



## *Memo*

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To: Board of Directors  
From: Jeanene Weiss  
Date: November 12, 2021  
Subject: Resolution No. 485, Updating District Personnel Manual

Over the course of this year, the Board has been shown proposed revisions to the District Personnel Manual. In addition to those, a revision amending the list of District holidays to include Martin Luther King Jr. Day has been included.

The District was closed on January 18, 2021 by former management in observance of Martin Luther King Jr. Day and Staff received the day off with holiday pay. In order to avoid Staff disappointment, it is recommended that the Board consider adding Martin Luther King Jr. Day to the District's holiday calendar for 2022 and annually thereafter. The financial impact to the District would be \$3,432.16 which is the current rate of staff wages per day.

A copy of the District Personnel Manual is attached (Exhibit "A") for review by the Board. Proposed revisions to the Personnel Manual are on pages 7, 29, 30, and 32. The Board can make all of these changes, none of them, or any combination it wishes to.

**RESOLUTION NO. 485**

**RESOLUTION OF THE CRESTLINE VILLAGE WATER DISTRICT  
UPDATING THE DISTRICT'S PERSONNEL MANUAL  
AND REPEALING ALL PRIOR VERSIONS**

WHEREAS, the Board of Directors has established certain rules relating to employment and working conditions for employees of the Crestline Village Water District; and

WHEREAS, the Board of Directors has directed that such rules be published in a comprehensive personnel manual which contains all policies, procedures and benefits related to employment with the District (the "Crestline Village Water District Personnel Manual"); and

WHEREAS, the Board of Directors has authorized that any future modifications or amendments to the Crestline Village Water District Personnel Manual be done by Resolution; and

WHEREAS, the Board of Directors has reviewed and approves of the modifications and amendments as shown in the Crestline Village Water District Personnel Manual attached hereto as Exhibit "A" to this Resolution No. 485;

Now, therefore, BE IT RESOLVED by the Board of Directors of Crestline Village Water District as follows:

Section 1. The Crestline Village Water District Personnel Manual attached hereto as Exhibit "A" to this Resolution No. 485, and incorporated herein by this reference is hereby adopted and, effective immediately, shall govern all policies, procedures and benefits related to employment with the District.

Section 2. Any and all previously adopted resolutions, motions or Board actions that are in conflict with this Resolution No. 485 are also hereby repealed.

PASSED AND ADOPTED at a Regular Meeting of the Board of Directors of Crestline Village Water District held the 16th day of November 2021.

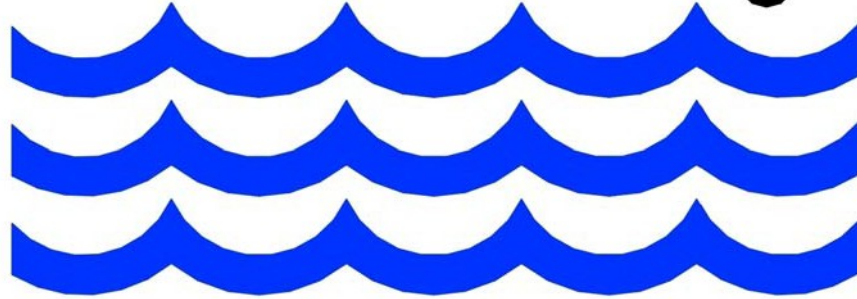
By: \_\_\_\_\_  
President, Board of Directors

ATTEST:

\_\_\_\_\_  
Secretary, Board of Directors



**crestline village**



**WATER DISTRICT**

**CRESTLINE VILLAGE WATER DISTRICT**

**PERSONNEL MANUAL**

Ordinance No. 31 - Adopted September 16, 1997

Resolution No. 313 - Adopted February 16, 1999

Resolution No. 354 - Adopted October 10, 2006

Resolution No. 407 - Adopted October 15, 2013

Resolution No. 423 – Adopted July 21, 2015

[Resolution No. 485 – Adopted, November 16, 2021](#)

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## I. INTRODUCTION

For the employees of the CRESTLINE VILLAGE WATER DISTRICT

This manual is designed to assist you in understanding our organization, its policies and procedures, and the benefits available to you. This manual describes some of our employment guidelines, and we hope it will serve as a useful reference document for you throughout your employment with us.

This manual is not intended to be a contract, nor is it complete in every respect. To obtain information regarding specific employment policies or procedures, whether or not they are referred to in this manual, contact me or my designated representative. Because the District is a growing and changing organization, we reserve full discretion to add to, modify, or delete provisions of this manual at any time. Please read the manual carefully and keep it up-to-date as amendments are distributed. If you have questions which are not resolved, please feel free to contact me.

Karl Drew  
General Manager



## II. ADMINISTRATIVE POLICIES

### **The District**

The Crestline Village Water District is a county water district formed and governed pursuant to the County Water District Law, which is found in Division 12 of the California Water Code (Sections 30000 et seq.)

The District was formed in February 1954.

The District is governed by a Board of Directors elected at-large from within the District boundaries. Strategic management starts at the Board of Directors level. They are responsible for investment policies and governing policies. They have no role in the day-to-day operation of the District. The Board of Directors is responsible for hiring the General Manager. The General Manager is responsible for managing productivity of capital, of people, and of physical resources.

The specific objectives of the District include:

- to convey, supply, store and otherwise make use of water for the purposes authorized by Division 12 of the Water Code of the State of California;
- to represent the interests and necessities of the citizens of the District in all areas of water concern;
- to encourage a spirit of friendliness and cooperation between the District and its water users;
- to maintain the highest possible professional and efficient standards in all operations;
- to establish an effective image in the eyes of the public and business associates; and
- to support the District's Mission Statement: To provide our community with a reliable water system that delivers high quality water for its health and safety needs.

You, as a District employee, are the most important link in making sure the objectives are met. How well the District measures up to the expectations of the public depends upon the job performance of each employee. A lasting impression may result from a single contact with one employee; thus, we all share the responsibility for contributing to good public relations.

### **Employee Responsibilities**

As indicated in the prior section, the success of our District is due in large measure to the confidence and good will of our public. To foster this atmosphere, employees are expected to:

- be professional in attitude and action;
- deal honestly and fairly with the public and fellow employees;
- handle requests and complaints promptly, courteously, and patiently;
- take a personal interest in the services provided, giving full value for all services provided; and
- exercise initiative and improve job knowledge and skills so as to better serve the needs of the District.

### **Equal Employment Opportunity**

It is the policy of the District to provide equal employment opportunity for all persons in all aspects of employment, including but not limited to: recruitment, hiring, promotion, transfer, training, compensation, benefits, working conditions, reduction-in-force, and rehire. Such equality shall be based on job-related knowledge, skills, performance, education, experience, and other job-related qualifications, and shall be without regard to race, religion, color, national origin, ancestry, sex, disability, age, marital status, sexual orientation, gender identity, genetic information or medical condition, as those terms are defined by applicable law. By federal requirement, I-9 forms must be completed, proving an applicant's identity and eligibility to work in the United States.

### **Conflict of Interest**

All employees are expected to work for the best interests of the District at all times. Every employee has an obligation to avoid any activity, agreement, business investment or interest, or other situation which could be construed as a conflict with the District's best interests or as an interference with the employee's duty to serve the District to the best of the employee's ability.

If a District employee discovers that he or she has a financial interest in any activity that would stand to benefit from action of the District which may confer benefit to that individual staff member as distinguished from the general public, said individual should discuss the matter with the General Manager.

Employees are not specifically prohibited from holding outside employment while being employed with the District, although such dual employment is discouraged. Employees should be guided by the following principles in this matter: such employment must not interfere with the effective performance of the District assignment; and such employment must not be with an organization that could constitute a potential conflict of interest.

### **Employee Relations**

The District is an attractive organization to work for, and recognizes certain obligations to its employees:

- to provide safe, healthful working conditions;
- to maintain a safety program and encourage safety practices in all areas;
- to recognize individual merit and to provide opportunities for professional and individual development; and
- to communicate with employees regarding District functions and activities.

### III. PERSONNEL PROCEDURES

#### **Hiring**

Selection for employment is made on the basis of merit and after careful consideration of each individual's knowledge, skills, and other qualifications for the position to be filled. The General Manager has full hiring and firing authority. The District gives no guarantee or contract, either expressed or implied, of continued employment with the District.

#### Employee Records

In order to facilitate the maintenance of adequate records and to comply with legal requirements, all employees must complete a standardized application form. In addition, each employee must submit a W-4 (employee withholding certificate), a print-out of the current California driver's license, an I-9 (eligibility to work in the United States), and other such forms as may be required by law and as required for insurance coverage.

Employees must notify the District office immediately of any changes in:

- |   |   |   |   |
|---|---|---|---|
| ☐ | legal name                                    | ☐ | insurance beneficiary                           |
| ☐ | address                                       | ☐ | driver's license                                |
| ☐ | telephone number                              | ☐ | arrests   |
| ☐ | marital or registered domestic partner status | ☐ | any information the District should be aware of |
| ☐ | dependents                                    |   |   |

Employee files shall be kept in a centralized location, and shall be considered confidential; however, each employee may see his or her individual file at reasonable intervals during business hours.

#### **Probationary Periods**

The first six months of employment with the District are considered to be a probationary period. The General Manager, in his sole discretion, may extend the probationary period up to an additional six months. (Any such extension shall be in writing.) During this time, the employee will be able to evaluate his or her continued interest in the position, and the supervisor will be able to evaluate the employee's capabilities, performance, and future potential.

The District reserves the right to terminate a probationary employee at any time without advance notice and without right of appeal or grievance.

#### **Performance Evaluation**

Performance evaluations will be conducted as soon as practicable prior to an employee's completion of the probationary period, and annually thereafter. At that time, the employee will receive a copy of a written performance appraisal form that has been completed by his or her immediate supervisor. A copy of the form will also be included in the employee's personnel file.

This method will provide each employee with an opportunity to note major accomplishments and progress, as well as performance problems.

#### **Work Schedule**

Except as otherwise arranged by the General Manager, District employees normally work a 40 hour workweek, which begins on Friday at 11:30 AM and ends on the following Friday at 11:29 AM. Normal work hours are from 7:30 AM to 4:30 PM, Monday through Friday. (Work schedules are assigned based

on the needs of the District and may be changed at any time.) Employees assigned to a "9/80" schedule work 9 hours per day Monday through Thursday and 8 hours every other Friday. Break periods include a one hour lunch break and mid-morning and mid-afternoon breaks of 10 minutes each. District office hours are from 7:30 AM to 4:30 PM, Monday through Friday.

### **Overtime Compensation**

Because the needs of the District's public are of paramount importance, it is recognized that overtime work may, on occasion, be required of any employee. When possible, advance notification of these mandatory assignments will be provided. Overtime work must generally receive prior authorization by the General Manager or his designated representative. Approval for overtime work involving emergency calls and necessary system maintenance in the field must be obtained on the following normal work day. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. Hours worked and paid holiday time in excess of 40 hours per week, or hours worked on a paid holiday shall be paid at the rate of time and one-half (1.5 times the normal rate). In addition, Employees assigned to a 5-day per week, 8-hour per day schedule are paid overtime for hours worked in excess of 8 per day. Employees assigned to a 9/80 schedule are paid overtime for hours worked in excess of 9 on their 9-hour day and paid overtime for hours worked in excess of 8 per day on their 8-hour day. Paid time off ("PTO") and accrued compensatory time off hours are not considered hours worked. Only employees who are defined as non-exempt under the federal wage and hour laws will be eligible for overtime pay (the General Manager, Office Manager, Field Supervisor are exempt and not eligible for overtime).

Failure to work scheduled overtime or overtime worked without prior authorization from the General Manager or his designated representative may result in disciplinary action, up to and including possible discharge.

### **Compensatory Time Off**

In lieu of cash payment for overtime worked, an employee, with the General Manager's or his designated representative's prior approval, may accrue compensatory time off at the rate of time and one-half. All supervisory employees who are defined as exempt under the federal wage and hour laws may accrue compensatory time off for any worked time in excess of 8 hours per day, 40 hours per week, or on a paid holiday at the rate of straight time. (Supervisory Employees assigned to a 9/80 schedule will only receive compensatory time off for hours worked in excess of 9 per day on the day they are scheduled 9 hours.) The maximum accrual of compensatory time off is 80 hours at the end of any pay period. Any hours in excess of the maximum accrual will be automatically paid to the employee.

The employee must schedule the use of accrued compensatory time off with his/her supervisor. Employees will be granted the time off unless it would be an undue hardship on the District.

### **On-Call**

Employees who are directly involved with the water system operations in the field are required to be "On-call" after their probationary period is completed, unless the General Manager or his designated representative approves and requires On-call duty prior to the completion of the employee's probationary period. On-call is for emergency calls after normal business hours and on week-ends. An updated On-call rotation sheet will be posted as required.

There will be one field maintenance employee On-call 24 hours a day at all times. The On-call week begins at 8:00 AM on Wednesday and continues for seven (7) full days until 8:00 AM on Wednesday of the following week. On-call personnel are required to: (1) leave a telephone number where they can be reached or carry a communicating device; and (2) be able to be in the Water District area responding to duty within one-half hour after receiving a call.

The District will provide a communicating device for use by On-call personnel. All supervisors and field employees are required to have a wired telephone connected to a telephone service provided by a telephone company that provides dial-tone to the employee's residence (also known as a "land line", but not VOIP or similar services). Supervisors and field employees may also be required to have mobile telephones as deemed necessary by the General Manager. The District will provide a monthly Telephone Allowance that covers the monthly charges for having any required telephone service. This allowance will be adjusted by the General Manager from time to time as necessary.

Compensation for being On-call will be \$50.00 per day, paid on a full day basis, for the On-call employee (or his/her substitute). Actual time spent responding to emergency calls and performing system maintenance in the field will be paid at the appropriate hourly rate.

Duties of On-call employee include, but are not limited to:

1. Responsible for operating the complete system, keeping a system log, as well as responding to customer service calls, flushing, leak repairs and other required work.
2. Utilize the District's Automated Electronic Answering System which incorporates the use of the two-way radio system, paging system, telemetry system and telephone system. The On-call Employee is responsible for checking the operation of all systems at the beginning of the On-call week. The On-call employee will also report on an ongoing basis to the Field Supervisor that the checks have been made and the status of all systems.
3. Completely clean the system truck and determine that the vehicle is properly equipped.
4. Call a supervisor for assistance when necessary. The supervisor will contact other field employees to assist the On-call employee.

Additional responsibilities of On-call employees:

1. At all times, while representing the District in the field, the On-call employees will be properly dressed in the minimum District uniform of a District shirt and carry a District identification card, so that there is no question that the employee is identifiable as an employee of the District.
2. Document all overtime time hours worked, including time started and time finished.
3. If the On-call employee has arranged for someone to take "their call", it will be the responsibility of the scheduled On-call employee to make all of the Answering System changes and to notify the Field Supervisor of the substitution. Any substitutions will be for no less than one (1) complete day or for a maximum of the entire week of On-call, unless other arrangements have been made with the Field Supervisor.
4. On-call employees, during the process of operating the system, will avoid letting any of the District's storage tanks run over or run dry. If any District storage tank has a water level less than 40 percent of its capacity, then it is the On-call employee's responsibility to notify the Field Supervisor.

Failure to comply with the On-call policy as stated herein may result in disciplinary action, up to and including possible discharge.



## **Paydays**

Employees will be paid on every other Wednesday for work performed during the two preceding workweeks ending on the Friday before the payday. If the normal payday falls on a holiday, payment will be made on the preceding workday. If a payday is to occur when an employee is on vacation or another type of leave, payment will be held unless other arrangements are made.

All non-exempt and regular full-time, regular part-time, part-time and temporary employees shall be paid at a designated hourly rate.

## **Holidays**

The following paid holidays are granted to District employees:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day
- Christmas Floating Holiday

When a holiday falls on a Saturday, the previous Friday shall be observed as the holiday. When a holiday falls on a Sunday, the following Monday shall be observed as the holiday. Should a holiday fall during a scheduled vacation, one day shall not be deducted from PTO days. To receive payment for a holiday, an employee must work his or her regular work schedule on the day before and after the holiday unless the employee is off work due to a pre-approved PTO day. Regular part-time employees will receive pro-rated holiday pay.

One floating holiday is allowed each year. The floating holiday is to be used during the Christmas Holiday season and the actual date of the holiday will be established by the General Manager or his designee. The scheduling of the holiday is subject to the needs of the District.

## **Compensation**

### **I. Salary Grades and Ranges**

Each job position is assigned a salary grade and each salary grade is assigned a minimum (A) and maximum (E) step within the salary grade. Longevity steps L1, L2, L3 and L4 are added to each salary range effective July 31, 2016. Each salary grade may include one or more salary ranges. Advancement between ranges within a grade are described below.

### **II. Compensation at Hiring**

#### **A. New Employees**

All newly appointed employees shall be paid at the first step and range of the salary grade for the position to which the employee is appointed except as provided elsewhere herein.

#### **B. Advanced Step Hiring**

If the General Manager finds that qualified applicants cannot be successfully recruited at the first step and range of the salary grade, he/she may request the Board of Directors to authorize an appointment at an advanced step and/or range of the salary grade. Whenever advanced step hiring is approved an employee being paid at a lower salary step in the same range may be advanced to the step at which the new employee is appointed.

III. Step Advancement Within Salary Range

The General Manager shall authorize a step advancement within the salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee.

Step increases normally require that a time interval of six months be completed between Step A and Step B, and twelve months between subsequent steps, in addition to a merit rating of at least satisfactory. Employees are eligible for Step L1 after completing 10 years of service, and then Steps L2 – L4 after 5 years of service between subsequent steps, in addition to a merit rating of at least satisfactory.

IV. Merit Advancement Within Salary Grade

The General Manager has the discretion to determine, based upon the exceptional merit of a particular employee, that the employee should advance between ranges of the salary grade. Attainment of certain water treatment or water distribution certificates or completion of applicable educational courses may also cause advancement between ranges of the salary grade (Also see Professional Development Through Certification).

V. Promotion

A promotion is the employee's assignment to a position with a higher salary range. Promotions will be made based upon merit and qualifications. Employees promoted to a position with a higher salary range may be paid either at the minimum rate of the new range or at the nearest higher rate that the employee would otherwise be entitled to on the date the promotion is effective, whichever is greater, provided that an employee promoted to a salary range in excess of one (1) range above his or her former range shall receive no less than one (1) range increase, at the same step.

**Access to District Property**

I. Keys

Each employee will be issued District keys appropriate to the employee's job assignment, in order to access the District property, equipment, tools and materials needed to perform the employee's job responsibilities during assigned working hours. Employees should take all precautions to prevent the loss or misuse of issued keys. Keys are only to be duplicated with supervisor authorization.

II. Equipment, Tools, Material, and District Vehicles

District equipment, tools, and materials are the property of the District, a public agency, and are not for private use either on or off the District's property. The General Manager or his designated representative must give prior approval of any deviation from this policy. Any such approved use will be de minimis as required by Government Code section 8314. Violations of this policy may be grounds for discipline or termination.

Desks, file cabinets, lockers, credenzas and furniture, computers and printers, and other property are District property and must be maintained accordingly. They must be kept clean and are to be used only for work related purposes. The District reserves the right to access and/or inspect all District property, without notice to the employee and/or in the employee's absence. Personal locks are not permitted on desks, cabinets, and lockers or other items that lock. The District will provide you with locks, keys, and other locking devices, where appropriate, and reserves the right to access such locked items.

Computers, voice mail, mobile phones, phones and/or electronic mail (collectively, "electronic systems") are to be used for business purposes only. The District reserves the right to listen to



voice mail message and to monitor, review and/or access electronic systems to ensure compliance with this rule, without notice to the employee and/or in the employee's absence. Employees have no right of privacy in any District electronic systems. It may be necessary to assign and/or change passwords and personal codes for the voice mail and computer. These items are to be used for District business, and they remain the property of the District. (For example, employees are not to utilize District computers to access social media or the internet for personal business, except during their breaks or meal periods.) The District may keep a record of all passwords and codes used and/or may be able to override any such password system.

A DMV print-out is required of all drivers who drive District vehicles at employment and annually.

All employees who operate or use District vehicles, equipment, tools, and materials will take every safety precaution necessary to prevent damage to District property, damage to private property and prevent injury to themselves, other employees and to the general public. Passengers, other than District Employees, are not allowed at any time in District vehicles without prior permission of the General Manager or his designee. Employees are required to use reasonable care in using District vehicles, equipment, tools, and materials to prevent unnecessary damage to the vehicles, equipment, tools, and materials.

### **Uniforms, Boots and Identification Cards**

#### **I. Uniforms**

While performing District work, field employees must wear an approved uniform. Field employees are issued uniforms consisting of shirts, pants, hat and a jacket. Field employees are required to report to work each day wearing a clean uniform. Employees are responsible for cleaning the uniforms issued to them. At such time as a piece of the uniform needs replacement, the employee should return the item to his supervisor for replacement. Uniforms are provided for use while on District business and are not to be used as work clothing when off duty. Articles of the uniform damaged while off duty will be replaced at the employee's expense. Uniforms must be returned to the District upon termination of employment with the District. While on duty, employees must present a professional appearance, which includes no visible tattoos which are offensive. Employees who have offensive tattoos must arrange to have them covered while on duty. While no formal uniform is required for office personnel, they are expected to dress in businesslike attire.

#### **II. Boots**

Field employees are required to wear hard-toed or steel-toed boots that meet American National Standard for Personal Protection-Protective Footwear, Z41-1991, requirements while on duty. The District provides an annual allowance of \$150 per year for each field employee. (This amount may be increased at the General Manager's discretion.) The boots are only to be used for District business and are not to be used while off duty.

#### **III. Identification Cards**

Picture identification cards are issued to all employees. The card must be carried at all times and must be shown to any member of the public when asked to do so for identification purposes. While performing customer service work in the field, the identification card must be worn in a visible location. The identification card also serves as a San Bernardino Mountains Emergency Service Pass and will help employees travel in the San Bernardino Mountains area during emergencies when roads are closed to normal traffic. Identification cards must be returned to the District upon termination of employment with the District.

## **Personal Electronic Devices**

Employees are not to utilize their mobile phones or other personal electronic devices during working time, except in emergencies or as deemed necessary by the General Manager. Employees may use these items during their break or meal times.

## **Travel and Mileage**

### **I. Use of Private Vehicle**

Whenever a District vehicle is not available for use for District business, any employee with prior approval of the General Manager or his designated representative may use his or her own private vehicle. The employee will be reimbursed on the basis of miles actually driven at the rate specified in the Internal Revenue Service Guidelines in effect at the time the private vehicle was used. Proof of valid automobile liability insurance is required of any employee who drives a private vehicle on District business.

### **II. District Fuel and Oil**

In the event the General Manager or his designated representative authorizes the use of a private vehicle for District purposes, the employee must purchase the gasoline necessary for such use from a private service station and apply for mileage reimbursement as noted above. District fuel and oil supplies are not allowed to be used in private vehicles.

### **III. Special Travel**

In the event an employee must travel by means other than a District vehicle or approved private vehicle, prior authorization must be obtained from the General Manager or his designated representative to obtain reimbursement.

## **Drug and Alcohol Use**

The District recognizes a responsibility to help provide a safe and productive work environment for all employees. Toward this end, the District has a particular concern about substance abuse, since it can affect an employee's productivity and efficiency; jeopardize the safety of the employee, co-workers, and the public; impair the reputation of the District and its employees; and violate state and federal statutes. For these reasons, we have developed this policy to deal with those whose drug or alcohol use affects the rest of us.

The Federal Highway Administration (FHWA) of the Department of Transportation has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. The policy stating the additional requirements for safety-sensitive employees can be found in Appendix "A".

### **I. What is Prohibited and Required of Employees**

#### **A. Alcohol**

The possession, consumption, purchase or sale of alcohol on District premises is prohibited. Furthermore, no employee shall be under the influence of alcohol (defined as breath alcohol concentration of .04 or greater) while on District premises or while performing District business off District

premises. Any exception to this policy for special situations (e.g., Employee Recognition Dinners, etc.) must be approved in advance in writing by the General Manager and conducted in accordance with any limitations which accompany approval.

In addition, persons whose positions with the District require driving as a part of their work may be removed from such positions and disciplined as appropriate if found to have been driving under the influence of alcohol whether on duty or off duty.

#### B. Legal Drugs

"Legal Drugs" are those prescribed or over-the-counter drugs which are legally obtained by the employee and used for the purpose for which they were prescribed and sold.

Even such legal drugs may affect the safety of the employee or co-workers or members of the public. Therefore, any employee who is taking any legal drug which might impair safety, performance, or any motor functions must advise his or her supervisor before reporting to work under such medication. If the District determines that such use does not pose any safety or product quality risk, the employee will be permitted to work.

#### C. Illegal Drugs

"Illegal Drugs" are drugs or controlled substances which are (1) not legally obtainable or (2) legally obtainable, but not obtained in a lawful manner. Examples include cocaine and marijuana, and prescription drugs which were not lawfully obtained.

The use, purchase, sale, transfer, possession, being under the influence, or the presence in one's system of a detectable amount of an illegal drug by any employee is prohibited (1) on District premises, (2) where the employee is performing District business off premises, or (3) where such activity away from District premises or business affects the employee's suitability for continued employment or may harm the reputation of the District and its employees.

### II. Testing for Drugs and Alcohol

A blood test, urinalysis, or other drug/alcohol screening may be required of any employee where there is a "reasonable suspicion" to believe that he or she may be using drugs or may be under the influence of drugs or alcohol. The District's determination that reasonable suspicion exists to require the employee to undergo a controlled substances and/or alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of chronic and withdrawal effects of controlled substances. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or District official who is trained in recognizing the signs of drug and alcohol abuse. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the driver.

An employee's cooperation with such a drug or alcohol screening test is required as a condition of employment. The employee's refusal to cooperate with such a request and to provide a specimen is grounds for termination where there is reason to believe that the employee has violated this policy and the employee's refusal to cooperate has prevented a medical determination of his or her condition.

### III. Violations of Policy

A. Any violation of this policy will be grounds for termination. However, in some circumstances and at the sole discretion of the District, a lesser penalty may be selected.

B. An employee who (1) admits illegal drug use when questioned by the District or who tests positively for substance abuse but (2) has not engaged in misconduct, unsafe conduct, or poor job performance, may be placed on a non-paid personal leave of absence in lieu of termination for up to six (6) months for the purpose of rehabilitation, which may include successful completion of a District-designated substance abuse rehabilitation program. However, prior to reinstatement thereafter to the next appropriate opening, the employee must present reliable medical evidence that he/she has overcome the substance abuse problem and must consent in writing to occasional testing on request over the next twelve months to be certain that there has not been any resumption of usage of drugs or alcohol in violation of this policy. Failure to take and pass any such requested test will result in immediate termination.

#### IV. Self-Identification to District Management/Supervision

Employees who take the initiative of advising their supervisor or manager in advance that they have a medical problem with regard to alcohol or drug use, who have not engaged in misconduct or repeated poor performance at work, and who demonstrate a commitment to take the necessary remedial action, will be eligible for a leave of absence for the purpose of entering and completing rehabilitation and will not be subjected to disciplinary action.

#### **Smoking**

Smoking is prohibited in all District vehicles, buildings and worksites. Employees who choose to smoke must smoke in the District-designated area outside the office.

#### **Policy Against Harassment and Discrimination**

As part of its commitment to equal employment opportunity, the District strictly prohibits harassment and discrimination of employees in the workplace based on race, color, national origin, ancestry, religion, sex, marital status, age, disability, sexual orientation, gender identity, genetic information or medical condition. Harassment includes all forms of offensive or unwelcome physical or verbal conduct that interferes with an employee's work or creates an offensive or hostile working environment.

#### **Policy Against Employee Harassment**

1. Policy Statement. The District strictly prohibits unlawful harassment of its employees by any individual. This includes harassment on the basis of sex, sexual orientation, race, color, ancestry, religious creed, disability, medical condition, age (over 40), marital status, gender identity, genetic information or any other protected class under applicable law.

2. Application.

A. This policy applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.

B. This policy applies to all officers and employees of the District, including, but not limited to, full- and part-time employees, per diem employees, temporary employees, and persons working under contract for the District.

3. Harassment Defined.

A. Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:

- (1) Submission to the offensive conduct is an explicit or implicit term or condition of employment;
- (2) Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or
- (3) The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

B. Examples of what may constitute prohibited harassment include, but are not limited to, the following:

- (1) Kidding or joking about sex or membership in one of the protected classifications;
- (2) Hugs, pats, and similar physical contact;
- (3) Assault, impeding or blocking movement, or any physical interference with normal work or movement;
- (4) Cartoons, posters, e-mails, text messages and other materials referring to sex or membership in one of the protected classifications;
- (5) Threats intended to induce sexual favors;
- (6) Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
- (7) Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
- (8) Prolonged staring or leering at a person;
- (9) Similar conduct directed at an individual on the basis of race, color, ancestry, religious creed, disability, medical condition, age (over 40), marital status, sexual orientation, gender identity, genetic information or any other protected classification under applicable law.

4. Procedure.

A. Internal Reporting Procedure

- (1) Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by coworkers, supervisors, clients or customers, visitors, vendors, or others should immediately notify his or her supervisor or, in the alternative, the General Manager, depending on which individual the employee feels most comfortable in contacting.
- (2) Additionally, supervisors who observe or otherwise become aware of harassment that violates this policy have a duty to take steps to investigate and remedy such harassment and prevent its recurrence.

B. External Reporting Procedure.



- (1) Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by coworkers, supervisors, clients or customers, visitors, vendors, or others may file a complaint with the California Department of Fair Employment & Housing or the Fair Employment & Housing Commission ("DFEH"). The phone number for DFEH is located in the phone book under government agencies.

## 5. Investigation

A. Upon the filing of a complaint with the District, the complainant will be provided with a copy of this policy. The General Manager is the person designated by the District to investigate complaints of harassment. The General Manager may, however, delegate the investigation at his/her discretion. In the event the harassment complaint is against the General Manager, an investigator shall be appointed by the Board of Directors and the Board will assume the role of the General Manager throughout the process.

B. Charges filed with the DFEH are investigated by the DFEH.

## 6. Internal Documentation Procedure

A. When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the General Manager.

B. The General Manager may appoint an investigator or undertake the investigation himself. The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. The investigator's notes shall be made at the time the verbal interview is in progress. Any other documentary evidence shall be retained as part of the record of the investigation. Upon completion of the investigation, the results shall be given to the complainant, the alleged harasser, and the General Manager.

C. Based on the report and any other relevant information, the General Manager shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes harassment. In making that determination, the General Manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question; the context in which the conduct, if any, occurred; and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis by the General Manager.

7. Confidentiality -- All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

## 8. Remedies

A. Disciplinary Action.

- (1) If the General Manager determines that the complaint of harassment is founded, the General Manager shall take immediate and appropriate disciplinary action consistent with the requirements of law and any personnel rules or regulations pertaining to employee discipline. Other steps may be taken to the extent

reasonably necessary to prevent recurrence of the harassment and to remedy the complainant's loss, if any.

- (2) Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harasser, and any other factors relating to the fair and efficient administration of the District's operations.

B. In the event a complaint is filed with the DFEH, and the DFEH finds that the complaint has merit, the DFEH will attempt to negotiate a settlement between the parties. If not settled, DFEH may issue a determination on the merits of the case.

- (1) Where a case is not settled and the DFEH finds a violation to exist, it can prosecute the charging party's case before the Fair Employment & Housing Commission ("FEHC"). Legal remedies available through DFEH and FEHC for a successful claim by an applicant, employee, or former employee include possible reinstatement to a former job; award of a job applied for; back pay; front pay; attorneys' fees; and under appropriate circumstances, actual damages and/or administrative fines.

- (2) In the alternative, DFEH may grant the employee permission to withdraw the case and pursue a private lawsuit seeking similar remedies.

9. Retaliation -- Retaliation against anyone for opposing conduct prohibited by this policy or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by the District, DFEH, or FEHC is strictly prohibited by the District and state regulations. It may subject the offending person to, among other things, disciplinary action, up to and including, termination of employment.

#### 10. Employee Obligation

A. Employees are not only encouraged to report instances of harassment, they are obligated to report instances of harassment.

B. Employees are obligated to cooperate in every investigation of harassment, including, but not necessarily limited to:

- (1) Coming forward with evidence, both favorable and unfavorable to a person accused of harassment; and
- (2) Fully and truthfully making a written report or verbally answering questions when required to do so during the course of a District investigation of alleged harassment.

C. Knowingly, falsely accusing someone of harassment or otherwise knowingly giving false or misleading information in an investigation of harassment shall be grounds for disciplinary action, up to and including, termination of employment.

#### **Grievance Procedure**

The District recognizes that there should be a speedy adjustment of all employee complaints as close as possible to the date of origin. If an employee is dissatisfied with any aspect of employment, it should be discussed with the immediate supervisor, unless the problem involves the immediate supervisor, in which case this step may be skipped. If a mutually acceptable solution cannot be found, the employee should briefly present the problem, in writing, to the General Manager, who, after considering all elements of the problem, shall reach a final decision and notify all persons concerned. At no time should a grievance be

presented to an individual Board member. Should the General Manager's decision not be satisfying to all parties, then the grievance shall be put before the Board of Directors whose decision will be final and binding.

### **Disciplinary Action**

The tenure of every District employee shall be based on reasonable standards of personal conduct and job performance. Failure to meet such standards shall be grounds for appropriate disciplinary action in the sole discretion of the District. The discipline imposed will be commensurate with the seriousness of the offense and with due consideration of the employee's prior performance record.

Employees who have successfully completed the probationary period shall be subject to discipline and discharge for reasonable causes.

1. The following is a non-exclusive list of the types of disciplinary actions which may be imposed.
  - a. Oral or written reprimand.
  - b. Demotion - reduction from a position in one salary grade to a position in another salary grade with a lower salary range effected for disciplinary purposes (demotions resulting from organizational changes and layoffs are not disciplinary).
  - c. Suspension - any involuntary absence without pay.
  - d. Temporary reduction in pay step.
  - e. Dismissal - discharge from service with Crestline Village Water District.
2. The following is a non-exclusive list of the types of misconduct that will result in discipline or discharge.
  - a. Actions contrary to the District's personnel or safety rules and regulations.
  - b. Discourteous or dishonest treatment of the public or other employees.
  - c. Theft or abuse of property of the District, co-employees or customers.
  - d. Incompetence, inefficiency, neglect or dereliction of duty.
  - e. Dishonesty or falsification of any District or customer record.
  - f. Unprofessional conduct.
  - g. Conviction of any felony, or of any misdemeanor involving moral turpitude, dishonesty, or immoral conduct.
  - h. Absence from duty without authorization.
  - i. Repeated absence, tardiness or early departures.
  - j. Use or possession of illegal drugs, alcohol or weapons on District time or District property, vehicles, or equipment.



- k. Failure to cooperate in any District investigation.
  - l. Striking another person on District time or District property, regardless of provocation.
  - m. Insubordination or disregard of proper authority.
  - n. Unlawful harassment or discrimination.
3. Except in cases involving a disciplinary reprimand or a suspension without pay of not more than five (5) days (or the monetary equivalent of such suspension through temporary reduction in pay step), the District shall give written notice of proposed disciplinary action to affected regular employees before the discipline takes effect, except in emergencies where the employee must be removed from the job immediately. Such written notice may be served personally on the employee or sent by first-class mail to the employee's last known address and shall contain the following information:
- a. A statement of the proposed disciplinary action and its effective date(s).
  - b. A statement of the reasons for such proposed action, including the acts or omissions on which the proposed action is based.
  - c. A statement of the documents, if any, on which the proposed action is based. Upon request by the employee, the District shall provide copies of the documents so identified.
  - d. A statement that the employee has the right to respond to the General Manager, or designee, orally or in writing, before the discipline takes effect.
4. Prior to the effective date of any disciplinary action involving a suspension without pay of more than 5 days, demotion, step reduction or dismissal, the subject regular employees shall be given the opportunity to respond, orally or in writing, at the employee's option. (Employees who are being suspended without pay for 5 days or less shall be given an opportunity to respond, orally or in writing, to the disciplinary action either prior to the effective date of the discipline, during the discipline, or a reasonable time after the discipline has been implemented.) The employee shall thereafter be given notice of the District's final determination of the disciplinary action.
5. Any regular employees (but not probationary and temporary employees) shall have the right to appeal a demotion, step reduction, discharge, or disciplinary suspension of six (6) days or more. A written request for such a review shall be submitted to the General Manager within five (5) working days of the date of the notice of discipline either directly or by mail. At its next regular meeting following receipt of a timely notice of appeal of the decision of the General Manager, or his/her designee, the Board may appoint a Board Committee or a Hearing Officer to hear the appeal and recommend a decision which it shall certify to the Board, or the Board may hear the appeal. Hearings shall be closed unless an open hearing is requested by the employee filing the appeal. . The employee shall appear personally before the Board, Board Committee or Hearing Officer at the hearing and may be represented by counsel of his/her choice. In the event that the employee fails to personally appear, the appeal shall be deemed waived. The employee and District Management may present oral and written evidence and argument at the time of the appeal. District management and the employee are entitled to question the person or persons offering evidence. Upon conclusion of a hearing not conducted by the Board, the Board Committee or the Hearing Officer shall cause its findings and recommendations to be prepared in writing and shall certify the same to the Board within

thirty (30) calendar days following the conclusion of the hearing. The Board may then adopt, reject or modify such recommendations. If the Board hears the appeal, it may adopt, reject or modify the discipline imposed by the General Manager or his/her designee. The decision of the Board shall be final and binding for all purposes.

6. **Emergencies** - Under emergency circumstances, an employee may be removed or ordered from the work place. In such a case, the employee's supervisor shall document the circumstances which indicate that the employee's continued presence at the work site could have detrimental consequences. After the emergency has passed, the supervisor and the General Manager or his or her designate shall, within five (5) days, begin the Disciplinary Action for cause proceedings.

## **Termination**

In the event an employee wishes to resign from the District, written notice of at least two weeks is expected, except in special circumstances. If an employee must be terminated due to a reduction of available work or funds, the District will give the employee at least two weeks' written notice or pay in lieu thereof. In the event of probationary discharge, or discharge for unauthorized absences, limited or no notice will be given, as warranted.

An employee who is absent from work without authorization for a period of 3 days or more may be deemed to have automatically resigned from his or her position. Such an employee shall be entitled to notice of the facts supporting the charge that the employee has resigned, and an opportunity to respond (i.e., a "Skelly" response) prior to the termination of employment becoming effective. However, such an employee shall not be entitled to any post-termination evidentiary hearing.

Upon termination, an employee will be paid any salary owing, plus any accrued but unused PTO and any accrued but unused compensatory time off. However, the District reserves the right to deduct amounts owed to it by the employee under the appropriate circumstances. Prior to receiving final compensation, an employee must return all keys, equipment, uniforms, or other District property.

If an employee is terminating because of retirement, that employee shall have the choice of any accrued PTO and accrued compensatory time off being paid in a lump sum or being used against calendar time in order to continue receiving bi-weekly pay until all time accrued has expired.

## **Layoffs**

It may be necessary or appropriate from time to time for the District to reduce its staff. Layoffs may be implemented District-wide or in one or more departments. Once it is determined what the scope of the layoff will be, employees will generally be laid off in the following order:

1. Temporary employees
2. Probationary employees
3. Part-time employees
4. Full-time employees

The District reserves the right to vary the order of the layoffs to meet its needs and objectives.

Individuals within each of the classifications identified above will be selected for layoff based on a combination of factors, including, but not limited to, ability to perform the work required, performance history, productivity, attitude, prior experience in relevant positions, attendance, and punctuality. In cases where the District determines that general performance and other factors are essentially equal between

two or more employees, length of service will be the deciding factor in determining which employee shall be retained. For purposes of this policy, seniority will be measured from an employee's original date of hire; however, any periods of absence due to a leave of absence (except where prohibited by law) or a break in service will not be considered as time of service.

All layoffs are considered permanent. However, employees who are laid off are encouraged to reapply for employment when positions are available. Past performance with the District will certainly be considered when evaluating such applications.

Employees who are laid off due to a reduction of available work or funds and have been employed by the District for five or more years on a full time basis, shall receive severance pay in the amount of one weeks pay for every two years worked contingent upon signing a general release of all claims.



## IV. EMPLOYEE BENEFITS

### **Paid Time Off**

Paid Time Off (PTO) provides employees with more flexibility to use their time off to meet personal needs, while recognizing the individual employee's responsibility in managing their paid time off.

Employees will accumulate a specified amount of PTO each pay period, and they are allowed to determine how they will use it, for vacation, illness, attendance to ill "family members," school activities, medical/dental appointments, personal business or emergencies. PTO may be used for the diagnosis, care or treatment of an existing health condition of, or preventive care for, an employee or an employee's family member. "Family member" is defined as: a child (whether biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis) regardless of the age of the child or dependency status, a parent (whether biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse, a registered domestic partner, a grandparent, a grandchild, and a sibling. The District will also approve of the use of an employee's accrued PTO if the employee is a victim of domestic violence, sexual assault or stalking. The amount of time earned will depend on each employee's length of service with the District.

PTO does not replace the District holiday schedule; the District will continue to have compensated holidays each year.

### **Eligibility**

Employees are eligible to participate in the PTO program if they are a regular full-time employee scheduled to work at least 40 hours per week. Regular part-time employees working an average of 20 hours or more per week will accrue PTO on a prorated basis, depending on the number of hours worked.

Employees will only be able to use accrued PTO upon the completion of 90 days of employment.

### **Leave Accrual**

The amount of PTO accrued each year is based on each employee's length of service and accrues according to the Accrual Schedule for Regular Full-Time Employees chart below. PTO is accrued each pay period. PTO is not accrued while an employee is on an unpaid leave of absence (including time out on non-industrial injury and workers compensation leaves unless the employee is utilizing PTO).

#### **ACCRUAL SCHEDULE FOR REGULAR FULL-TIME EMPLOYEES**

<u>Years of Service</u>	<u>Days (8 Hour) Accrued Per Year</u>	<u>Hours Accrued per Bi-Weekly Pay Period</u>	<u>Maximum Accrual (Hours)</u>
1st through 5 <sup>th</sup>	22	6.77	352
6th through 10 <sup>th</sup>	27	8.31	432
11 +	32	9.85	512

There is a maximum amount of PTO time an employee can accumulate. This encourages the employee to use their PTO and allows the District to manage its financial obligations responsibly. Once an employee reaches his or her cap, he or she will not accumulate any more PTO until some of the accrued time is used. Once the balance goes below the maximum, an employee will begin accruing PTO again. Maximum accrual is equal to two times the annual PTO accrual.

If the General Manager or his designee determines that an employee is unable because of District needs to use his or her accrued PTO, the employee may be paid a portion of his or her accrued PTO.

### **Termination**

Upon termination, the employee will be paid for all accrued and unused PTO at his or her regular rate of pay at the time of termination.

### **Management and Use of Paid Time Off**

Employees are responsible for managing their PTO balances. It is important that each employee plan ahead for how they will use their PTO account. This means developing a plan for taking vacations, as well as doctor's appointments and personal business. It also means holding some time in "reserve" for the unexpected, such as emergencies and illnesses. The amount each employee reserves for illness should depend on his or her personal health and sick leave history.

Time off taken for certain leaves of absence, such as jury duty, as specified in the District's Personnel Manual, will not be charged against an employee's PTO account. The use of PTO can also be coordinated with the use of other leaves of absence, such as Bereavement or Family Care and Medical Leave. Employees may utilize up to one-half of their annual accrual of PTO to care for an ill child, parent, spouse or registered domestic partner.

All PTO will be paid at the employee's regular rate, except when compensation is received in accordance with the California Workers' Compensation Act or State disability benefits, the amount of any such compensation will be deducted from PTO received from the District.

### **Notice and Scheduling**

Except in the event of illness/injury or an emergency, PTO will be scheduled in advance for the mutual convenience of the employee and the District. If the need for PTO use is foreseeable, the employee must provide their immediate supervisor reasonable advance notification. This allows for the employee and the District to prepare for scheduled time off and assure staffing needs are met.

There may be occasions, such as sudden illness, when employees can not notify their supervisor significantly in advance. In those situations, employees will inform their supervisor of the circumstances as soon as possible, but in no case, later than the scheduled beginning of their work shift.

### **Recording Paid Time Off**

The District has a PTO tracking system to keep a record of PTO account balances and the amount of time taken off each pay period. This system requires that the used amount and reason for all time taken off from the regular work schedule be recorded on employee time sheets. The District is required to track absence for time off for illness, work related illness/injury, or the attendance of school related activities for legal compliance reasons.

The amount of leave time available will appear on the employee's paycheck stub.

### **Sick Leave for Temporary and Certain Part-Time Employees**

All part-time employees working less than 20 hours per week on average (those not eligible for PTO) and temporary employees are eligible for 24 hours or three (3) days' sick leave per year beginning July 1, 2015. These employees are entitled to use sick leave beginning on the 90<sup>th</sup> day of employment with the District. On July 1, 2016, and every July 1 of subsequent years, all employee sick leave balances will reset to 24 hours or three (3) days. Any unused sick leave will be forfeited on June 30 of each year and

will not roll over to the next year. Employees may not cash out any accrued but unused sick time for any reason during employment at the District. Sick leave will not be paid out upon termination of employment.

Sick leave may be used for the diagnosis, care or treatment of an existing health condition of, or preventive care for, an employee or an employee's "family member." "Family member" is defined as: a child (whether biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis) regardless of the age of the child or dependency status, a parent (whether biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child), a spouse, a registered domestic partner, a grandparent, a grandchild, and a sibling. The District will also approve of the use of an employee's accrued paid sick time if the employee is a victim of domestic violence, sexual assault or stalking.

When electing to use paid sick time, the employee must use a minimum increment of two (2) hours. Paid sick leave available will be reflected on the employee's paycheck stub. Employees wishing to utilize paid sick leave must indicate it on their timecard.

If the need for paid sick leave is foreseeable, the employee must provide their immediate supervisor reasonable advance notification. If the need for paid sick leave is unforeseeable, the employee must provide notice of the need for leave as soon as practicable. In all cases, employees must call in no later than prior to the start of their work shift.

Employees who are rehired within one year from the date of their termination will have any unused sick leave reinstated.

## **Leaves of Absence**

### **I. Introduction**

The District provides (A) family care and medical leave for up to 12 weeks per year in accordance with California's Moore-Brown-Roberti Family Rights Act ("CFRA") and the federal Family and Medical Leave Act of 1993 ("FMLA"); (B) pregnancy-related disability leave for up to four months in accordance with the California Fair Employment and Housing Act; (C) disability leave as required to reasonably accommodate employees with a qualified disability under the Americans with Disabilities Act ("ADA") and Fair Employment & Housing Act ("FEHA") or with a workplace injury; (D) leave for legally required absences as set forth below; and (E) bereavement leave. Employees having any questions regarding this policy should contact the General Manager or his designated representative.

### **II. Family and Pregnancy Disability Leave and Transfer Policies**

#### **A. Family Leave Eligibility**

Under the FMLA and the CFRA, if you have more than 12 months of service with the District, have worked at least 1,250 hours in the past 12 months, and are employed at a worksite with 50 or more employees or the District employs at least 50 employees within 75 miles of your worksite, you may have a right to FMLA and/or CFRA leave. If eligible for such leave, you may be entitled to take up to 12 workweeks of unpaid, job protected leave in a 12 month period for the birth, adoption, or foster care placement of your child; for your own serious health condition or for that of your child, parent, registered domestic partner or spouse. (Registered domestic partners do not qualify for FMLA leave.) At your or the District's option, certain kinds of paid and unpaid leave may be substituted for family leave.

#### **B. Scheduling**

If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself or of a family member). For events which are unforeseeable, you need to notify the District, at least verbally, as soon as you learn



of the need for the leave. Failure to comply with these notice requirements is grounds for and may result in deferral of the requested leave.

C. Certification

The District requires certification from your health care provider before allowing you a leave for pregnancy or your own serious health condition, or certification from the health care provider of your child, parent, registered domestic partner or spouse who has a serious health condition before allowing you a leave to take care of that family member. Under certain circumstances, the District may also require second or third opinions (at its expense) and a fitness for duty report prior to your return to work. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

If you are taking CFRA leave following the birth, adoption, or foster care placement of a child, the basic minimum duration for such leave is two weeks, and you must conclude the leave within one year of the birth or placement for adoption or foster care.

D. Benefits

Where the FMLA and/or CFRA apply, the District will continue group health plan coverage (if any) for up to a maximum of 12 weeks in any 12-month period under the same terms and conditions as applied prior to your leave of absence. (The 12-month period will be measured forward from the first date leave is used.) Upon return from leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. While taking a family care or pregnancy disability leave may impact certain of your benefits and your seniority date, use of FMLA or CFRA leave cannot result in the loss of any employment benefit that accrued prior to the start of your leave of absence.

### **Pregnancy Disability Leave Policy**

If you are pregnant, have a related medical condition, or are recovering from childbirth, **PLEASE READ THIS NOTICE.**

California law protects employees against discrimination or harassment because of an employee's pregnancy, childbirth or any related medical condition (referred to below as "because of pregnancy"). California law also prohibits employers from denying or interfering with an employee's pregnancy-related employment rights.

The District has an obligation to:

- reasonably accommodate your medical needs related to pregnancy, childbirth or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);
- transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy; and
- provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17½ weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff.
- provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in Labor Code section 1030, et seq.

For pregnancy disability leave:

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy. Your health care provider determines how much time you will need.
- Once the District has been informed that you need to take PDL, the District must guarantee in writing that you can return to work in your same position if you request a written guarantee. The District may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, doctor-ordered bed rest, severe “morning sickness,” gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule, all of which counts against your four month entitlement to leave.
- You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation or other paid time off during your PDL.
- You may utilize your accrued PTO.
- The District is required to continue your group health coverage during your PDL at the level and under the conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact the General Manager for details.

#### Notice Obligations of Employees.

- Give the District reasonable notice: To receive reasonable accommodation, obtain a transfer, or take PDL, you must give the District sufficient notice for it to make appropriate plans – 30 days’ advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.
- Provide a Written Medical Certification from Your Health Care Provider. Except in a medical emergency where there is no time to obtain it, the District may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame the District requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. The District must provide at least 15 calendar days for you to submit the certification. See the General Manager for a copy of a medical certification form to give to your health care provider to complete.
- PLEASE NOTE that if you fail to give the District reasonable advance notice or written medical certification of your medical need, the District may be justified in delaying your reasonable accommodation, transfer, or PDL.

This notice is a summary of your rights and obligations under the Fair Employment and Housing Act (FEHA). For more information about your rights and obligations as a pregnant employee, contact the General Manager, visit the Department of Fair Employment and Housing’s Web site at [www.dfeh.ca.gov](http://www.dfeh.ca.gov), or contact the Department at 800-884-1684. The text of the FEHA and the regulations interpreting it are available on the Fair Employment and Housing Commission’s website at [www.fehc.ca.gov](http://www.fehc.ca.gov).

### III. Other Disability Leaves

In addition to medical leaves described in Section II, employees may take a temporary disability leave of absence if necessary to reasonably accommodate a workplace injury or an ADA/FEHA-qualified disability. Any disability leave under this section will begin after the employee has exhausted any medical leave to which the employee is entitled under Section II of this policy.



Employees taking disability leave must comply with the Family and Pregnancy Disability Leave provisions regarding substitution of paid leaves, notice requirements, and medical certification. Employees on leave (including PDL and FMLA/CFRA) accrue employment benefits, such as PTO only if the employee would otherwise be entitled to such accrual.

While an employee is on a disability leave of absence under this section, the District will hold the employee's position open or fill the position temporarily unless doing so would create an undue hardship for the District.

#### IV. Legally Required Leaves of Absence

Employees will be granted a leave of absence as required by law for the purpose of fulfilling any required legal or military obligation (e.g., jury duty, appearance as a witness in a legal proceeding, military reserve duty, appearance at school by a parent when requested pursuant to the Education Code, or performance of emergency duty by a volunteer firefighter.)

##### A. Jury and Witness Duty

Employees called for jury duty, or appearance as a witness in a legal proceeding are required to provide reasonable advance notice of any need for such leave and are expected to return to work each day or portion of the day that they are not selected for jury duty or called as a witness. Employees will be paid, with the amount paid to be offset by any amounts received as jury or witness fees. Witness leave related to matters within the course and scope of employment will be paid in accordance with applicable law.

##### B. Voting

Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two days in advance of the election. Up to two hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and the least time off work.

##### C. Family School Partnership

Employees who are custodial parents, guardians or grandparents of school-age (grades K-12) children may use up to 40 hours per year of leave, not to exceed 8 hours in any calendar month to participate in school activities. The employee is required to provide reasonable advance notice of any need for such leave and documentation from the school as proof of employee participation may be required. The employee is required to use existing PTO or compensatory time for any time off work. If both parents are employed by the District, the employee who first requests leave is entitled time off, and the other employee may be allowed to attend if he or she obtains the District's approval.

##### D. Military Leave

Military leave will be provided in accordance with applicable law.

#### V. Bereavement

In the event of a death in an employee's immediate family (spouse, registered domestic partner, child, parents, brother, sister, in-laws, grandparents or grandchildren), the employee may, upon approval of the General Manager or his designated representative, receive time off, not to exceed five (5) days in any one instance. The employee may use up to 5 days of PTO per calendar year for this leave. Except to the extent that PTO or compensatory time is substituted, bereavement leave is unpaid after the 5 days of PTO is used.

## Health Benefits

### I. Benefit Program

The District shall pay 100% of the premiums for eligible employees for medical, dental and vision care plans of the District up to a maximum set by the Board. (Except for an employee on PDL, the District's contribution towards premiums shall cease whenever an employee is on a leave of absence for more than 90 days.) The maximum monthly amount will be adjusted from time to time as deemed necessary by the Board of Directors.

### II. Eligibility

#### A. Employees

All regular full-time employees shall be eligible to participate in the District's health benefits program. Coverage will become effective on the first of the month following 60 days of employment, as long as the employee is actively at work on that day.

#### B. Retired Employees

All retirees who apply for retirement benefits from the District's Retirement Plan within 30 days of terminating from active service with the District shall be eligible to participate in the District's health benefits program for the remainder of the retiree's life. Termination from active service must be by resignation or retirement. Employees terminated for cause, and their dependents, are not eligible for this benefit.

#### C. Surviving Family Members

Surviving family members of an eligible employee or retiree, who were covered as dependents at the time of the employee's or retiree's death may continue coverage in the District's health benefit program until one of the following occurs:

1. the surviving spouse (unless stated otherwise "spouse" includes registered domestic partner in this manual) remarries; or
2. the surviving spouse reaches age 65; or
3. the surviving spouse becomes enrolled under another group health plan; or
4. a surviving family member would have become ineligible for coverage as a dependent; or
5. coverage is canceled.

Coverage for all surviving children is canceled when coverage of the surviving spouse is canceled. The maximum monthly amount for the surviving family members of a retiree will be the same as it was for the retiree. The maximum monthly amount for the surviving family members of an eligible employee will be modified according to the employee's years of service and the table in Section III for retired employees.

### III. Program Description

An eligible employee is required to maintain health insurance coverage on the individual employee through a District sponsored plan. Coverage for dependents, retirees and surviving family members is optional, as is dental and vision insurance.

The maximum monthly amount available for the payment of health benefits premiums for eligible employees is 100% of the amount established by the Board of Directors. The maximum monthly amount available for retirees and surviving family members is modified as determined by the following table, but in no case shall it be less than the employee-only portion of the premium of the least expensive medical plan offered.

**Employees Hired Prior to September 21, 2005**

Completed years of service	% of Maximum Amount
10	50%
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20	100%

**Employees Hired On or After September 21, 2005**

Completed years of service	% of Maximum Amount
10	25%
11	27.5%
12	30%
13	32.5%
14	35%
15	37.5%
16	40%
17	42.5%
18	45%
19	47.5%
20	50%
21	52.5%
22	55%
23	57.5%
24	60%
25	62.5%
26	65%
27	67.5%
28	70%
29	72.5%
30	75%
31	77.5%
32	80%
33	82.5%
34	85%
35	87.5%
36	90%
37	92.5%
38	95%
39	97.5%

The maximum cost to the District for Health Benefits is 100% of the participant's allowed premiums up to a maximum amount established by the Board of Directors. If the cost of the premiums for a participant exceeds the maximum monthly amount available for the participant, the participant shall pay the difference to the District.

#### IV. Medicare

Employees and retirees who are enrolled in Medicare Part B may have a portion of their Medicare Part B premiums paid by the District if they have not exceeded their maximum monthly amount available for health benefits.

#### V. Termination of Benefits

##### A. Employees

The benefits of this program shall terminate when the eligible employee is terminated, has a reduction of hours so that they are not regularly scheduled to work 40 hours per week, or enters into a non-pay status with the District, with the following exceptions. Employees who are on an approved Family Care and Medical Leave or PDL will continue to receive the benefits as set forth in those policies. Employees who are terminated (other than for gross misconduct) or who are on a leave of absence without pay, other than Family Care and Medical Leave or PDL, will have the option of continuing to obtain insurance coverage through the District's program for a period of eighteen (18) months after termination or the leave of absence without pay begins. In order to continue coverage, the individual will be required to make monthly premium payments equivalent to the current group rate, plus two percent.

##### B. Retirees and Surviving Family Members

The benefits shall terminate for retirees and surviving family members as previously described in Sections II B and II C.

### **Retirement Benefits**

The District has a contract with CalPERS for the benefit of its employees. All regular employees that work more than 1000 hours in the CalPERS fiscal year shall participate in the District's retirement program. The retirement program year begins on July 1.

Employees who are hired after January 1, 2013, who are "new members" (as defined in Government Code Section 7522.04(f), or its successor, shall be enrolled in the Public Employees Retirement System 2 percent at 62 formula. All other employees will be enrolled in the 2.5 percent at age 55 formula. "New members" will pay 6.25 percent of their salary towards PERS costs. All employees who are not new members will pay 8 percent of their salary towards PERS costs.

Employees become fully vested after the completion of five years participation in the retirement program.

This program is subject to the terms and conditions that the District, in its sole discretion, may contract for. For complete program details, contact the General Manager or his designated representative.

The District does not participate in Social Security.

### **Long-Term Disability Insurance**

A long-term disability insurance is provided to all participants of the retirement program. Short-term

disability insurance is provided through the State Disability Insurance program of the State of California.

The elimination period for the long-term disability insurance is 180 days of continuous total disability. The maximum benefit period is determined by the employee's age when disability begins. The maximum amount of the long-term disability benefit is equal to 66 2/3% of the first \$8,003 of monthly earnings, reduced by income from other sources. A pension contribution continuation benefit in the amount of 25% of the first \$8,003 of monthly earnings will be contributed to the employee's retirement program account while the employee is drawing long-term disability benefits or until the employee begins to draw retirement benefits. This program is subject to the terms and conditions that the District, in its sole discretion, may contract for. For complete program details, contact the General Manager or his designated representative.

### **Term Life and Accidental Death and Dismemberment Insurance**

Term life and accidental death and dismemberment insurance is provided to all participants of the retirement program.

The amount of insurance until age 70 is equal to 200% of the employee's annual earnings, with a maximum amount of \$100,000. For employees hired prior to April 1, 1996, to become insured for more than \$55,000, the employee must provide satisfactory evidence of insurability. An additional accidental death benefit, called the Seat Belt Benefit, is paid if the employee dies as a result of an automobile accident while wearing a seat belt at the time of the accident. The amount of this benefit is equal to \$50,000 or the amount of the accidental death and dismemberment insurance benefit, whichever is less. This program is subject to the terms and conditions that the District, in its sole discretion, may contract for. For complete program details, contact the General Manager or his designated representative.

### **Deferred Compensation**

In an effort to maximize the employee's retirement benefits, the District encourages employees to make a contribution into the Deferred Compensation Program. This program is subject to the terms and conditions that the District, in its sole discretion, may contract for. For complete program details, contact the General Manager or his designated representative.

### **Professional Development Through Certification & Education**

All regular full-time employees are encouraged to further their education, thereby improving job skills and knowledge. The District has therefore adopted an education policy encouraging employees to take advantage of worthwhile courses at schools, colleges, or through correspondence resulting in certification.

All new employees involved in a water treatment process as part of their job responsibilities shall attain and maintain the minimum grade of water treatment certification required by the State Health Department for the treatment processes currently used by the District. A Water Distribution Operator II and Water Treatment Operator I Certificate must be obtained in a time period determined by the General Manager. This certification is mandatory for water treatment process employees to qualify for consideration for salary increases and continued employment.

Other employees are encouraged to enroll in classes to aid in obtaining advanced certification in categories related to the employee's job classification.

The General Manager or his designated representative must give written approval of any educational program or certification program which the employee proposes to attend. An employee is responsible for any costs incurred in completing an educational program or certification program. However, a salary adjustment and reimbursement for the cost of the test will be made upon successful completion of approved programs as an added incentive for employees to attain the knowledge and experience provided by the certification process.

For non-supervisory employees, a 2.5% merit pay increase, equivalent to one pay range, will be given for obtaining each of the following certificates:

Water Treatment - Grades I and II

Water Distribution - Grades I, II and III

For supervisory employees, a 2.5% merit pay increase will be given for obtaining each of the following certificates in addition to the ones listed above:

Water Treatment - Grades III, IV and V

Water Distribution - Grades IV and V

The merit increase will be effective as of the test date of the individual certification examination. After obtaining one or more of the above certificates, it is the employee's responsibility to maintain the certificate levels, including maintaining the skills and knowledge represented by those certificate levels. If the employee fails to maintain a certificate, the employee will forfeit any or all merit pay increases and benefits pertaining to that certificate until such time as the employee takes the necessary steps to reinstate the certificate.

To ensure that the employee has adequately maintained the skills and knowledge represented by the certificate(s), the employee will be required to take and pass a Certificate Proficiency Exam, which will be administered by the District ~~annually~~ every three (3) years. If the employee fails the Certificate Proficiency Exam, the employee will be allowed to take the Exam again within two weeks of failing the first Exam. If the employee fails the Exam the second time, the employee will forfeit any or all merit pay increases pertaining to the certificate(s), effective as of the date the employee failed the second Exam. The employee will ~~be allowed to take the Certificate Proficiency Exam at the next annual testing time~~ then need to arrange a follow-up exam with the General Manager before merit increases can be reinstated. No retroactive compensation will be available for employees who must re-take this exam.

A minimum of a 2.5% merit pay increase, equivalent to one pay range, will be given for completion of each approved educational program. The merit increase will be effective as of the completion date of the educational program.



## V. SAFETY RULES AND PROCEDURES

### Safety Program

Each employee is expected to follow the safety program as set forth by the District's safety policy. The safety policy is published separately from this Manual and may be obtained from the General Manager or his designated representative.

### Emergency Procedures

Major disasters must be anticipated. The following outlines emergency measures which must be taken in the event of a fire, earthquake, power blackout, or other emergency. Remember, your conduct and actions during the first few minutes of any emergency may not only save your life, but the lives of your co-workers as well.

#### I. Medical Emergencies, Work Injuries or Accidents

A. First Aid Materials. Supplies of simple first aid materials such as band-aids, aspirin, etc., are kept in marked medical boxes in the office and warehouse and in district vehicles. Additionally, fire extinguishers, flashlights and first aid kits are also located in the office, warehouse and in district vehicles.

B. Medical Facility to Contact. The District does not recommend any particular doctor or hospital; if such service is required, call the Paramedic Emergency Ambulance service at 911.

C. Reporting Work Injuries or Accidents. Employees must report any injury or accident suffered on-the-job immediately to their supervisor.

#### II. Fire Procedures/Emergency Evacuation Plan

The following procedures must be followed should a fire occur or a fire alarm be activated in the building:

A. Any fire, regardless of size, should be reported immediately to the Fire Department by dialing 911.

B. The person reporting the fire should state the District's name and address, the location of the fire (roof, floor, location on the floor), what is burning (machines, paper, etc.), and the type of fire (electrical, liquid, etc.).

C. Supervisors should see to the safety of all disabled persons and should assist them to a safe area.

D. Fire extinguishers are located in the office and warehouse and in district vehicles and should be used to fight small fires only. A minimum of two persons, if possible, are required to fight a fire. To ensure employee safety, this is to be done only during the early stages of the fire.

E. If the fire is not contained immediately, all persons should leave the building. Supervisors will direct the evacuation of employees according to Building or Fire Department instructions.

F. All doors and windows in the fire area should be closed only if this can be done safely.

G. The building's emergency exits are clearly marked.

H. Premises affected by fire should be left with the doors unlocked.

I. Wait at the front entrance for arrival of fire fighting equipment. Direct the firemen to the fire if necessary.

### III. Earthquake Procedures

In the event of an earthquake, the following procedures are recommended:

A. Move away from windows and proceed to interior corridors or other protected areas. Take shelter under a sturdy table or equipment and remain there until all shaking has ceased.

B. Do not stand under light fixtures or near any objects which might fall or move.

C. Should it be necessary to evacuate the building, once outside, employees should move away from the building to protect themselves from possible broken glass and flying debris. Be alert for fallen high tension lines which may be touching metal objects on the ground.

D. Assess damage and injuries and give first aid as needed.

E. After an earthquake, remember that utilities, police and fire agencies may not be readily available. Do not attempt to telephone unless essential.

### IV. Power Blackout Procedures

A. If a power blackout occurs, turn off all machinery and electrical equipment such as computers, typewriters, copy machines, fax machines, coffee makers, etc. to lessen the electrical load on the circuits.

B. Management will determine the cause and possible duration of the blackout and any information will be communicated to employees.

### V. Emergency Telephone Numbers

FIRE DEPARTMENT:	911
POLICE DEPARTMENT:	911
AMBULANCE/PARAMEDIC:	911
POISON CONTROL CENTER:	911

### VI. Weapons/Anti-Violence Policy

The District has adopted a Zero Tolerance Policy against workplace violence. Consistent with this policy, acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the District or which occur on District property will not be tolerated.

Acts or threats of violence include conduct which is sufficiently severe, offensive, or intimidating to alter the employment conditions at the District or to create a hostile, abusive, or intimidating work environment for one or several District employees. Examples of workplace violence include, but are not limited to, the following:

- All threats or acts of violence occurring on the District premises, regardless of the relationship between the District and the parties involved in the incident.
- All threats or acts of violence occurring off the District premises involving someone who is acting in the capacity of a representative of the District.



- All threats or acts of violence occurring off the District premises involving an employee of the District if the threats or acts affect the legitimate interests of the District.
- Any acts or threats resulting in the conviction of an employee or agent of the District, or of an individual performing services for the District on a contract or temporary basis, under any criminal code provision relating to violence or threats of violence which adversely affect the legitimate interests and goals of the District.

Specific examples of conduct which may be considered threats or acts of violence include, but are not limited to, the following:

- Hitting or shoving an individual.
- Threatening an individual or his/her family, friends, associates, or property with harm.
- The intentional destruction or threat of destruction of District property.
- Harassing or threatening phone calls.
- Harassing surveillance or stalking.
- The suggestion or intimation that violence is appropriate.
- Unauthorized possession or inappropriate use of firearms or weapons.

The District's prohibition against threats and acts of violence applies to all persons involved in the District's operation, including but not limited to District personnel, contract, and temporary workers and anyone else on District property. Violations of this policy by any individual on District property, by any individual acting as a representative of the District while off District property, or by any individual acting off of District property when his/her actions affect the District's business interests will lead to disciplinary action (up to and including termination) and/or legal action as appropriate.

Possession while on duty or bringing onto District property unauthorized material, such as explosives, weapons (including, but not limited to, firearms and knives), or other similar items, is strictly prohibited.

Every employee and every person on District property is required to report incidents of threats or acts of physical violence or any other violation of this policy of which he/she is aware. The report should be made to the General Manager, the reporting individual's immediate supervisor, or another supervisory employee if the immediate supervisor is not available. Nothing in this policy alters any other reporting obligation established in District policies or in state, federal, or other applicable law.

## VI. APPENDIX A

### **Drug and Alcohol Use - Safety-Sensitive Employees**

The Federal Highway Administration (FHWA) of the Department of Transportation has enacted 49 CFR Part 382 that mandates urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. **[DO WE PARTICIPATE IN "FEDERAL NON-PROCUREMENT PROGRAMS" OR GRANTS? ARE WE STATE GRANTEE OR CONTRACTOR SUBJECT TO STATE'S DFWA GOV. CODE § 8350-8357?]** The policy incorporates those requirements of safety-sensitive employees and others when so noted. It is the intent of this policy to fully comply with all applicable regulations and to the extent this policy conflicts with the regulations, including any subsequent amendments, the regulations shall control.

#### I. Applicability

This policy applies to all safety-sensitive employees and contractors when they are on District property or when performing any District related business. It applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work. Visitors, vendors, and contracted employees are governed by this policy while on District premises, and they will not be permitted to conduct business if found to be in violation of this policy.

A safety-sensitive position is defined as any position requiring the use of a Class "A" or Class "B" commercial drivers license. A listing of CRESTLINE VILLAGE WATER DISTRICT's safety-sensitive employee (function and/or position) classifications can be found in Exhibit "1" of this policy statement. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Safety-sensitive functions include:

- A. All time at a carrier or shipper, plant, terminal, facility, or other property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- B. All time inspecting equipment as required by the Federal Motor Carrier Safety Regulations or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- C. All time spent at the driving controls of a commercial motor vehicle.
- D. All time, other than driving time, spent on or in a commercial motor vehicle (except for time spent resting in the sleeper berth).
- E. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- F. All time repairing, obtaining assistance for, or remaining in attendance upon a disabled vehicle.

## II. Prohibited Substances

"Prohibited substances" addressed by this policy include the following:

### **Drugs:**

- a. Amphetamines/Methamphetamines (Examples: Speed and Crystal)
- b. Cocaine
- c. Opiates (Examples: Codeine, Heroin and Morphine)
- d. Phencyclidine (PCP)
- e. Marijuana (THC Metabolite)
- f. 6-Acetylmorphine (6-AM)
- g. Methylenedioxymethamphetamine (MDA)

### **Alcohol:**

This use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in Department of Transportation guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. "Alcohol" is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.

## III. Prohibited Conduct

### A. Manufacture, Trafficking, Possession, and Use

Any safety-sensitive employee engaging in the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or alcohol on District premises, in District vehicles or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from safety-sensitive duty, referral to a Substance Abuse Professional (SAP), and possible disciplinary action.

### B. Impaired/Not Fit for Duty

Any safety-sensitive employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from safety-sensitive job duties and be required to undergo a reasonable suspicion controlled substance or alcohol test. Employees failing to pass this reasonable suspicion controlled substance or alcohol test shall remain off duty and be referred to a Substance Abuse Professional (SAP). A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the Department of Transportation guidelines.

### C. Alcohol Use

No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No safety-sensitive employee shall use alcohol while on duty or while

performing safety-sensitive functions. No safety-sensitive employee shall use alcohol within four hours of reporting for duty nor during hours that he/she is on call. Violation of this provision is prohibited and will subject the employee to removal from safety-sensitive duty and referral to a Substance Abuse Professional (SAP).

D. Compliance with Testing Requirements

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

E. Treatment/Rehabilitation Program

All safety-sensitive employees with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:

**Positive Controlled Substance and/or Alcohol Test: A Rehabilitation Program is available for safety-sensitive employees who have tested positive for a prohibited substance on a one time basis only. Employees will be immediately terminated on the occurrence of a second verified positive test result.** When recommended by the Substance Abuse Professional (SAP), participation and completion of the rehabilitation program is mandatory. Failure of a safety-sensitive employee to attend and/or complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one year or longer than five years.

**Voluntary Admittance:** All safety-sensitive employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to the General Manager or his/her designee for review. **Program costs will be paid by the safety-sensitive employee.** An employee failing to complete the program will be subject to termination from employment. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for 36 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests within a 36 month period will result in termination from employment.

Participants in the rehabilitation program may use accumulated PTO and floating holidays, if any.

IV. Notifying the District Of Criminal Drug Conviction

Pursuant to the "Drug Free Workplace Act of 1988" any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

V. Proper Application of the Policy

The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. Therefore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is

found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination.

#### VI. Testing For Prohibited Substances

Analytical urine controlled substance testing and breath testing for alcohol will be conducted as required under Department of Transportation guidelines. All safety-sensitive employees shall be subject to testing prior to employment, randomly, for reasonable suspicion, and following an accident, as defined in the Department of Transportation guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five years, as determined by a Substance Abuse Professional (SAP). Safety-sensitive employees who perform safety-sensitive functions as defined in the Department of Transportation guidelines shall also be subject to testing on randomly selected, unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS). All testing will be conducted consistent with the procedures put forth in the Department of Transportation guidelines.

The controlled substances that will be tested for include Amphetamines/Methamphetamines, Cocaine, Opiates, Phencyclidine, Marijuana, 6-Acetylmorphine, and Methylenedioxymethamphetamine. An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established in the Department of Transportation guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.02 but less than 0.04 will be removed from his/her position for at least twenty-four hours unless a retest results in an alcohol concentration less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of Department of Transportation guidelines and this policy.

Any safety-sensitive employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by a Substance Abuse Professional (SAP).

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

#### **Employees in Safety-sensitive positions may be tested under any of the following circumstances:**

##### A. Pre-Employment Testing

All applicants for safety-sensitive classifications shall undergo urine controlled substance testing prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the applicant from further consideration for employment. Pre-Employment testing requirements will be conducted in compliance with current law.



In addition, the District is required to obtain from previous employers, pursuant to an employee or prospective employee's written consent, information on any alcohol tests of 0.04 or greater, positive drug test results, refusals to be tested, or other violations of drug and alcohol testing regulations. Such information may include not only records regarding a covered employee's violation of the DOT regulations resulting from alcohol or controlled substance testing while working for the previous employer, but may also include any records of violations within the past three years that the previous employer received from other employers. The District must also require any documentation of the employee's successful completion of return to duty requirements if the employee had any DOT violations within the preceding two years. The form attached at Exhibit 2 will be used. This information must be obtained and reviewed as soon as possible. An employee may not perform safety-sensitive functions beyond 30 days unless the District obtains the necessary information. The District is required to obtain this information even if the employee stops performing safety-sensitive function during the 30-day period. The District is required to ask the employee or prospective employee whether he or she has tested positive, or refused to test, on any pre-employment drug or alcohol test administered by a prospective employer during the past two years.

#### B. Reasonable Suspicion Testing

All safety-sensitive employees will be subject to urine and /or breath testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion may include, but are not limited to, the following:

1. Adequate documentation of unsatisfactory work performance or on-the-job behavior that is reasonably suspected to be related to substance abuse.
2. Physical signs and symptoms consistent with prohibited substance use.
3. Occurrence of a serious or potentially serious accident that may have been caused by human error.
4. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety, security, or other operation procedures.

Reasonable suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

#### C. Post-Accident Testing

Safety-sensitive employees will be required to undergo controlled substance and/or breath alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles and any other whose performance could have contributed to the accident. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; and the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as practicable (generally within 2 hours), but not to exceed 8 hours for alcohol and 32 hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be considered to have refused the test and subject to termination. Post-accident testing of safety-sensitive employees will include not only the

operation personnel, but any other covered employees whose performance could have contributed to the accident.

D. Random Testing

Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

E. Return-to-Duty Testing

All safety-sensitive employees who previously tested positive on a controlled substance or alcohol test must test negative and be evaluated and released to duty by the Substance Abuse Professional (SAP) before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The duration and frequency will be determined by the SAP. However, it shall not be less than 6 tests during the first 12 months, nor longer than 60 months in total, following return to duty.

F. Employee Requested Testing

Any safety-sensitive employee who questions the result of a required controlled substance test under Department of Transportation guidelines may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the Department of Transportation guidelines. The safety-sensitive employee's request for a retest must be made to the MRO within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documented facts that were beyond the control of the employee.

VII. Employee Assessment

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

If a safety-sensitive employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one to five years, as determined by the SAP. The cost of any rehabilitation is borne by the safety-sensitive employee and is on a one time basis only. Employee will be immediately terminated on the occurrence of a second verified positive test result. Employees may use accumulated PTO and floating holidays, if any, to participate in the prescribed rehabilitation program.



VIII. Contact Person

Any questions regarding this policy should be directed to one of the following District representatives:

Karl B. Drew, General Manager  
777 Cottonwood Drive  
Post Office Box 3347, Crestline, CA 92325  
(909) 338-1727

IX. Definitions

**ACCIDENT** - means an unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.

**ALCOHOL** - means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.

**ALCOHOL CONCENTRATION** - means the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air.

**ALCOHOL USE** - means consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the Department of Transportation prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing affect due to the presence of other elements (e.g., antihistamines).

**BREATH ALCOHOL TECHNICIAN (BAT)** - means a person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.

**CHAIN OF CUSTODY** - means the procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.

**COLLECTION SITE** - means a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

**COMMERCIAL MOTOR VEHICLE** - means a motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (2) has a gross vehicle weight rating of 26,001 or more pounds; or (3) is designed to transport 16 or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

**CONFIRMATION TEST** - for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas

chromatography/mass spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

**CONTROLLED SUBSTANCE (DRUG) TEST** - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.

Testing for controlled substances will be performed according to the Toxicological cutoff standards required by 49 CFR Part 40, as amended. The Company will use the highest cutoff levels permitted by the DOT for both screening and confirmation tests. The Toxicological Laboratory cutoff standards for positive test results are currently published as follows:

Initial test analyte	Initial test cutoff concentration	Confirmatory test analyte	Confirmatory test cutoff concentration
Marijuana metabolites	50 ng/mL	THCA <sup>1</sup>	15n g/mL
Cocaine metabolites	150 ng/mL	Benzoylcegonine	100 ng/mL
Opiate metabolites			
Codeine/Morphine <sup>2</sup>	2000 ng/mL	Codeine	200 ng/mL
		Morphine	2000 ng/mL
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines <sup>3</sup>			
AMP/MAMP <sup>4</sup>	500 ng/mL	Amphetamine	250 ng/mL
		Methamphetamine <sup>5</sup>	250 ng/mL
MDMA <sup>6</sup>			
	500 ng/mL	MDMA	250 ng/mL
		MDA <sup>7</sup>	250 ng/mL
		MDEA <sup>8</sup>	250 ng/mL

<sup>1</sup>Delta-9-tetrahydrocannabinol-9-carboxylic acid (THCA)

<sup>2</sup>Morphine is the target analyte for codeine/morphine testing.

<sup>3</sup>Either a single initial test kit or multiple initial test kits may be used provided the single test kit detects each target analyte independently at the specified cutoff.

<sup>4</sup>Methamphetamine is the target analyte for amphetamine/methamphetamine testing.

<sup>5</sup>To be reported positive for methamphetamine, a specimen must also contain amphetamine at a concentration equal to or greater than 100 ng/mL.

<sup>6</sup>Methylenedioxyamphetamine (MDMA).

<sup>7</sup>Methylenedioxyamphetamine (MDA).

<sup>8</sup>Methylenedioxyethylamphetamine (MDEA).

**COVERED EMPLOYEE** - means a person including a volunteer, applicant, or transferee, who performs a safety-sensitive function for the District.

**DEPARTMENT OF TRANSPORTATION GUIDELINES** - means the controlled substance and alcohol testing rules 49 CFR, Part 382 (FHWA - Commercial Motor Vehicle), and the procedures for controlled substance and alcohol testing (49 CFR Part 40), or any successor regulations.

**DISTRICT** - means CRESTLINE VILLAGE WATER DISTRICT.

**DISTRICT TIME** - means any period of time in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

**DRIVER** - means any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

**DRUG (CONTROLLED SUBSTANCE) METABOLITE** - means the specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.

**EVIDENTIAL BREATH TESTING DEVICE (EBT)** - means the device to be used for breath alcohol testing.

**MEDICAL REVIEW OFFICER (MRO)** - means a licensed physician responsible for analyzing laboratory results generated by an employer's controlled substance (drug) testing program. The MRO is knowledgeable about substance abuse disorders and has appropriate medical training to interpret and evaluate positive test results.

**PERFORMING (SAFETY SENSITIVE FUNCTION)** - means a safety-sensitive employee is considered to be performing a safety sensitive function and includes any period in which the safety-sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.

**POST-ACCIDENT ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING** - conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See Accident.

**PRE-EMPLOYMENT CONTROLLED SUBSTANCE TESTING** - conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Also required when employees transfer to a safety sensitive-position.

**PROHIBITED DRUGS (CONTROLLED SUBSTANCES)** - means Amphetamines/Methamphetamines (Examples: Speed and Crystal), Cocaine, Opiates (Examples: Codeine, Heroin and Morphine), Phencyclidine (PCP), Marijuana (THC Metabolite), 6-Acetylmorphine (6-AM), and Methylenedioxyamphetamine (MDA).

**PROHIBITED SUBSTANCES** - means and is synonymous to drug abuse and/or alcohol misuse or abuse.

**RANDOM ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING** - conducted on a random unannounced basis just before, during or just after performance of safety sensitive functions.

**REASONABLE SUSPICION ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING** - conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.

**REFUSE TO SUBMIT (TO AN ALCOHOL AND/OR CONTROLLED SUBSTANCE TEST)** - means that a safety-sensitive employee fails to provide an adequate breath or urine sample for testing without a valid medical explanation after that safety-sensitive employee received notice of the requirement to be tested, or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test.)

**REHABILITATION** - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical or emotional/mental problems which contributed to job problems.

**RETURN-TO-DUTY AND FOLLOW-UP ALCOHOL AND/OR CONTROLLED SUBSTANCE TESTING** - conducted when an individual who has violated the prohibited alcohol or controlled substance conduct standards returns to performing safety sensitive-duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return to duty upon the SAP recommendation.

**RETURN-TO-DUTY AGREEMENT** - means a document agreed to and signed by the employer, safety-sensitive employee and the Substance Abuse Professional that outlines the terms and conditions under which the safety-sensitive employee may return to duty after having had a verified positive controlled substance test result or an alcohol concentration of 0.04 or greater on an alcohol test.

**SAFETY-SENSITIVE EMPLOYEE (FUNCTION AND/OR POSITION)** - An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

A complete list of safety-sensitive employee (function and/or position) classifications is listed in Exhibit I.

**SCREENING (INITIAL) TEST** - In alcohol testing, it means an analytical procedure to determine whether a safety-sensitive employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it means an immunoassay screen to eliminate negative urine specimens from further consideration.

**SUBSTANCE ABUSE PROFESSIONAL (SAP)** - means a licensed physician (Medical Doctor or Doctor of Osteopathy), or a licensed or certified psychologist, social worker (with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol-related disorders, the license alone does not authorize this), Certified Employee Assistance Professional (CEAP), or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

**SUPERVISOR** - means a person in authority who has had at least one hour of training on the signs and symptoms of alcohol abuse and an additional hour of training on the signs and symptoms of controlled substance abuse.

**VEHICLE** - means a bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.



**Exhibit 1**

**SAFETY-SENSITIVE EMPLOYEE CLASSIFICATIONS FOR DISTRICT**

Funded and Unfunded Classifications\* Impacted by the Regulations

Field Supervisor with Class A or B Driver Licenses  
Servicemen with Class A or B Driver Licenses

An Administrator will maintain a list of the specific positions within the above listed classifications that are covered under Department of Transportation regulations.

\* Subject to change



**Exhibit 2**

**[TO BE TYPED ON DISTRICT LETTERHEAD]**

Dear Personnel Director:

We understand that Mr./Ms. \_\_\_\_\_ was employed by your corporation within the past two years.

Mr./Ms. \_\_\_\_\_ is now being considered for a position at Crestline Village Water District ("District") that is covered by the District's Drug and Alcohol Testing Policy established pursuant to federal laws and regulations. (Title 49 of the Code of Federal Regulations, Part 382.) We are required by law to obtain from previous employers information regarding drug and alcohol testing within the last two years of the person named below as a condition of his/her commencement of certain job duties. A consent form is enclosed. Therefore, please release the information specified in that form to \_\_\_\_\_ in the Personnel Department of the District. You may contact \_\_\_\_\_ by calling (\_\_\_\_) \_\_\_\_\_ or by mailing information to the following address:

Please direct any questions regarding this confidential matter to \_\_\_\_\_ at (\_\_\_\_) \_\_\_\_\_. Thank you for your prompt attention to this matter.

Sincerely,

\_\_\_\_\_





**AUTHORIZATION FOR USE OR DISCLOSURE  
OF MEDICAL INFORMATION**

A. EXPLANATION:

This authorization for use and disclosure of medical information is being requested of you to comply with the terms of the Confidentiality of Medical Information Act.

B. AUTHORIZATION:

I, \_\_\_\_\_, hereby authorize  
(Name of Employee/Applicant)

\_\_\_\_\_  
(Name of Previous Employer)

to furnish to Crestline Village Water District (the "District") medical information, including the results of drug or alcohol testing, in summary form pertaining to my drug and/or alcohol test results and related information. Specifically, please release the following information to the District:

- Any alcohol tests with a concentration result of 0.04 or greater in the past two years
- Any verified positive controlled substances test results in the past two years
- Any refusals to be tested in the past two years
- Other violations of DOT agency drug and alcohol testing regulations
- In the case of violations, any documentation of successful completion of return to duty requirement including follow up tests

C. USES:

I further authorize the District to receive and to use the summary medical information authorized hereunder for the purpose of evaluating my fitness for employment, possible disciplinary actions and other legitimate purposes set forth in the District's Drug and Alcohol Testing Policy for Employees with Commercial Drivers' Licenses.

D. DURATION:

This authorization will become effective immediately and will remain in effect for 45 days from the date of employee signing the form. Effective until \_\_\_\_\_.  
Date

E. RESTRICTIONS:

I understand that the District may not further use or disclose the medical information received pursuant to this authorization unless another authorization is obtained from me or unless such use or disclosure is specifically required or permitted by law.

F. ADDITIONAL COPY:

I further understand that I have a right to receive a copy of this authorization upon my request. Copy requested and received: YES \_\_\_\_ NO \_\_\_\_ Initial \_\_\_\_

CONSENT GIVEN:

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Employee's/ Applicant's Name	(Print)	Signature	Date
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Witness' Name	(Print)	Signature	Date
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[or]

CONSENT REFUSED:

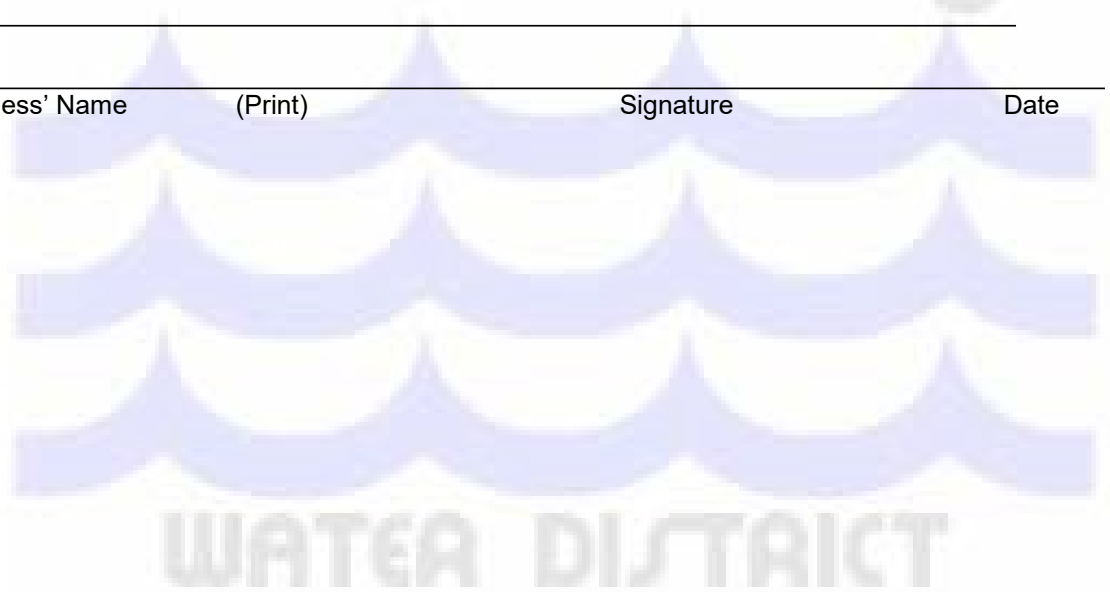
---

Employee's/ Applicant's Name	(Print)	Signature	Date
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Explanation for refusal: \_\_\_\_\_  
\_\_\_\_\_

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Witness' Name	(Print)	Signature	Date
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**ACKNOWLEDGMENT OF RECEIPT OF PERSONNEL MANUAL**

This is to acknowledge that I have received a copy of the Personnel Manual and understand that it contains important information on the District's general personnel policies and on my privileges and obligations as an employee. I acknowledge that I am expected to read, understand and adhere to District policies and I will familiarize myself with the material in the manual. I understand that I am governed by the contents of the manual and that the District may change, rescind or add to any policies, benefits or practices described in the manual from time to time in its sole and absolute discretion with or without prior notice. The District will advise employees in writing of material changes within a reasonable time.

\_\_\_\_\_  
Employee's Name (print or type)

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature



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