the Manager's designated representative, for processing on or before the date of appointment. If the

applicant accepts the appointment and reports for duty within such period of time as the appointing authority shall prescribe, the applicant shall be deemed to be appointed; otherwise, the applicant shall be deemed to have declined the appointment.

- 7.5 PROVISIONAL APPOINTMENT In the absence of there being names of individuals willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the Manager of a person meeting the minimum training and experience qualifications for the position. Such an appointment may be made during the period of suspension of an employee or pending final action on proceedings to review suspension, demotion, or dismissal of an employee, and such vacancy may be filled by the Manager subject to the provisions of the personnel rules. A provisional employee may be removed at any time without the right of appeal or hearing. No provisional appointment shall exceed six months, without specific concurrence of the Board. A provisional appointee shall accrue the same benefits as probationary employees. If a provisional appointee is selected for a regular position with the District, the time served as a provisional appointee shall be counted as time toward the fulfillment of the required probationary period.
- 7.6 PHYSICAL EXAMINATION All new employees shall be required to have a physical examination, to include any test directed by the examining physician. The examination is required within 15 days of the appointing authority's sending of a written notice of appointment to a successful applicant. The examination may be given by the employee's own doctor at employee's expense, or District designated medical personnel at District expense. If the examining physician determines that a disability risk or other medical problem exists which could interfere with reasonable performance of the employee's job, the Manager may terminate this appointment.
- 7.7 PERSONNEL ACTION FORM Every appointment, promotion, transfer, demotion, step increase, longevity increase, suspension without pay, separation for service, or any information or action which affects the salary status of an employee shall be initiated by the Manager on a Personnel Action Form.
- 7.8 CHANGE OF TEMPORARY OR VOLUNTEER POSITION When a temporary or volunteer position is changed to a regular position by the District Board, the employee occupying that position may be appointed by the Manager without initiating the routine announcement or examination procedures, provided that employee has served at least three months in that position. Any time served may also be counted toward fulfilling the probationary requirements.

ARTICLE 8
PROBATIONARY PERIOD

8.1 PROBATION The first six months following date of hire, including promotional appointment, with the District is the usual probationary period. This period may be extended an additional period of time, up to six months, upon recommendation of the employee's Department Head, as approved by the Manager, with written notification to the employee, including information on the reason for extension. Approximately ninety (90) days after initial employment, the employee's Department Head will review and evaluate the employee's performance. If need for improvement exists, it will be noted and the unsatisfactory performance discussed with the employee so as to provide a opportunity for the employee to bring performance up to standard. Another evaluation review will be conducted approximately 170 days after employment. In the event the probationary period is extended, approximately each sixty (60) days thereafter further evaluations will be conducted through the remainder of the extended probationary period.

Extension of probationary status extends the annual anniversary date accordingly.

When the employee has satisfactorily demonstrated the ability to perform in accordance with the requirements of the position, the employee's Department Head shall file with the Manager a statement in writing to such effect and stating that the retention of the employee in the service is desired. Upon submission of such statement from the employee's Department Head and the concurrence of the Manager, the employee will be notified by the Manager, in writing, that the employee has successfully completed probation. If such a statement is not filed, the employee will be deemed to be unsatisfactory and his employment terminated at the expiration of the probationary period. Where a statement of satisfactory service has not been filed, notice of the termination shall be served on the terminated employee by the Manager after the expiration of the probation period.

8.2 OBJECTIVE OF PROBATIONARY PERIOD The probationary period shall be regarded as a part of the selection process and shall be utilized for closely observing the employee's work and for securing the most effective adjustment of a new employee to his/her position.

8.3 REJECTION OF PROBATIONER During the probationary period, an employee may be rejected and terminated at any time without cause and without the right of appeal. Notification of rejection by the employee's Department Head shall be submitted to the Manager who will serve written notice of termination on the employee.

8.4 REJECTION FOLLOWING PROMOTION Any employee rejected during the probationary period following a promotional appointment, or at the conclusion of the probationary period by reason of failure of the employee's Department Head to file a statement that the

employee's services have been satisfactory, will be reinstated to the position from which the employee was promoted, if there is a vacancy in such position, unless the employee is dismissed in the manner provided in the Personnel Ordinance and these Policies, Procedures and Rules for positions in the competitive service. If there is no vacancy in such position, the employee shall be placed on a re-employment list which shall be valid for 12 months.

ARTICLE 9 PERFORMANCE STANDARDS

9.1 RULES AND REGULATIONS Employees are required to comply with any and all District policies, procedures, rules and regulations. Specific detailed procedures, regulations, etc., may be required by the nature of the particular operations, tasks, assignments, etc., including its location or other circumstances. Violation of any District policies, procedures, rules or regulations (not just personnel policy, procedures and rules) may result in disciplinary action or dismissal. In addition, specific rules cannot cover every situation, therefore, employees shall use common sense as a guide to proper conduct.

9.2 ORIENTATION AND TRAINING New employees shall be given an Employees Manual to familiarize themselves with the organization and policies, procedures, rules and regulations of the District. The employee's supervisor will discuss formal and informal practices to further inform the new employee. Various training sessions and seminars will be ongoing on an "as available" and "as needed" basis.

9.3 PERFORMANCE EVALUATIONS District employees will receive periodic written evaluations of their job performance. During the initial probation period, an employee will receive reviews as established in Section 8.1. Upon successful completion of the probationary, performance evaluations will be conducted by the employee's Department head and will be discussed with the employee who will be requested to sign the evaluation form, indicating that it has been read. An employee may make written comments on the form. The employee will receive a copy of the evaluation and a copy will be placed in the personnel file. Upon completion of the evaluation, recommendation will be made to the Manager for consideration of any possible merit pay step increase. If an employee develops less than workmanlike attitudes or practices in his/her position, supplementary performance reviews may be necessary, additional reports may be filed, and disciplinary action may be taken.

Conversely, if exemplary workmanlike attitudes or practices are developed, supplementary affirmative performance reports may be filed for future consideration and evaluation, or special commendations or benefits may be conferred.

9.4 MANAGER'S AUTHORITY TO REQUEST OR PERFORM EVALUATION The Manager may request or perform an evaluation of the performance of any employee at any time.

- 9.5 **CORRECTIVE ACTION PLAN** The Manager may request or cause a Corrective Action Plan be prepared to provide clear direction to an employee whose performance is substandard.
- 9.6 **ATTENDANCE** Employees are expected to work a designated work day. Tardiness shall be cause for disciplinary action. If an employee cannot report for work, then that employee is expected when possible, to notify his/her immediate supervisor before the work day is scheduled to begin. In any event the employee is expected to notify his/her immediate supervisor within the first 2 hours of the scheduled work day.

ARTICLE 10

TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT

- 10.1 **TRANSFER** No person shall be transferred to a position for which that person does not possess the minimum qualifications. An employee may be transferred by the Manager at any time from one position to another which is comparable. For transfer purposes, a comparable position is one with the same maximum salary, involves the performance of similar duties and requires substantially the same basic qualifications.

If the transfer involves a change from one department to another, both department heads shall be consulted before the Manager orders the transfer. Transfer shall not be used to effectuate a promotion, demotion, advancement, or reduction, each of which may be accomplished only as provided in the Personnel Ordinance or these Policies, Procedures and Rules.

- 10.2 **PROMOTION** It shall be the policy of the District to fill job vacancies by promotion from within the organization to the greatest degree feasible, if the Manager determines that the best interests of the District are served by so doing. The Manager may promote an employee without normal announcement or examination procedures under the following circumstances:

- (a) A previously authorized position in the District becomes vacant and a qualified District employee is on a standing eligibility list.
- (b) If a previously authorized position in the District becomes vacant and a qualified employee is not on an eligibility list, but has an above-standard performance record, the Manager may make a direct promotion.

If, in the opinion of the Manager, it is in the best interests of the District that a vacancy in a position be filled by an open-competitive recruitment instead of by promotion the Manager shall arrange for an open competitive examination and for the preparation and certification of an open-competitive employment list.

10.3 **DEMOTION** The Manager may demote an employee for disciplinary purposes or when his/her ability to perform the required duties falls below standard. Upon request of the employee, and with the consent of the Manager, demotion may be made to a vacant position. No employee shall be demoted to a position who does not possess the minimum qualifications for the demotion position. Disciplinary demotion action shall be in accordance with Article 11 hereof.

10.4 **SUSPENSION** The Manager may suspend an employee from a position at any time for a disciplinary purpose. Suspension without pay shall not exceed thirty (30) calendar days, nor shall any employee be penalized by suspension for more than (30) thirty calendar days in any fiscal year. Department Heads may suspend a subordinate employee for not more than three (3) working days at any one time, and not more than once in a thirty (30) calendar day period. Intended suspension action shall be reported to the Manager prior to taking such action, and shall be taken in accordance with Article 12 hereof.

10.5 **REINSTATEMENT** With the approval of the Manager, a regular employee who has completed at least six (6) months of service and who has resigned with a good record may be reinstated within two (2) years of the effective date of resignation, to a vacant position in the same or comparable class. Upon reinstatement, the employee shall be subject to the probationary period prescribed for the class. No credit for former employment shall be granted in computing salary, vacation, sick leave, or other benefits except on the specific recommendation of the appointing authority at time of reinstatement.

ARTICLE 11 CODE OF CONDUCT

11.1 **ACTS WHICH ARE GROUNDS FOR DISCIPLINARY ACTION and/or TERMINATION OF EMPLOYMENT** In order that the rights and safety of all employees, the public, and efficient operation of the District are protected, employee activities are governed by reasonable rules of conduct. The following acts are illustrative, and not exhaustive, of acts which are grounds for disciplinary action and/or termination of employment with the District.

1. Failure to follow a lawful direction of a superior.
2. Stealing or willfully destroying or damaging any property of the District, its customers, visitors or personnel.
3. Disobedience or insubordination of superiors.
4. Disorderly, immoral, indecent or criminal conduct on or off job.

5. Drinking alcoholic beverages and/or drug use on the job, or being in a condition from prior indulgence, making unsafe or impairing the ability to perform duties in an acceptable manner.
6. Fighting with fellow employees (being an aggressor or aggravator).
7. Entering time on another employee's time card, or requesting another person to enter time on your time card.
8. Frequent discussion of personal problems with customers, causing community relations problem.
9. Soliciting or accepting tips or gifts for District services.
10. Disclosing anything of a personal nature concerning a customer or employee unless the specific work duties require the giving or exchanging of such information.
11. Violation of Federal, State or local laws.
12. Attempting to intimidate or coerce other employees.
13. Failing to exercise proper custodial responsibility of District keys or property.
14. Permitting another person to use keys to enter District property without proper authorization.
15. Unauthorized possession of firearms or other weapons on District property or while on duty.
16. Willful or careless disregard of, or inattention to, working directions and instructions; or refusal to comply with, or violations of rules, safety or fire regulations or sanitary rules and regulations.
17. Absence of two (2) consecutive working days without notifying the shift supervisor or Manager.
18. Excessive or unjustified absences or tardiness or failure to inform your shift supervisor of the Manager within 2 hours of the time you are due to report, by telephone or other means, that you are unable to report for work.

19. Failure to notify your supervisors if you leave your job or premises during working hours.
20. Smoking in unauthorized areas.
21. Gambling on District premises.
22. Unauthorized posting of notices or literature on District premises.
23. Soliciting, collecting funds, and/or circulating literature of any nature on District property during hours without the approval of the Manager.
24. Performing personal work on District time.
25. Using a District business phone for personal matters.
26. Taking more than the specified time for meals and rest periods.
27. Unauthorized attendance or participating in meetings or gatherings during working hours.
28. Discourteous conduct, abusive treatment or inappropriate language directed toward any customer, visitor, guest, employee or superior.
29. Inefficiency, inability, or negligence in the performance of assigned duties.
30. Altering, falsifying or making a willful misstatement of facts on any District record or chart, job or work record, employment application or any other District record, chart or report.
31. Misrepresenting reasons when applying for a leave of absence, with or without pay, or for other time off work.
32. Failure without justification, to return to work on time from an authorized leave of absence or vacation.
33. Failure to withdraw from, or to report, outside activities or interests which conflict with, detract from, or adversely affect the interests of the District.
34. Repeated improper or unauthorized parking.

35. Neatness and cleanliness are necessary at all times. Employees shall use good judgement with regard to their clothing, grooming, and appearance, and are expected to present a professional image. Employees shall maintain their uniforms and other clothing worn on the job in neat and clean condition. Employees shall dress in a manner that is consistent with their assignment. Each employee shall pay attention to safety, District image and public interaction.
36. Sleeping on the job, intentional slow down of work, intentional disruption of the work force or loafing during working hours.
37. Failure to promptly report injury or illness.
38. Scheduling off-duty time or vacation without the express consent of the appropriate supervisor.
39. Conduct undermining authority or disruptive of District functions or detrimental to close working relationships among employees.
40. Conduct prejudicial to the good reputation of the District.

ARTICLE 12 DISCIPLINARY PROCEDURE

- 12.1 **GENERAL** The following measures are part of the disciplinary process; warning, reprimand, suspension with or without pay, dismissal, demotion, or reduction in pay. Supervisors and/or Department Heads may issue oral or written warnings or reprimands. All other forms of disciplinary action, except suspension for up to three (3) days, are reserved for decision and action by the Manager. The Manager may discipline any employee for just cause. An employee or employee group may be represented in their dealings with the District under this Article.
- 12.2 **BASIS OF DISCIPLINARY ACTION** Disciplinary action normally is based upon, but not limited to, violations of the Code of Conduct, Article 11.
- 12.3 **COUNSELING AND GUIDANCE PRIOR TO DISCIPLINARY ACTION** To the extent practicable, supervisors and/or Department Heads will resort to counseling and guidance of employees prior to resorting to disciplinary action.
- 12.4 **ORAL OR WRITTEN REPRIMANDS, REVIEW** Oral reprimand or written reprimand are subject to review under grievance procedures.

- 12.5 **POLICY** Prior to the suspension, demotion, reduction in pay, or dismissal of a regular employee for disciplinary purposes, the procedure set forth in this Article shall be complied with.
- 12.6 **WRITTEN NOTICE** Written notice of any proposed disciplinary action shall be given to the employee. Such notice shall include a statement of the reason(s) for the proposed action and the charge(s) being considered.
- 12.7 **EMPLOYEE REVIEW** The employee shall be given an opportunity to review the documents or materials upon which the proposed disciplinary action is based, and, if practicable, the employee shall be supplied with a copy of the documents.
- 12.8 **EMPLOYEE RESPONSE** Within five (5) working days after the employee has had the opportunity to review documents and materials provided in Section 12.7 the employee shall have the right to respond, orally or in writing, at the employee's option, to the Manager concerning the proposed action.
- 12.9 **RELIEF OF DUTY** Notwithstanding the provisions of this Article, the Manager may approve the temporary assignment of an employee to a status of leave with or without pay during such investigations as may be required to determine if disciplinary action is to be taken.
- 12.10 **APPEAL TO MANAGER** For all disciplinary actions except warning or reprimand, which are subject to review by grievance procedure, regular employees may appeal disciplinary actions to an informal hearing before the Manager by filing a written request with the Manager within five (5) working days of the date of notification of the disciplinary action. The Manager shall, within ten (10) working days of receipt of the request, schedule an informal hearing at which the employee may answer the charges against him/her, present any mitigating evidence, or otherwise respond to the notice of disciplinary action. The hearing guidelines and format shall be available upon request. The Manager shall issue an opinion and decision within ten (10) working days of the hearing and if the Manager finds that the disciplinary action was not justified, the Manager may order a less severe disciplinary action, or may order the employee reinstated with full back pay and benefits.
- 12.11 **FURTHER APPEAL TO THE BOARD** An employee wishing to appeal the Manager's decision may do so at an executive (closed) session of the Board.
- (a) A regular employee desiring a hearing by the Board must file a written request for hearing with the Manager within five (5) working days of receipt of the Manager's decision from the informal hearing. The Manager, upon receipt of the request for hearing, shall schedule an executive (closed) session of the Board. The executive (closed) session may be at the Board's next Regular Meeting, or at any time within

thirty (30) working days of the Manager's receipt of the employee's request for Board hearing.

- (b) The employee shall present his/her opinion and present facts before the Board and the Board shall hear the District evidence and the recommendation of the Manager. The Board may continue the hearing if this is deemed necessary. The Board shall render its decision within fifteen (15) working days from close of the hearing.

ARTICLE 13 LAYOFF POLICY AND PROCEDURE

- 13.1 STATEMENT OF INTENT Whenever, in the judgement of the Board, it becomes necessary to make a reduction in the work force, whenever possible, said reduction shall be accomplished through attrition. If a reduction in the work force is necessary, layoffs shall be based on seniority within the classification targeted for elimination.
- 13.2 NOTIFICATION The District shall provide thirty (30) days written notice to employee(s) affected. If such notice is not provided, the laid off employee shall receive severance pay equivalent to ten (10) working days pay, which shall be in addition to any other accrued pay or benefits which may be due to the employee.
- 13.3 VACANCY AND DEMOTION Except as otherwise provided, whenever there is a reduction in the workforce, the employees subject to layoff shall be eligible to voluntarily demote to a lower classification, if there are any available openings, based on seniority in the lower classification in accordance with Section 13.4. All persons so demoted shall have their names placed on a reemployment list as provided in Section 13.5.
- 13.4 EMPLOYMENT STATUS In each position classification, whenever it is determined by the Manager to be in the best interest of the District, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and regular. Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the Manager.
- 13.5 RE-EMPLOYMENT LIST The names of persons laid off or demoted in accordance with these rules shall be entered upon a reemployment list. Lists from different departments or at different times for the same position classification shall be combined into a single list. Such a list shall be used by every appointing authority when a vacancy arises in the same or lower class of position before certification is made from an eligible list.

13.6 DURATION OF RE-EMPLOYMENT LIST Names of persons laid off shall be carried on a re-employment list for twenty-four (24) months, except that persons appointed to permanent positions of the same level as that from which he/she was laid off, shall, upon such appointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons re-employed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the original twenty-four (24) months.

ARTICLE 14
SEPARATION FROM DISTRICT SERVICE

14.1 RESIGNATION To leave District service in good standing, an employee must file a written notice of termination with the Manager at least two (2) weeks before the effective date. The Manager may, however, grant good standing with less notice if the Manager determines the circumstances warrant such action. Resignations may not be withdrawn without the Manager's approval.

14.2 DISMISSAL OF REGULAR EMPLOYEES A Regular Employee may be dismissed at any time by the Manager after consulting with District Counsel.

(a) The following is illustrative only of grounds for dismissal:

- 1) Conviction of a felony.
- 2) Fraud in securing employment.
- 3) Misappropriation of District funds or property.
- 4) Intentional or gross misconduct.
- 5) Failure to perform work satisfactorily.
- 6) Incapacity due to mental or permanent physical disability rendering the employee unable to perform job duties.
- 7) Severe physical or mental disability which impairs the ability of the employee to perform the duties of the position.
- 8) Insubordination.
- 9) Failure to work cooperatively with other employees.
- 10) Failure to maintain a respectful behavior in dealing with District customers.
- 11) Other acts such as those stated in Section 11.1, Code of Conduct.

14.3 DISMISSAL OF A PROBATIONARY EMPLOYEE A probationary employee may be dismissed at any time during a probationary period for any reason, without right of appeal or hearing. In case of such dismissal, the Manager shall notify the dismissed probationary employee in writing that he/she is being terminated from District service.

- 14.4 DISMISSAL OF A NON-REGULAR EMPLOYEE A non-regular employee may be dismissed at any time for any reason, without right of appeal or hearing. In case of such dismissal, the Manager shall notify the dismissed non-regular employee in writing, that he/she is being terminated from District service.
- 14.5 NOTICE OF DISMISSAL Each regular employee to be dismissed shall be provided with a notice of dismissal. This notice shall be prepared by the Manager after consultation with the District Counsel and shall contain the following:
- (a) A description of the proposed action and its effective date or dates and any ordinance, regulation or rule violated.
 - (b) A statement of the facts or omissions upon which the action is based.
 - (c) A statement that a copy of the materials upon which the action is based are attached or available for inspection upon request.
 - (d) A statement advising the employee of the right to file an appeal as provided in Sections 12.10 and 12.11.

ARTICLE 15

ADMINISTRATIVE LEAVES, REPORTS AND RECORDS

- 15.1 ATTENDANCE Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees which shall be reported to the Manager in the form and on the dates he shall specify. Failure on the part of an employee to return to duty within 24 hours after notice to return shall be considered to be absent without leave, and to be cause for immediate dismissal, and such employee automatically waives all rights under the Personnel Ordinance and these rules. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address, shall be reasonable notice to return to duty or reasonable notice of dismissal for failure to return to duty.
- 15.2 MILITARY LEAVE Military leave shall be granted in accordance with the provisions of State law. All employees entitled to military leave shall give the appointing power an opportunity within the limits of military regulations to determine when such leave shall be taken.
- 15.3 LEAVE OF ABSENCE WITHOUT PAY The Manager, in his/her unrestricted discretion, may grant a regular or probationary employee leave of absence without pay or seniority for not to exceed three (3) months. After three (3) months, the leave of absence may be extended at the Manager's discretion.

Such leave shall only be considered upon written request by the employee, setting forth the reason for the request. The approval of such leave shall be in writing.

Upon expiration of a regularly approved leave or within a reasonable period of time after notice to return to duty, if the employee returns, ready for duty, the employee shall be reinstated in the position held at the time leave was granted. Failure on the part of an employee on leave to report for duty promptly at its expiration, or within a reasonable time after notice to return to duty, shall be deemed to be an abandonment of employment and may result in dismissal. The depositing in the United States mail of a first class letter, postage paid, addressed to the employee's last known place of address, shall be reasonable notice to return to duty or reasonable notice of dismissal for failure to return to duty.

- 15.4 JURY DUTY Every salaried employee of the District who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his/her supervisor, shall be entitled to be absent from his/her duties with the District during the period of such service or while necessarily being present in court as a result of such call. The employee shall turn over his/her jury duty pay to the District. Temporary employees shall not be paid during their absence from work on jury duty.
- 15.5 PERSONNEL RECORDS The Manager shall maintain a service or personnel record for each employee in the service of the District showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Manager.
- 15.6 CHANGE OF STATUS REPORT Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the Manager in such manner as he may prescribe. Normally this shall be on a Personnel Action Form.

ARTICLE 16 GRIEVANCE PROCEDURE

- 16.1 PURPOSE It is the purpose of this Article to provide an avenue of communication through which an employee or groups of employees may have their complaint heard and decided in an orderly and fair manner. An employee or an employee group may be represented in their dealings with the District under this Article.
- 16.2 DEFINITION OF GRIEVANCE A grievance is a complaint of an employee or group of employees concerning the interpretation or application of:

- (a) The administration of the conditions of employment, including job description, salary, and benefits in force between the District and the employee.
- (b) Working conditions within the control of the Manager, including these Policies, Procedures and Rules, and for which no other procedures for orderly solution of such complaints exist.

16.3 INFORMAL DISCUSSION Any employee, or group of employees, shall first discuss the alleged grievance with the immediate supervisor within twelve (12) working days of the event comprising the alleged grievance. If the employee is still dissatisfied with the supervisor's solution to the complaint, the employee may proceed with the procedure described in Section 16.4.

16.4 PROCEDURE The grievance procedure shall be as follows:

- (a) If a complaint or grievance has not been resolved at the informal discussion stage, the grievant may submit his/her complaint in writing to the Manager within five (5) working days of the informal discussion. Within ten (10) working days of receipt of such grievance, the Manager shall investigate and provide a written response to the grievance.
- (b) If, within five (5) working days of receipt of the Manager's written response to the grievance, the employee is still dissatisfied with the resolution proposed, the employee may appeal in writing to the Manager for a hearing before the District Board. The Manager, upon receipt of the written appeal to the Board shall schedule an executive (closed) session of the Board. The executive (closed) session may be at the Board's next regular meeting, or at any time within 30 working days of the Manager's receipt of the written appeal to the Board. The employee may present his opinion and facts to the Board and the Board shall hear District evidence and recommendation of the Manager.

The Board may continue the hearing if this is deemed necessary. The Board shall render its decision within thirty (30) working days from the close of the hearing. The Board's decision shall be final.

ARTICLE 17

SAFETY PROVISIONS AND PRACTICES

17.1 SAFETY PROVISIONS AND PRACTICES The District believes that safe working conditions for all its employees can be attained through adequate supervision, frequent review of safety practices, proper use of tools and equipment, by employment of adequate safety devices and procedures and by complete job instruction.

In addition to its own safety instructions and practices, the District and its employees may be subject to certain Federal and State regulations. Supervisors shall be familiar with and make certain that all such applicable regulations are complied with.

The District recognizes the need to provide qualified supervision and specific job related training for the development of safe working practices. It will provide safe working areas, equipment, tools and other work devices. In addition a Safety Committee as appointment by the General Manager shall coordinate safety practices. The Committee will be comprised of 1 management employee and 1 employee from each of the following departments: Water, Wastewater and Fire. Some District safety rules are:

- (a) Employees are required to wear hard hats at all times while on construction sites.
- (b) Employees are required to follow safe working practices and render every possible aid to safe operations.
- (c) Employees must not enter hazardous areas, such as manholes, underground vaults, chambers, tanks or other similar places that receive little ventilation, unless it has been determined the air contains no flammable or toxic gases or vapors and a safe atmosphere exists for entry. An employee must not attempt to work alone in a hazardous area.
- (d) Employees must be alert to see that all guards and other protective devices are in proper places and report deficiencies promptly to their supervisor.
- (e) Employees must not handle any electrical or mechanical device or appurtenance, nor operate any machinery, vehicle or equipment in a manner not within the scope of their duties.

17.2 **EQUIPMENT** Rubber boots, rain suits and hard hats will be issued to appropriate employees. They will sign a receipt for these items which will be placed in their record. Maintenance of the rain suit shall be the responsibility of the employee. Deliberate abuse or negligence resulting in damage to District tools, equipment or facilities, will be cause for immediate dismissal.

ARTICLE 18 PUBLIC RELATIONS

18.1 **PUBLIC RELATIONS** Employees shall not make news release comments unless specifically directed by the Manager. Normally, employees shall refer individuals seeking information about the District to the appropriate staff member or their supervisor.

This is to centralize information sources to minimize confusion to the public. Employees shall at all times maintain a friendly, courteous and helpful attitude in personal dealings with the public. Every effort shall be made by all employees to maintain clothing, equipment, vehicles and District property in a clean, neat and presentable condition.

ARTICLE 19 VEHICLE USAGE

- 19.1 DISTRICT VEHICLES District vehicles are to be used for authorized business only. It is advisable that certain employees be provided with the use of a District vehicle for transportation between the employee's residents and the District office. From time to time, the Manager shall determine which employees must be assigned District vehicles to provide for improved emergency response and to facilitate attendance to after hour meetings and functions related to the District. Assignment of the vehicle is not the specific benefit of the employee, but for the improved operational efficiency and effectiveness of the District.
- 19.2 PERSONAL VEHICLES Use of personal vehicles for District business must be authorized by the Manager. When an employee uses a personal vehicle to conduct District business, the employee shall be reimbursed at a rate per mile, as determined by the Board. Personal vehicles shall only be used for District business when District vehicles are not practicably available for use.

ARTICLE 20 PAYMENT AND COMPENSATION PLAN

- 20.1 PREPARATION OF PAY PLAN The Manager shall prepare a plan of payment and compensation which shall prescribe for each position a minimum rate of pay, progressive pay rates, other designated benefits.
- 20.2 ADOPTION OF THE PLAN The Manager shall submit a total compensation plan for approval to the Board. The Board shall review the proposed compensation plan, and may adopt the plan by resolution. This adoptive resolution may be that same resolution used to adopt the annual budget.

ARTICLE 21 VIOLATIONS

- 21.1 VIOLATION OF RULES Violations of the provisions of these Policies, Procedures and Rules shall be grounds for reduction in pay, suspension, demotion, dismissal, or other disciplinary action.