

Bighorn-Desert View Water Agency

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A Public Agency

www.bdvwa.org

Finance/Public Relations/Education And Personnel Standing Committee Special Meeting Agenda

July 25, 2018 - 9:00 a.m.

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285

Committee Members: President McBride & Director Coulombe

The BDVWA Finance/Public Relations/Education & Personnel Committee meeting will be conducted in strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend may do so only as observers and may not participate in the meeting.

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda

Discussion and Action Items - The Committee and Staff will discuss the following items and provide direction to staff, if so inclined.

The Public is invited to comment on any item on the agenda during discussion of that item.

When giving your public comment, please have your information prepared. If you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment.

5. 2018 Employee Handbook Update

6. Agency Organizational Structure – Review Proposed Organizational Charts

- 7. Consent Items** - The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member of the Public or a Committee member requests that an item be held for discussion or further action.

- a. FPREP Committee Meeting Report, May 16 , 2018

8. Public Comment Period

Any person may address the Committee on any matter within the Agency's jurisdiction on items not appearing on this agenda.

When giving your public comment, please have your information prepared. If you wish to be identified for the record then please state your name. Due to time constraints, each member of the public will be allotted three-minutes to provide their public comment. State Law prohibits the Committee from discussing or taking action on items not included on the agenda.

9. Verbal Reports

- a. Committee Member Comments/Reports
b. General Manager Report

10. Adjournment

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above.

As a general rule, agenda reports or other written documentation has been prepared or organized with respect to each item of business listed on the agenda.

Copies of these materials and other disclosable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org.

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately.

Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.

AGENDA ITEM # 5

BIGHORN-DESERT VIEW WATER AGENCY



EMPLOYEE HANDBOOK

ADOPTED ~~NOVEMBER 27, 2012~~ JULY, 2018

RESOLUTION NO. ~~12R-82~~ XXR-XX

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APPENDIX A ~~JOB CLASSIFICATIONS SCHEDULE~~ DRUG AND ALCOHOL TESTING POLICY.....

CLASSIFICATION:

Accounting Technician I / II/ III Cust. Svs. Representative

Water Distribution Operator I/ II/ III

APPENDIX B ~~JOB DESCRIPTIONS/CLASSIFICATIONS~~

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BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

ARTICLE 1.0 GENERAL STATEMENTS

1.1 SHORT TITLE

This Resolution shall be known as "The Bighorn-Desert View Water Agency Employee Handbook".

1.2 WORDS AND PHRASES

For the purpose of this Resolution, all words used herein in the present tense shall include the future; all words used in the plural shall include the singular; all words used in the singular shall include the plural; and all words used in the masculine gender shall include the feminine and vice versa.

1.3 SEPARABILITY

If any section, article, clause, or phrase of this Resolution is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this Resolution.

1.4 EFFECTIVE DATE

This Resolution shall become effective upon the date of its adoption and supersede all other Resolutions or Policies or Ordinances in conflict there within.

1.5 SUBSEQUENT REVISIONS

That the Board of Directors of the Agency may, by Resolution duly passed upon the affirmative vote of the majority of the members of the Board of Directors, modify and amend the Employee Handbook at any time and from time to time.

ARTICLE 2.0 INTRODUCTORY POLICIES

2.1 INTRODUCTORY STATEMENT

This Employee Handbook sets forth the terms and conditions of the "at will" employment of all full and part-time employees. Individual written employment contracts may supersede some of the provisions of this handbook. This handbook is designed to familiarize every employee with the Agency's major policies. Supervisors or managers can answer any questions employee's may have.

2.2 INTEGRATION CLAUSE AND THE RIGHT TO REVISE

The Agency reserves the right to revise, modify, delete or add to any and all policies, procedures, work rules or benefits stated in this handbook or in any other document. All amendments become effective immediately upon their adoption by the Agency Board of Directors. Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way change or alter the provisions of this handbook. This handbook contains the terms and conditions of the employee's "at will" employment. Nothing in this employee handbook, or any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee. This handbook supersedes all prior employee handbooks and any other conflicting policies.

2.3 EQUAL EMPLOYMENT OPPORTUNITY

This Agency is an equal opportunity employer and makes employment decisions on the basis of merit. The Agency desires to have the best available persons in every job. Agency policy prohibits unlawful discrimination based on race, color, religious creed, sex, religion, marital status, age, national origin or ancestry, physical or mental disability, medical condition, sexual orientation, gender identity gender, gender expression, genetic information or any other consideration made unlawful by applicable federal, state or local laws. All such discrimination is unlawful. The Agency is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the Agency and prohibits unlawful discrimination by any employee of the Agency, including supervisors and co-workers.

~~If an employee believes they have been subjected to any form of unlawful discrimination, a written complaint should be submitted to the supervisor or the individual with day-to-day personnel responsibilities. The employee's complaint should be specific and should include the names of the individuals involved and the names of any witnesses. The Agency will immediately undertake an effective, thorough and objective investigation and attempt to resolve the situation.~~

~~If the Agency determines that unlawful discrimination has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action~~

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~~will also be taken to deter any future discrimination, whatever action is taken will be made known to the employee and the Agency will take appropriate action to remedy any loss to the employee as a result of the discrimination. The Agency will not retaliate against any employee for filing a complaint and will not knowingly permit retaliation by management employees or co-workers.~~

2.4 FAIR PAY ACT POLICY

The Agency follows all applicable state and federal laws requiring equal pay for employees for substantially similar work. Substantially similar work is a composite of skill, effort and responsibility when performed under similar working conditions. Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity is prohibited. Pay differentials may be valid in certain situations as set forth in applicable law. California's Fair Pay Act and the Agency prohibit discrimination and retaliation against any employee who invokes or assists in the enforcement of the Fair Pay Act. Employees will not be retaliated against for inquiring about or discussing wages.

If you believe you are not being paid the same wage as other employees engaged in substantially similar work of a different race, ethnicity or sex, please report your concerns to the General Manager so that appropriate corrective action may be taken.

2.5 UNLAWFUL HARASSMENT POLICY AGAINST EMPLOYEE HARASSMENT AND DISCRIMINATION

1. Policy Statement. ~~The Agency strictly prohibits unlawful harassment. 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 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 Agency, including, but not limited to, full- and part-time employees, per diem employees, temporary employees, and persons working under contract for the Agency.~~
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:~~

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- ~~(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 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 or any other protected classification under applicable law.~~

~~4. Procedure.~~

~~A. Internal Reporting Procedure~~

- ~~(1) Any employee who believes that they have been the victim of sexual or other prohibited harassment by coworkers, supervisors, clients or customers, visitors, vendors, or others should immediately notify their supervisor or, in the alternative, the General~~

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~~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 they have 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 Agency, the complainant will be provided with a copy of this policy. The General Manager is the person designated by the Agency to investigate complaints of harassment. The General Manager may, however, delegate the investigation at their 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 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 Agency'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;~~

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~~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 Agency, DFEH, or FEHC is strictly prohibited by the Agency 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 an Agency 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.~~

1. Policy Statement -- The Agency strictly prohibits unlawful harassment and discrimination. This includes harassment and discrimination on the basis of sex, gender, sexual orientation, gender identity, gender expression, genetic information, race, color, ancestry, national origin, religious creed, physical disability, mental disability, medical condition, age (over 40), marital status, military and veteran status, or any other protected class under applicable law.

2. Application

- A. This policy applies to all phases of the employment relationship, including, but not limited to, recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.

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

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, texts 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, national origin, religious creed, physical disability, mental disability, medical condition, age (over 40), marital status, military

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or veteran status, sexual orientation, gender identity, gender expression, 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 or discrimination by co workers, supervisors, managers, clients or customers, visitors, vendors, or others (including third parties) 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 report it to the General Manager so the Agency can try to resolve the claim internally.

B. External Reporting Procedure

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

5. Investigation

- A. Upon the filing of a complaint with the Agency, the complainant will be provided with a copy of this policy. The complainant shall be notified in a timely manner that their complaint has been received and will be investigated. The General Manager is the person designated by the Agency to investigate complaints of harassment and/or discrimination. The General Manager may, however, delegate the investigation to qualified, impartial personnel at his/her discretion. In the event the harassment or discrimination complaint is against the General Manager, a different investigator shall be appointed by the President or the Board of Directors. A fair, timely and thorough investigation will be conducted. All parties to the investigation will receive appropriate due process.

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

6. Internal Documentation Procedure

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- 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 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 or discrimination, 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 unlawful harassment or unlawful discrimination. 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 or discrimination. The determination of whether harassment or discrimination occurred will be made on a case-by-case basis by the General Manager. All investigations should be closed in a timely manner.
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. Remedial Action
 - (1) If the General Manager determines that the complaint of harassment or discrimination 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 Agency'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, the DFEH may issue a determination on the merits of the case.
- (1) Where a case is not settled, the DFEH may pursue litigation in civil court with the Complainant as the Real Party in Interest. Legal remedies available through the DFEH 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; reasonable attorneys' fees; and under appropriate circumstances, punitive damages, out-of-pocket losses, affirmative relief, training, and emotional distress damages.
- (2) In the alternative, the 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 Agency or the DFEH, is strictly prohibited by 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 or discrimination, they are obligated to report instances of harassment.
- B. Employees are obligated to cooperate in every investigation of harassment or discrimination, including, but not necessarily limited to:
- (1) Coming forward with evidence, both favorable and unfavorable to a person accused of harassment or discrimination; and
- (2) Fully and truthfully making a written report or verbally answering questions when required to do so during the course of a Agency investigation of alleged harassment or discrimination.
- C. Knowingly, falsely accusing someone of harassment or discrimination or otherwise knowingly giving false or misleading information in an investigation of harassment or discrimination shall result in disciplinary action, up to and including, termination of employment.

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ARTICLE 3.0 EMPLOYMENT POLICIES AND PRACTICES

3.1 AT-WILL EMPLOYMENT

Bighorn-Desert View Water Agency personnel are employed on an at-will basis (only employees hired prior to December 20, 2005 are not "at will"). Employment at-will may be terminated with or without cause and with or without notice at any time by the employee or the Agency. Nothing in this handbook shall limit the right to terminate at-will employment, with or without cause, or prior notice. No individual Board member, manager, supervisor, or employee of the Agency has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the General Manager of the Bighorn-Desert View Water Agency has the authority to make any such agreement, which is binding only if it is in writing and approved by the Board of Directors.

3.2 NEW HIRES

After an offer of employment has been made and prior to the commencement of employment duties, each applicant for any position with the Agency must be examined by a medical doctor, designated by the Agency, to determine the applicant's ability to perform the physical activity requirements of the job. Additionally the Agency will require applicants to pass a drug screening test at the time of the physical examination if they will be assigned to a "safety-sensitive" position (as defined by the Agency Drug and Alcohol Testing Program).

Upon successful completion of the required physical examination the supervisor of each newly hired employee will administer an orientation process. The orientation process is designed to familiarize each newly hired employee with the Agency's practices, policies, and benefit plans. It includes their initial safety training, initial job training, the completion of required forms and documents, and any other job related information. A checklist of the topics covered in the orientation process must be completed by the newly hired employee, signed by the employee and their supervisor, and will be maintained as part of the employee's personnel records.

The first ninety (90) days of continuous employment at the Agency is considered a training period. During the training period training employees do not accrue and are not eligible for benefits described in this handbook, unless required by law. During this time employees will learn their job responsibilities and get acquainted with fellow employees and surroundings. Also, during this time, supervisors will closely monitor job performance. Upon completion of the training period, the General Manager will review the employee's overall performance. Completion of the training period does not entitle an employee to remain employed by the Agency for any defined period of time as employment is "at will". Both employee and the Agency are free, at any time, to end the employment relationship. After completion of the training period, eligible employees will receive the benefits described in this handbook.

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3.3 REGULAR EMPLOYEES

Employees who have completed their training period shall be known as "regular" employees. Such employees may be either full-time or part-time. The distinction between full-time and part-time depends upon the number of hours that an employee works.

3.4 FULL-TIME EMPLOYEES

Regular full-time employees are those normally scheduled to work 40 hours per week. Following the completion of the training period, regular full-time employees are eligible for the employee benefits described in this handbook.

3.5 PART-TIME EMPLOYEES

Regular part-time such employees may be assigned a work schedule in advance or may work on an as-needed basis. Regular part-time employees are eligible for employee benefits only as expressly provided for in this handbook.

3.6 TEMPORARY EMPLOYEES

Temporary employees are those employed for short-term assignments. Temporary employees are not eligible for employee benefits except where mandated by applicable law. The physical examination for temporary employees may be waived by the General Manager.

3.7 JOB DUTIES

During the training period, a co-worker and/or supervisor will be assigned to explain the job responsibilities and the performance standards expected of the newly hired. (See Appendix A- Job Classification Schedule). Be aware that, within the parameters of the job class, the job responsibilities may change at any time during employment. From time to time, employees may be asked to work on special projects or to assist with other work necessary or important to the operation of the Agency. The employee's cooperation and assistance in performing such additional work is expected. The Agency reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

3.8 WORK SCHEDULES

The Agency's office is normally open for business between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The General Manager will assign the employee's work schedule. All employees are expected to be ready to work at the start of their scheduled shifts. If for some reason an employee is unable to be at work when their shift begins, they are required to notify their supervisor at least one half hour before their

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scheduled reporting time, failure to do so may result in disciplinary action by the Agency. Exchanging work schedules with other employees is discouraged. However, if it is necessary to exchange schedules, notify the supervisor, who may or may not authorize such an exchange.

3.9 MEAL AND REST PERIODS

Employees are provided with a meal period, to be taken approximately in the middle of the workday. Employees are allowed ten minute rest periods for every four hours of work or major portion thereof. Supervisors will schedule your meal and rest periods.

3.10 PERSONNEL RECORDS

Employees have a right to inspect their personnel file, as provided by law, in the presence of an Agency representative at a mutually convenient time. Employees may add their version of any disputed item to the file. The Agency will restrict disclosure of personnel files to authorized individuals within the Agency (i.e., employee, employee supervisor, or General Manager). Any request for information from personnel files must be directed to the General Manager. Only the General Manager or their designee is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be restricted to cooperation with authorized law enforcement or local, state or federal agencies conducting official investigations.

3.11 EMPLOYEE REFERENCES

All requests for references must be directed to the General Manager or ~~their~~her designee. No other manager, supervisor or employee is authorized to release references for current or former employees. The Agency's policy as to references for employees who have left the Agency is to disclose only the dates of employment and the title of the last position held. If an employee authorizes disclosure in writing, the Agency will also provide a prospective employer with the information on the amount of salary or wage last earned.

3.12 PERFORMANCE EVALUATIONS

Employees will receive periodic performance reviews. The review will be conducted by the supervisor who will discuss it with the employee. The first performance evaluation will be after completion of the training period. After that review, performance evaluations will generally be conducted annually, on or about the anniversary date of employment with the Agency. The frequency of performance evaluations may vary depending upon length of service, job position, past performance, changes in job duties or recurring performance problems. Performance evaluations may review factors such as the quality and quantity of the work performed, knowledge of the job, initiative, work attitude and attitude toward others. The performance evaluation should help every employee become aware of their progress, areas for improvement and objectives or goals for future work performance.

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After the review, employees will be required to sign the evaluation report simply to acknowledge that it has been presented, reviewed and discussed with them by their supervisor and that they are aware of its contents. Positive performance evaluations do not guarantee increases in salary. Salary increases are solely within the discretion of the Agency, and depend upon many factors in addition to performance. Promotions are solely within the discretion of the Agency.

3.13 GRIEVANCE PROCEDURE

The purpose of the grievance procedure is to provide a means by which employee grievances may be considered, discussed and resolved at the closest possible level to the point of origin. A grievance is any dispute concerning the interpretation or application of the rules or regulations governing personnel practices or working conditions, or of the practical consequences of a decision on wages, hours, and other terms and conditions of employment. Grievances shall be waived for all purposes if not presented to the supervisor within ten working days from the date the aggrieved employee knew, or by reasonable diligence could have known, of the occurrence of the act or omission on which the grievance is based. Grievances shall be presented in accordance with the procedures set forth below. The time period for review of the grievance may be extended at any level of the procedure by mutual written consent of both parties.

INFORMAL PROCEDURE: An employee with a grievance shall first discuss it with their immediate supervisor without delay. If the problem is not answered to their satisfaction, they shall have the right to discuss it with the supervisor's immediate superior. Every effort shall be made to resolve the problem in this manner.

FORMAL PROCEDURE: If informal efforts have not been successful in resolving an employee's problem, they may avail themselves of this formal procedure by submitting their appeal in writing within five working days of the final answer given in the informal procedure. The written appeal shall include a detailed nature of the grievance and their expectations for resolution. The procedure is as follows:

- **FIRST LEVEL OF APPEAL:** The written appeal shall be submitted to the employee's immediate supervisor who shall hold a meeting within five working days and shall render a decision and comments in writing within five working days of the meeting.
- **GENERAL MANAGER REVIEW:** If the employee does not agree with the decision, or if no answer has been received within six working days of the first (1st) level meeting, the employee may forward the original appeal in writing to the General Manager. Failure of the employee to take further action within ten working days after receipt of the first level decision, or within a total of ten working days if no decision is rendered, will bar further consideration. The General Manager shall discuss the grievance with the employee and with other appropriate persons, if any. The General Manager shall render a decision

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regarding the original appeal and comments in writing and return them to the employee within ten working days after receiving the written appeal. The only appeals that can go beyond the General Manager level are appeals from actions where "punitive discipline" was imposed. "Punitive discipline" is defined as termination, suspension without pay of three (3) days or more or demotion. (For employees hired prior to December 20, 2005, "major disciplinary actions," including "punitive discipline," shall be administered as set forth in Section 3.17 and the grievance procedure shall not apply to such actions.) Performance appraisals shall not be appealed beyond the General Manager level.

- **BOARD REVIEW:** If the employee does not agree with the decision made at the General Manager level where punitive discipline was imposed the employee may within five working days, present their appeal in writing to the General Manager requesting a hearing before the Board. All evidence and supporting documents must be submitted with the appeal letter. At the employee's request, this hearing may be in either open or closed session. The decision of the Board of Directors shall be final and binding on all parties.

The grievance is considered resolved at any step in the procedure when the employee is satisfied that the problem has been resolved.

Throughout the duration of the grievance process the employee shall remain in their current classification at their current rate of compensation whether placed on leave status or not. The grievance procedure is the right of every regular employee and no punitive action of any kind shall be assessed against any regular employee for legally and professionally utilizing the grievance process.

3.14 EMPLOYMENT OF RELATIVES

The Agency will not hire relatives where actual or potential problems may arise regarding supervision, security, safety or morale, or where potential conflicts of interest exist. "Relatives" are defined to include spouses, registered domestic partners, children, siblings, parents, in-laws and step-relatives. If two employees marry, become registered domestic partners, or become related, causing actual or potential problems such as those described above, only one of the employees will be retained with the Agency unless reasonable accommodations can be made to eliminate the actual or potential problems. The employees will have 30 days to decide which relative will stay with the Agency. If this decision is not made in the time allowed, the General Manager of the Agency will make the decision, taking the employment history and job performance of both employees into account.

3.15 CONFLICTS OF INTEREST

Situations of actual or potential conflict of interest are to be avoided by all employees. Personal or romantic involvement with a competitor, supplier or subordinate employee of the Agency, which impairs an employee's ability to exercise good judgment on behalf of

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the Agency, creates an actual or potential conflict of interest. Supervisor-subordinate romantic or personal relationships also can lead to supervisory problems, possible claims of sexual harassment and morale problems.

An employee involved in any of the types of relationships or situations described in this policy should immediately and fully disclose the relevant circumstances to their immediate supervisor, or any other appropriate supervisor, for a determination as to whether a potential or actual conflict exists. If an actual or potential conflict is determined, the Agency may take whatever corrective action appears appropriate according to the circumstances. Failure to disclose facts shall constitute grounds for disciplinary action.

3.16 REDUCTIONS IN FORCE

Under some circumstances, the Agency may need to restructure or reduce its work force. If it becomes necessary to restructure Agency operations or reduce the number of employees, the Agency will attempt to provide reasonable advance notice, if possible, so as to minimize the impact on those affected. If possible, employees subject to layoff will be informed of the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite.

The Agency will abide by ~~any and all labor-applicable~~ laws relative to reductions in force. In determining which employees will be subject to layoff, the Agency will take into account, among other things, operational requirements, the skill, productivity, ability and past performance of those involved and also, where feasible, the employee's length of service.

3.17 TERMINATION AND PROGRESSIVE DISCIPLINE

Violation of Agency policies and/or rules may result in disciplinary action. The Agency may follow a system of progressive discipline which may, but need not, include verbal warnings, written warnings, suspension, and/or termination. All disciplinary action taken shall be recorded in the employee's personnel file.

For employees hired prior to December 20, 2005, the following disciplinary process will apply to "major disciplinary actions" (defined as terminations, demotions or suspensions without pay:

1. Prior to imposing a major disciplinary action, the employee shall be provided with a notice of proposed disciplinary action which shall include the documents upon which the disciplinary action is based. The notice shall indicate that the employee shall have up to seven (7) calendar days to schedule a "Skelly" hearing with the General Manager. Following the Skelly hearing, or seven (7) days if the employee does not choose to schedule one, the General Manager shall issue the employee a notice of disciplinary action. If the disciplinary action is a termination, demotion or suspension without pay for five (5) days or more, the employee shall have seven (7) calendar days to

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file an appeal. The appeal shall be in writing and delivered to the General Manager. Following receipt of the appeal, a hearing shall be scheduled before the Board of Directors, or its designee(s). Failure to file a request for appeal within the time specified shall be deemed a waiver of all appeal rights. Appeal hearings need not be conducted in strict conformity with the Rules of Evidence as applied in a court of law, but all parties shall observe the substance of the Rules of Evidence, to the end that the matter may be fully heard and determined upon evidentiary matter which reasonable people rely on in the conduct of serious business affairs. Following the hearing, the Board or its designee(s) shall issue a written decision upholding, reducing or rejecting the discipline imposed. (If the Board delegates the hearing to a designee(s), the decision shall be advisory only to the Board.) The decision of the Board will be final and binding on all parties. The hearing shall be held in Closed Session unless the employee requests otherwise.

2. In cases of suspensions without pay of four (4) days or less, the employee shall be entitled to notice of the suspension and a Skelly hearing with the General Manager either prior to, during or within seven (7) days following the suspension without pay. The decision of the General Manager following the Skelly hearing shall be final and binding and the employee shall have no further appeal rights.

3.18 VOLUNTARY TERMINATION

Any employee may voluntarily terminate their employment with the Agency at their convenience. All Agency owned property (vehicles, keys, uniforms, identification badges, credit cards, etc.) must be returned immediately upon termination of employment. A Property Return Agreement must be completed and signed by each new employee during the orientation process as Agency equipment is issued.

3.19 EXPENSES

In accordance with California law, the Agency reimburses employees for all expenses that they incur directly in performing their job duties. In order to obtain reimbursement from the Agency, the employee must, as required by IRS regulations, submit a copy of the appropriate bill, receipts or other satisfactory evidence identifying the costs incurred to the General Manager. The employee must also complete the appropriate reimbursement request form and verify the amount of the expense, the date the expenses were incurred, and the reason why they were incurred. All reimbursement requests should be submitted within 30 days of incurring the expense.

3.20 WEAPONS/ANTI-VIOLENCE

The Agency 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 Agency or which occur on Agency property will not be tolerated.

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

- All threats or acts of violence occurring on the Agency premises, regardless of the relationship between the Agency and the parties involved in the incident.
- All threats or acts of violence occurring off the Agency premises involving someone who is acting in the capacity of a representative of the Agency.
- All threats or acts of violence occurring off the Agency premises involving an employee of the Agency if the threats or acts affect the legitimate interests of the Agency.
- Any acts or threats resulting in the conviction of an employee or agent of the Agency, or of an individual performing service for the Agency 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 Agency.

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 Agency 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 Agency's prohibition against threats and acts of violence applies to all persons involved in the Agency's operation, including but not limited to Agency personnel, contract, and temporary workers and anyone else on Agency property. Violations of this policy by any individual on Agency property, by any individual acting as a representative of the Agency while off Agency property, or by any individual acting off of Agency property when his/her actions affect the Agency'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 Agency 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 Agency 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

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not available. Nothing in this policy alters any other reporting obligation established in Agency policies or in state, federal, or other applicable law.

3.21 Non-Exempt Employee Use of Communication Devices

Non-exempt employees may perform necessary and authorized work duties on various communication devices (e.g., smartphones, tablets, laptops, PDAs). All such time spent will be considered as hours worked and will count toward overtime eligibility as set forth by applicable law. Accordingly, they are required to report all time spent working after hours. Therefore, to control costs and avoid unnecessary expenses, non-exempt employees shall not use communication devices for work-related purposes outside of their regularly scheduled hours unless they receive prior written authorization from management. In other words, non-exempt employees shall not review, read, send, or respond to work-related emails outside of their regularly scheduled hours without prior management authorization. Failure to follow this policy will result in disciplinary action.

ARTICLE 4.0 SALARY AND WAGE ADJUSTMENTS

4.1 SALARY RANGE AND STEP SCHEDULE

The Board shall adopt a Salary Range and Step Schedule for all positions which shall be identified in Appendix "B" attached.

4.2 SALARY ADJUSTMENTS

All merit salary adjustments shall be made by the General Manager with the aid of the employee's performance review on or about the employee's annual anniversary date. Merit salary adjustments are granted only after a satisfactory period of service, and are not to be considered an automatic annual salary increase.

The Range and Step Salary Schedule, attached as Appendix B, is adopted by the Board of Directors setting forth the salary alignment for regular hourly employees. Each range in the Range and Step Salary Schedule shall have a corresponding job classification description which is attached as Appendix A - Job Classification Schedule.

4.3 OTHER SALARY ADJUSTMENTS

The Board, at its discretion, may grant a percentage cost of living adjustment to the Range and Step Appendix B each year to be effective on or about July 1. The Social Security Cost-of-Living Index Publication and the overall financial condition of the Agency shall be considered when determining any adjustment.

4.4 OVERTIME

As necessary, employees may be required to work overtime. For purposes of determining which hours constitute forty (40) hours in a workweek for overtime eligibility, only actual hours worked, the three (3) hour facility inspection pay, paid holidays, pre-approved vacation and reasonable-paid sick leave will be counted. The Agency will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by a supervisor.

The Agency provides compensation for all overtime hours worked by hourly employees in accordance with state and federal law as follows:

- a. All hours worked in excess of 40 hours in one workweek will be treated as overtime. A workday begins at midnight and ends 24 hours later. A workweek begins each Friday at midnight.
- b. Compensation for hours in excess of 40 for the workweek shall be paid at a rate of 1½ times the employee's regular rate of pay.

All time worked must be recorded and will be paid. "Working off the clock" is strictly prohibited.

4.5 OPERATIONS STANDBY

THREE HOUR FACILITY INSPECTION: The employee on-call shall perform the normal three hour facility inspections on Saturday, Sunday, and all Agency authorized Holidays as required. The "three hour facility inspection" is defined as the daily duties in which the Agency facilities are inspected and production data recorded. Three hours are allotted to perform these duties, and employees will be paid a minimum of three (3) hours.

ON CALL TIME: Answer information only calls, carry the pager for the entire shift, and be available for any emergency call-out that may arise during the hours of their on-call shift.

CALL OUT TIME: Call-out time refers to the time an employee is called out after regular working hours when that employee has on-call duty. Call-out time does not include the time required to make the three hour facility inspection each day, information only calls or carrying the pager for the entire shift. Call-out time shall be compensated at one and one half (1½) times that employee's regular hourly rate for actual time worked with a minimum of one hour compensation.

Employees on stand-by duty on Monday, Tuesday, Wednesday, Thursday or Friday will be paid one (1) hour of their base pay rate for each day of service. Employees on stand-by duty on Saturday, or Sunday, or Agency authorized Holidays will be paid three (3) hours of their base pay rate.

4.6 COMPENSATORY TIME

An employee may elect compensatory time in lieu of overtime. Those employees eligible for compensatory time may accrue such time to a maximum of forty (40) hours. Compensatory time shall be calculated at one and one-half (1½) times the number of hours worked over forty (40) hours in a workweek. Compensatory time must be reported on the employee's time card and submitted to the payroll department. (Compensatory time must be elected by the employee prior to performing the work.) Compensatory time used shall also be reported on the employee's time card and submitted to the payroll department. Unused compensatory time shall be paid at termination.

4.7 PAYMENT OF WAGES

All employees of the Agency are paid every other Thursday for work performed during the previous two-week pay period. If a regular payday falls on a holiday, every effort will be made to pay the employees on the preceding workday. Paychecks are normally available by 4:00 p.m. at the Jemez office. If there is an error on a payroll check, it should be reported immediately to the supervisor and it will be corrected within four working days. All payroll deductions shall be in accordance with applicable laws.

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4.8 ADVANCES

The Agency does not permit advances against unearned wages or against unaccrued vacation.

4.9 SPECIAL ASSIGNMENT COMPENSATION

Special Assignment Compensation is a concept which allows for increases in pay beyond that which is normally allowed when duties performed support such additional pay for special periods of time. The General Manager may grant the Special Assignment Compensation for duties assigned an employee at a rate of compensation at the bottom of range for the new position or five percent (5%) of the employee's pay in their regular position, whichever is greater, of the employee's based pay rate when duties assigned are above and beyond the normal classification of an employee and under other circumstances as determined by the General Manager.

ARTICLE 5.0 STANDARDS OF CONDUCT

5.1 PROHIBITED CONDUCT

The following conduct is prohibited and will not be tolerated by the Agency. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and the Agency's operations also may be prohibited.

- a. Failure to uphold the Constitution and laws of the United States and the State of California.
- b. Failure to perform employment duties in accordance with all applicable governing authorities and regulations of the Agency including but not limited to the provisions of this handbook.
- c. Falsification of employment records, employment information or other Agency records.
- d. Theft, deliberate or careless damage of Agency property or the property of any employee or customer.
- e. Removing or borrowing Agency property without prior authorization.
- f. Unauthorized use of Agency equipment, time, materials, or facilities.
- g. Provoking a fight or fighting during working hours or on Agency property.
- h. Participating in horseplay or practical jokes on Agency time or on Agency premises.
- i. Using abusive language at any time on Agency premises or in the performance of employment duties.
- j. Engaging in criminal conduct whether or not related to job performance.
- k. Creating or participating in a disruption of any kind which could result in the impendance of the normal work day routine during working hours on Agency property.
- l. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management.
- m. Failure to be punctual in reporting for work and efficient with the use of their time while on duty. All employees are encouraged to live close to the area and employees having on-call responsibilities are required to live within a thirty (30) minute drive of the Agency office.
- n. Failure to notify a supervisor when unable to report to work.
- o. Unreported absences and excessive tardiness.
- p. Failure to obtain permission to leave work for any reason during normal working hours.
- q. Failure to provide a physician's certificate when requested or required to do so.
- r. Sleeping or malingering on the job.
- s. Making or accepting personal telephone calls during working hours, except in cases of emergency.
- t. Working overtime without authorization, or refusing to work assigned overtime.
- u. Violation of any safety, health, security or Agency policies, rules or procedures.
- v. Committing a fraudulent act or a breach of trust under any circumstances.

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- w. Unlawful harassment or discrimination.
- x. Discourteous treatment of others.
- y. Violation of Agency rules or policies.

5.2 DRUG AND ALCOHOL ABUSE/DRUG TESTING PROGRAM

The Agency is concerned about the use of alcohol, illegal drugs (including but not limited to marijuana in all forms, which remains illegal under federal law) or controlled substances as it affects the workplace. Use of these substances whether on or off the job can adversely affect an employee's work performance, efficiency, safety and health and therefore seriously impair the employee's value to the Agency. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the Agency to the risks of property loss or damage, or injury to other persons. Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and seriously impair the employee's value to the Agency.

The following rules and standards of conduct apply to all employees either on Agency property or during the work day (including meals and rest periods). The following are strictly prohibited by the Agency:

- a. Possession or use of alcohol, or being under the influence of alcohol while on the job.
- b. Driving an Agency vehicle while under the influence of alcohol.
- c. Distribution, sale or purchase of an illegal or controlled substance while on the job.
- d. Possession or use of an illegal, or controlled substance or being under the influence of an illegal or controlled substance while on the job or driving an Agency vehicle.

When a supervisor or manager has a reasonable basis to suspect that any employee is using or is under the influence of drugs or alcohol in violation of this policy, that employee may be required to submit to a blood, urine, or other test or examination designed to detect such use. If you refuse to consent and submit to, or fail to otherwise cooperate in, the testing/examination process where job-related drug or alcohol use is reasonably suspected, you will be subject to discipline, up to and including, dismissal.

If it is determined by a test, examination, or by other means that you are using or are under the influence of drugs or alcohol while on duty, or otherwise in violation of the terms of this policy, you will be subject to discipline, up to and including, termination of employment. For the purpose of applying this policy, being under the influence of drugs, alcohol and other controlled substances means being impaired in any way which would prevent the employee from fully and proficiently performing job duties or having a detectable amount of said substances in one's body.

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Violation of the above rules and standards of conduct will not be tolerated. The Agency also may bring the matter to the attention of appropriate law enforcement authorities. Except as prohibited by law, an employee's conviction on a charge of illegal sale or possession of any controlled substance while off Agency property will not be tolerated because such conduct, even though off duty, reflects adversely on the Agency. In addition, the Agency must keep people who sell or possess controlled substances off the Agency's premises in order to keep the controlled substances themselves off the premises.

Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work. (This does not require disclosure of the reason for taking the drug.) The employee may be required to provide a physician's statement confirming their fitness for duty.

The Agency is required to implement a drug testing program for all of its employees whose job classification requires them to have a commercial driver's license (Class A [or B](#) license) and perform safety-sensitive functions regulated by Title 49 of the Code of Federal Regulations. The Agency's Drug and Alcohol Testing Policy is for those safety-sensitive positions [and is contained in Appendix A](#).

5.3 OFF-DUTY CONDUCT

While the Agency does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the Agency's legitimate business interests. For this reason, employees should be aware of the following policies: Employees are expected to conduct their personal affairs in a manner that does not adversely affect the Agency's or their own integrity, reputation or credibility. Illegal off-duty conduct on the part of an employee that adversely affects the Agency's legitimate business interests or the employee's ability to perform his or her job will not be tolerated.

While employed by the Agency, employees are expected to devote their energies to their jobs with the Agency. For this reason, second jobs are discouraged. The following types of outside employment are strictly prohibited:

- a. Employment that conflicts with an employee's work schedule, duties and responsibilities;
- b. Employment that creates a conflict of interest or is incompatible with the employee's employment with the employer;
- c. Employment that impairs or has a detrimental effect on the employee's work performance with the Agency;
- d. Employment that requires the employee to conduct work or related activities on the employer's property during the employer's working hours or using the employer's facilities and/or equipment;
- e. Employment that directly or indirectly competes with the business or the interests of the employer.

5.4 PUNCTUALITY AND ATTENDANCE

Employees of the Agency are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for fellow employees and supervisors since while absent, the individuals workload must be performed by others.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized Agency business. Late arrival, early departure or other absences from scheduled hours are disruptive and must be avoided.

If unable to report for work on any particular day, the employee must call your supervisor at least one half hour before the time they are scheduled to begin working for that day. In all cases of absence or tardiness, employees must provide their supervisor with an honest reason or explanation. Employees also must inform their supervisor of the expected duration of any absence. Unless there are extenuating circumstances, employees must call in on each day they are scheduled to work that they will be absent or tardy.

Excessive absenteeism or tardiness (whether excused or not) will not be tolerated.

If the employee fails to report for work without notification to their supervisor and the absence continues for a period of three consecutive days, the Agency will consider that the employee has abandoned their employment and have voluntarily terminated.

5.5 PERSONAL STANDARDS

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean and tasteful. Avoid clothing that can create a safety hazard. Department managers may issue more specific guidelines. Violation of the Agency's dress code policy could result in disciplinary action up to and including termination.

Field employees shall be issued uniforms which they are required to wear daily. It is the responsibility of the employee to launder their own uniforms.

Field employees are required to wear approved steel toe safety shoes at all times and will be reimbursed up to \$150 for one pair each year by the Agency. It is the responsibility of the employee to purchase properly fitting foot wear prior to reimbursement.

Employees and visitors are required to wear safety equipment when visiting or working in an area designated as a "hard hat area".

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Field employees, when leaving the Agency's employment, shall return all uniforms to the Agency.

5.6 CUSTOMER RELATIONS

The Agency is a service oriented business and all employees must remember that the customer is the first priority. Customers are to be treated courteously and given proper attention at all times. Never regard a customer's question or concerns as an interruption or an annoyance. All customer inquiries must be addressed promptly and professionally. Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received. Employees are expected to be polite, courteous, prompt and attentive to every customer. When a situation arises where the employee does not feel comfortable or capable of handling the problem, the supervisor or General Manager should be called immediately.

5.7 CONFIDENTIALITY

Each employee is responsible for safeguarding confidential information obtained in connection with his or her employment. In the course of your work, you may have access to confidential information regarding the Agency, its suppliers, its customers or perhaps even fellow employees. Employees shall not reveal or divulge any such confidential information. This obligation to maintain the confidentiality of information shall continue even after employment with the Agency ends. Access to confidential information should be on a "need-to-know" basis and must be authorized by your supervisor. Any breach of this policy will not be tolerated and legal action may be taken by the Agency.

5.8 BUSINESS CONDUCT AND ETHICS

No employee may accept a gift or gratuity from any customer, vendor, supplier or other person doing business with the Agency that may give the appearance of influence regarding their business decision, transaction or service. Employees should discuss expenses paid by such persons for business meals or trips with the General Manager in advance.

5.9 FRAUD IN THE WORKPLACE

PURPOSE AND SCOPE

To establish policy and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other related dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

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I. GENERAL

A. The Bighorn-Desert View Water Agency ("Agency") is committed to protecting its assets against the risk of loss or misuse. Accordingly it is the policy of the Bighorn-Desert View Water Agency to identify and promptly investigate any possibility of fraudulent or related dishonest activities against the Agency and, when appropriate, to pursue legal remedies available under the law.

B. DEFINITIONS

1. Fraud - Fraud and other similar irregularities include, but are not limited to:
 - a. Claim for reimbursement of expenses that are not job-related or authorized by the current Agency policy.
 - b. Forgery or unauthorized alteration of documents (checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.).
 - c. Misappropriation of Agency assets (funds, securities, supplies; furniture, equipment, etc.).
 - d. Improprieties in the handling or reporting of money transactions.
 - e. Authorizing or receiving payment for goods not received or services not performed.
 - f. Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of Agency-owned software.
 - g. Misrepresentation of information on documents.
 - h. Any apparent violation of Federal, State, or Local laws related to dishonest activities or fraud.
 - i. Any violation of the Fair Political Practices Act, regulation of the Fair Political Practices Commission, or the Bighorn-Desert View Water Agency Conflict of Interest Code.
2. Employee - In this context, employee refers to any individual or group of individuals who receive compensation, either full- or part-time, from the Bighorn-Desert View Water Agency. The term also includes any volunteer who provides services to the Agency through an arrangement with the Agency.
3. Management - In this context, management refers to any administrator, manager, director, supervisor, or other individual who manages or supervises funds or other resources, including human resources.
4. Personnel Department - In this context, Personnel Department refers to any person or persons assigned by the General Manager to investigate any fraud or similar activity.

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5. External Auditor - In this context, External Auditor refers to independent audit professionals who perform annual audits of the Agency's financial statements.
- C. It is the Agency's intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the Agency of any party who might be or become involved in or becomes the subject of such investigation.
- D. Each department of the Agency is responsible for instituting and maintaining a system of internal control to provide reasonable assurance for the prevention and detection of fraud, misappropriations, and other irregularities. Management should be familiar with the types of improprieties that might occur within their area of responsibility and be alert for any indications of such conduct.
- E. The Personnel Department, in conjunction with the Agency Attorney, has the primary responsibility for the investigation of all activity as defined in this policy.
- F. Throughout the investigation, the Personnel Department will inform the General Manager of pertinent investigative findings.
- G. Employees will be granted whistle-blower protection when acting in accordance with this policy. When informed of a suspected impropriety, neither the Agency nor any person acting on behalf of the Agency shall:
 1. Dismiss or threaten to dismiss the employee,
 2. Discipline, suspend, or threaten to discipline or suspend the employee,
 3. Impose any penalty upon the employee, or
 4. Intimidate or coerce the employee.Violations of the whistle-blower protection will result in discipline up to and including dismissal.
- H. Upon conclusion of the investigation, the results will be reported to the General Manager.
- I. The General Manager, following review of investigation results, will take appropriate action regarding employee misconduct. Disciplinary action can include termination, and referral of the case to the District Attorney's Office for possible prosecution.
- J. The Agency will pursue every reasonable effort, including court ordered restitution, to obtain recovery of Agency losses from the offender, or other appropriate sources.

II. PROCEDURES

A. Board of Directors Responsibilities

1. If a member of the Board of Directors has reason to suspect that a fraud has occurred, he or she shall immediately contact the General Manager (or contact the Agency Attorney if the General Manager is involved).
2. The Board member shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the General Manager or Agency Attorney.
3. The alleged fraud or audit investigation shall not be discussed with the media by any person other than through the General Manager in consultation with the Agency Attorney and the Personnel Department.

B. Management Responsibilities

1. Management is responsible for being alert to, and reporting fraudulent or related dishonest activities in their areas of responsibility.
2. Each manager should be familiar with the types of improprieties that might occur in his or her area and be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence in his or her area.
3. When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.
4. If management determines a suspected activity may involve fraud or related dishonest activity, they should contact the General Manager immediate supervisor (or contact the Agency Attorney if the General Manager is involved).
5. Department Directors should inform the General Manager (or contact the Agency Attorney or Personnel Director if the General Manager is involved).
6. Management should not attempt to conduct individual investigations, interviews, or interrogations. However, management is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent reoccurrence of improper actions.
7. Management should support the Agency's responsibilities and cooperate fully with the Personnel Department, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
8. Management must give full and unrestricted access to all necessary records and personnel. All Agency furniture and contents, including desks and computers, are open to inspection at any time. There is no assumption of privacy.
9. In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management should avoid the following:

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- a. Incorrect accusations.
 - b. Alerting suspected individuals that an investigation is underway.
 - c. Treating employees unfairly.
 - d. Making statements that could lead to claims of false accusations or other offenses.
10. In handling dishonest or fraudulent activities, management has the responsibility to:
- a. Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the misappropriation", etc.
 - b. Avoid discussing the case, facts, suspicions, or allegations with anyone outside the Agency, unless specifically directed to do so by the Agency Attorney.
 - c. Avoid discussing the case with anyone inside the Agency other than employees who have a need to know such as the General Manager, Personnel Department, or Agency Attorney or law enforcement personnel.
 - d. Direct all inquiries from the suspected individual, or his or her representative, to the General Manager or Agency Attorney. All inquiries by an attorney of the suspected individual should be directed to the Agency Attorney. All inquiries from the media should be directed to the General Manager.
 - e. Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the Personnel Director, in conformance with the Agency's Personnel Policies and Procedures.

C. Employee Responsibilities

1. A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee's supervisor for reporting to the General Manager.
2. When the employee believes the supervisor may be involved in the inappropriate activity, the employee shall make the report directly to the General Manager (or contact the Agency Attorney if the next higher level of management and/or the General Manager is involved).
3. The reporting employees shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the General Manager, Personnel Department, Agency Attorney or law enforcement personnel.

D. Personnel Department Responsibilities

1. Upon assignment by the General Manager, the Personnel Department or General Manager's designee will promptly investigate the fraud.

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2. In all circumstances where there appears to be reasonable grounds for suspecting that a fraud has taken place, the Personnel Department, in consultation with the Agency Attorney, will contact the County of San Bernardino Sheriff Department.
3. The Personnel Department shall be available and receptive to receiving relevant, confidential information to the extent allowed by law.
4. If evidence is uncovered showing possible dishonest or fraudulent activities, the General Manager or Personnel Department will proceed as follows:
 - a. Discuss the findings with the appropriate management/supervisor and the Department Director.
 - b. Advise management, if the case involves staff members, to meet with the General Manager (or his/her designated representative) to determine if disciplinary actions should be taken. Any disciplinary action taken will be in accordance with the Agency Personnel Rules.
 - c. Report to the External Auditor such activities in order to assess the effect of the illegal activity on the Agency's financial statements.
 - d. Coordinate with the Agency's Risk Management insurer regarding notification to insurers and filing of insurance claims.
 - e. Take immediate action, in consultation with the Agency Attorney, to prevent the theft, alteration, or destruction of evidentiary records. Such action shall include, but is not limited to:
 - 1) Removing the records and placing them in a secure location, or limiting access to the location where the records currently exist.
 - 2) Preventing the individual suspected of committing the fraud from having access to the records.
5. In consultation with the Agency Attorney and the County of San Bernardino Sheriff Department, the Personnel Department may disclose particulars of the investigation with potential witnesses if such disclosure would further the investigation.
6. If the Personnel Department is contacted by the media regarding an alleged fraud or audit investigation, the Personnel Department will consult with the General Manager and the Agency Attorney, as appropriate, before responding to a media request for information or interview.
7. At the conclusion of the investigation, the Personnel Department will document the results in a confidential memorandum report to the General Manager and the Agency Attorney. If the report concludes that the allegations are founded, the report will be forwarded to the County of San Bernardino Sheriff Department.
8. Unless exceptional circumstances exist, a person under investigation for fraud is to be given notice in writing of essential particulars of the allegations following the conclusion of the audit. Where notice is given, the person against whom allegations are being made may submit a written explanation to the Personnel Department no later than seven calendar days after notice is received.

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9. The Personnel Department will be required to make recommendations to the appropriate department for assistance in the prevention of future similar occurrences.
10. Upon completion of the investigation, including all legal and personnel actions, all records, documents, and other evidentiary material, obtained from the department under investigation will be returned by the Personnel Department to that department.

III. EXCEPTIONS

There will be no exceptions to this policy unless provided and approved in writing by the General Manager and the Agency Attorney.

ARTICLE 6.0 OPERATIONAL CONSIDERATIONS

6.1 EMPLOYER PROPERTY

Lockers, desks, vehicles and tools are Agency property and must be maintained according to Agency rules and regulations. The Agency reserves the right to search all Agency property. They must be kept clean and are to be used only for work-related purposes. Prior authorization must be obtained before any Agency property may be removed from the premises.

6.2 USE OF ELECTRONIC MEDIA

The Agency uses various forms of electronic communication including, but not limited to computers, e-mail, telephones, Internet, cell phones, & PDAs. All electronic communications, including all software, databases, hardware, and digital files, remain the sole property of BDVWA and are to be used only for Agency business and not for any personal use. Employees therefore have no expectation of privacy in their personal use of Agency computers and other electronic communications equipment.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against Agency policy, or not in the best interest of the Agency.

Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions will be subject to discipline and/or immediate termination.

Employees may not install personal software on Agency computer systems.

All electronic information created by any employee using any means of electronic communication is the property of the Agency and remains the property of the Agency. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the Agency's ownership of the electronic information.

The Agency will override all personal passwords if necessary for any reason.

The Agency reserves the right to access, copy, audit and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of Agency policy or any law occurs.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by Agency management.

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications, except as specifically authorized by the General Manager.

Employees who use devices on which information may be received and/or stored, including but not limited to cell phones, cordless phones, portable computers, fax machines, and voice mail communications are required to use these methods in strict compliance with the trade secrets and confidential communication policy established by

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the Agency. These communications tools should not be used for communicating confidential or sensitive information or any trade secrets.

Access to the Internet, websites, and other types of Agency-paid computer access are to be used for Agency-related business only. Any information about the Agency, its products or services, or other types of information that will appear in the electronic media about the Agency must be approved by the General Manager before the information is placed on an electronic information resource that is accessible to others.

Questions about access to electronic communications or issues relating to security should be addressed to your immediate supervisor.

6.3 OFF-DUTY USE OF AGENCY'S FACILITIES AND PROPERTY

Employees are prohibited from making use of Agency facilities while not on duty. Employees are expressly prohibited from using Agency facilities, Agency property or Agency equipment for personal use.

6.4 HEALTH AND SAFETY

Every employee is responsible for the safety of him or herself as well as others in the workplace. To achieve our goal of maintaining a safe workplace, everyone must be safety conscious at all times. In compliance with California law, and to promote the concept of a safe workplace, the Agency maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the General Manager's office.

In compliance with Proposition 65, the Agency will inform employees of any known exposure to any hazardous material.

6.5 HOUSEKEEPING

All employees are expected to keep their work areas and vehicles clean and organized. Common areas such as lunch rooms, locker rooms and rest-rooms should be kept clean by those using them.

6.6 SOLICITATION AND DISTRIBUTION OF LITERATURE

In order to ensure efficient operation of the Agency's business and to prevent annoyance to employees, it is necessary to control solicitations and distribution of literature on Agency property. All employees are expected to follow the following rules regarding solicitation or distribution of literature. Any employee who is in doubt concerning the application of these rules should consult with his or her supervisor immediately.

- No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed.

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- No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.
- Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on Agency property.

ARTICLE 7.0 EMPLOYEE BENEFITS**7.1 HOLIDAYS**

The Agency observes the following paid holidays for regular full-time employees:

- January 1 (New Years Day)
- Third Monday in January (Martin Luther King Day)
- Third Monday in February (Presidents Day)
- Last Monday in May (Memorial Day)
- July 4 (Independence Day)
- First Monday in September (Labor Day)
- November 11 (Veterans Day)
- Thanksgiving Day
- The Day Following Thanksgiving Day
- December 24 (Christmas Eve Day)
- December 25 (Christmas Day)

When a holiday falls on a Saturday, the previous Friday will be observed. When a Holiday falls on a Sunday, the following Monday will be observed.

Eligibility for holiday pay begins after completion of the training period, unless otherwise approved by the General Manager.

7.2 VACATIONS

It is the intent of the Agency that paid vacation leave be provided to the Agency's employees to facilitate time for rest and relaxation. Therefore, it is in the best interest of the Agency and the employee for them to use their vacation leave and not be paid for it in lieu of time off.

Regular full-time employees accrue paid vacation time in accordance with the following schedule:

LENGTH OF SERVICE FROM BENEFIT DATE	ANNUAL VACATION ALLOWANCE	ACCRUAL RATE PER STRAIGHT TIME HOURS <u>WORKED</u>	MAXIMUM ALLOWED UNUSED BALANCE
Date of hire through 4 th year:	80 hours per year	.0385	160 hours
5 th year (1461 st day) through 10 th year (3285 th <u>3650th</u> day):	120 hours per year	.0575	240 hours
11 th year (3286 th - <u>3651st</u> day) and thereafter:	160 hours per year	.0770	320 hours

Vacation Definition: Vacation is a leave of absence with pay for the recreation and well-being of the employee. ~~If an employee has exhausted sick leave, vacation leave may be~~

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~~used for sick leave purposes upon special request of the employee and with the written approval of the General Manager.~~

As set forth above, vacation shall be available for use on the first day following the pay period in which it is earned, provided an employee has completed ninety (90) days of continuous service.

Temporary and part-time employees do not accrue paid vacation time.

Vacation periods should be taken annually with the approval of the General Manager at such time as will not impair the work schedule or efficiency of the Agency but with consideration given to the well-being of the employee. No employee shall lose earned vacation leave time because of work urgency. If an employee has reached the maximum allowed unused balance and is unable to take vacation leave due to work urgency the employee shall be compensated for up to fifty percent (50%) of the accrued vacation balance with the remaining amount remaining available for use. Otherwise, employees are not allowed to "cash out" vacation.

Vacations shall be scheduled to provide adequate coverage of job responsibilities and staffing requirements. The General Manager will make final determinations and all vacation leave must be approved two (2) weeks in advance. The General Manager may, at their-her discretion, grant vacation leave in the event of an unforeseen emergency without applying the two (2) week advance notice requirement.

Employees on unpaid leave do not accrue vacation time. If a holiday occurs during an employee's vacation period, they will be granted one additional day of vacation, to be taken at a time approved in advance by their supervisor.

An employee whose employment terminates will be paid for accrued unused vacation days.

7.3 INSURANCE BENEFITS

MEDICAL-HEALTH INSURANCE: The Agency provides a comprehensive medical, vision, dental, and life insurance plan for full and eligible part time employees. Medical Health insurance for employee dependents is provided on a cost sharing basis. An employee becomes eligible as required by law within one (1) month following the successful completion of their training period and at that time the employee and their dependents may begin to take advantage of the insurance benefits. In the event of an increase in medical-health insurance premium rates, all employees may be required to contribute to the cost of increased premiums to retain coverage. Employees who provide evidence of Duplicate Medical coverage are eligible for a cash payment of \$ per month in lieu of medical coverage.

DISABILITY INSURANCE: Each employee contributes to the state of California to provide disability insurance pursuant to the California Unemployment Insurance Code. Contributions are made through a payroll deduction. Disability insurance is payable when

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the employee cannot work because of illness or injury not caused by employment. Specific rules and regulations governing disability are available from the Employment Development Department.

UNEMPLOYMENT COMPENSATION: The Agency contributes each year to the California Unemployment Insurance Fund on behalf of its employees.

WORKERS COMPENSATION: At no cost to the employee, the employee is protected by the Agency's workers' compensation insurance policy while employed by the Agency. The policy covers the employees in case of occupational injury or illness.

RETIREMENT PLAN: The Agency contracts with the California Public Employees Retirement System to provide a plan for eligible employees in order to assist in planning for their retirement. For information regarding eligibility, contributions, benefits and tax status, contact the General Manager. All eligible participants will receive a summary plan description.

7.4 SICK LEAVE

It is the intention of the Agency that sick leave be provided to each regular full time employee for use in the event of illness. Sick leave shall accrue for all eligible employees at the rate of eight (8) hours per month of service. Accrued sick leave shall be awarded at the end of each accrual period. An employee using sick leave shall, on a daily basis, notify their supervisor that they will be absent from work due to illness at least one half hour before they are scheduled to report for work.

There is no limit on the amount of sick leave that may be accrued. Upon retirement or termination, an employee shall be entitled to payment for any accrued but unused sick leave in excess of 200 hours based on each two (2) hours of accrued sick leave being converted to one (1) hour of vacation leave or upon retirement unused accrued sick leave may be applied to the employee's retirement service credit with the Public Employees Retirement System.

Any employee who has used all their accrued sick leave and is still unable to return to work due to illness must make arrangements with the General Manager for additional time off. All employees shall may need to provide written verification from a physician of sickness or injury if sick leave continues for more than three (3) consecutive days, as allowed by applicable law.

~~The use of sick leave applies to, but may not be limited to the following:~~

- ~~a. Any bona fide illness or injury.~~
- ~~b. Quarantine due to exposure to a contagious disease.~~
- ~~c. Any required treatment or examination for medical, dental or ocular purposes.~~
- ~~d. Sickness or injury in the immediate family which includes your child, parent, spouse, registered domestic partner or registered domestic partner's child~~

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 Agency 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, stalking and as otherwise required by applicable law.

When electing to use paid sick time, the employee must use a minimum increment of thirty (30) minutes. Paid sick leave used as well as paid sick leave remaining will be reflected on the Employee's wage statement. 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.

Sick leave for part time and temporary employees will accrue at the rate of one (1) hour for every thirty (30) hours actually worked. All employees are eligible to utilize their sick leave after ninety (90) days of employment.

Sick leave is a benefit provided by the Agency, not a right earned by the employee. Abuse of this benefit will not be tolerated. Excessive abuse of the sick leave benefit could result in disciplinary action up to and including termination.

7.5 LEAVES OF ABSENCE

The Board shall have the authority to grant leaves to the General Manager. The General Manager shall have the authority to grant leaves to all other Agency employees in accordance with the provisions under which eligible leaves may be granted. All leaves shall be requested on a form provided by the Agency prior to the start of the requested leave. Failure to return promptly from authorized leave without prior authorization from the General Manager may result in disciplinary action up to and including termination.

A leave of absence, not to exceed thirty (30) consecutive days, may be requested in writing by any regular Agency employee. The General Manager may grant the leave provided that the leave is in the best interest of the Agency and the employee. The leave shall be without pay and no benefits shall accrue or be paid during the term of the leave. However, the employee may self-pay the premiums under the provisions of "COBRA." Supervisors can provide employees additional information on this subject.

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A leave of absence requested for a period longer than thirty (30) consecutive days shall be reviewed by the Agency personnel committee and may or may not be granted by the Board of Directors.

7.6 MEDICAL LEAVES

A medical leave of absence may be granted for non-work related temporary medical disabilities (other than pregnancy, childbirth, and related medical conditions) for up to four months with a doctor's written certificate of disability. Requests for leave should be made in writing as far in advance as possible. If an employee is granted a medical leave the Agency will pay wages from the employees accrued sick leave account for the period of time equivalent to the accumulated sick pay earned. Employees also may use any paid vacation time previously accrued. As with all leaves of absences, no benefits shall accrue or be paid during the term of the leave, unless otherwise required by applicable law. If an employee is a disabled individual pursuant to the Fair Employment and Housing Act and the Agency does not grant the leave of absence, an interactive process meeting will be scheduled.

A medical leave begins on the first day the employees doctor certifies that they are unable to work and ends when the employees doctor certifies that they are able to return to work or after a total of four months of leave, whichever occurs first. The supervisor will supply the appropriate form for the employees doctor to complete, showing the date the employee was disabled and the estimated date when the employee will be able to return to work. An employee returning from a medical disability leave must present a doctor's certificate showing fitness to return to work based on the essential physical functions of the assigned position.

If returning from a non-work-related medical leave the employee will be offered the same position held at the time of leaving, if available. If this position is not available due to an "undue hardship," a comparable position will be offered. If neither the same nor a comparable position is available, the employees return to work will depend on job openings existing at the time of your scheduled return. There are no guarantees of reinstatement and the employees return will depend on their qualifications for existing openings.

California workers' compensation laws govern work-related illnesses and injuries. The Agency will fully comply with these laws.

7.7 PREGNANCY-RELATED — DISABILITY — LEAVE YOUR RIGHTS AND RESPONSIBILITIES AS A PREGNANT EMPLOYEE

~~Pregnancy, childbirth or related medical conditions will be treated like any other disability, and an employee on leave will be eligible for temporary disability benefits in the same amount and degree as any employee on leave.~~

~~All female employees should advise their supervisor of their intent to take pregnancy disability leave as soon as possible. The individual should make an appointment with the General Manager to discuss the following conditions:~~

- ~~a. Employees who need to take pregnancy disability must inform the Agency when a leave is expected to begin and how long it will likely last. If the need for a leave or transfer is foreseeable, employees should provide notification at least 30 days before the pregnancy disability leave or transfer is to begin. Employees should consult with the General Manager regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Agency. Any such scheduling is subject to the approval of the employee's health care provider.~~
- ~~b. If 30 days advance notice is not possible, notice must be given as soon as practical.~~
- ~~c. If requested by the employee and recommended by the employee's physician, the employee's work assignment may be changed as required to protect the health and safety of the employee and their child.~~
- ~~d. Requests for transfers of job duties will be reasonably accommodated only if the job and security rights of others are not breached.~~
- ~~e. Temporary transfers due to health considerations will be granted where possible. However, the employee will receive the pay that accompanies the job, as is the case with any other temporary transfer due to temporary health reasons.~~
- ~~f. Pregnancy leave will usually begin when ordered by the employee's physician. Employees must provide the Agency with a certification from a health care provider. The certification indicating disability should contain:
 - ~~➤ The date on which the employee became disabled due to pregnancy;~~
 - ~~➤ The probably duration of the period or periods of disability; and~~
 - ~~➤ A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.~~~~
- ~~g. Leave returns will be allowed only when the employee's physician sends a release indicating fitness to return to work based on the essential physical functions of the assigned position.~~
- ~~h. An employee will be allowed to utilize accrued vacation and/or sick leave during a pregnancy disability leave.~~

~~Duration of the leave will be determined by the advice of employee's physician, but employees disabled by pregnancy may take up to four months. The four months of~~

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~~leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth or related medical condition. This includes leave for severe morning sickness and for prenatal care. Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed.~~

~~An employee returning from a pregnancy disability leave will be offered the same position held at the time of leaving, unless the job no longer exists, or the job has been filled in order to avoid undermining the Agency's ability to operate safely and efficiently, or they are not capable of performing the job responsibilities. If their former position is not available, a substantially similar position will be offered unless there is no substantially similar position available, or filling the available position with said employee would substantially undermine the Agency's ability to operate safely and efficiently, or said employee is not capable of performing the job responsibilities.~~

~~If on pregnancy disability leave and not eligible for continued paid coverage after 12 work weeks, the employee may continue their group health insurance coverage through the Agency in conjunction with "COBRA" guidelines by making monthly payments to the Agency for the amount of the relevant premium.~~

~~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 Agency 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 the Labor Code.~~

~~For pregnancy disability leave:~~

BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

- 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 Agency has been informed that you need to take PDL, the Agency must guarantee in writing that you can return to work in your same position if you request a written guarantee. The Agency 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.
- Your leave will be paid or unpaid depending on the Agency policy for other medical leaves.
- 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 during your PDL.
- The Agency requires you to use any available sick leave during your PDL.
- The Agency is required to continue your group health coverage during your PDL at the same level and under the same 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 Human Resources for details.
- 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.) For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

Notice Obligations of Employees.

- Give the Agency reasonable notice: To receive reasonable accommodation, obtain a transfer, or take PDL, you must give the Agency sufficient notice for it to make appropriate plans. Sufficient notice means 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 Agency 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 Agency requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. The Agency must provide at least 15 calendar days for you to submit the certification. See Human Resources for a copy of a medical certification form to give to your health care provider to complete.

BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

•PLEASE NOTE that if you fail to give the Agency reasonable advance notice or written medical certification of your medical need, the Agency may be justified in delaying your reasonable accommodation, transfer, or PDL.

You also may be entitled to additional rights under the California Family Rights Act of 1993 (CFRA) if you have more than 12 months of service with us, have worked at least 1,250 hours in the 12-month period before the date of you want begin your leave and work at a worksite with 50 or more employees within 75 miles of that worksite. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition (not related to pregnancy) or that of your child, parent or spouse. While the law provides only unpaid leave, employees may choose or employers may require use of accrued paid leave while taking CFRA leave under certain circumstances. For further information on the availability of CFRA leave, please review your employer's Notice regarding the availability of CFRA leave.

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 Human Resources, visit the Department of Fair Employment and Housing's website at 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.dfeh.ca.gov.

7.8 BEREAVEMENT LEAVE

In the event of a death of an employee's immediate family, the employee may apply for and receive up to a maximum of five (5) days of bereavement leave per incident with pay. The immediate family is defined as a current spouse, registered domestic partner, child, parent, legal guardian, brother, sister, grandparent, grandchild, or mother-in-law, father-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law.

7.9 MILITARY LEAVE

Military leave will be granted in accordance with applicable law.

7.10 JURY DUTY LEAVE

| Any non-exempt employee who is required to serve on jury duty, and has completed their training period, will receive full pay while serving up to ten (10) days of jury duty per calendar year. A leave of absence without pay will be granted if jury duty exceeds the ten (10) day limit (exempt employees' salary will not be changed for jury duty service). The employee should notify the supervisor of the need for time off for jury duty as soon as a notice or summons from the court is received. The employee may be requested to provide written verification from the court clerk of having served. If work time remains after any day of jury duty the employee will be expected to return to work. Any mileage allowance paid by the court for jury services is to be retained by the employee.

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7.11 TIME OFF FOR VOTING

In the event that an employee does not have sufficient time outside of working hours to vote in a statewide election, the employee may take off enough working time to enable him or her to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours. Under these circumstances an employee will be allowed a maximum of two hours on the Election Day without loss of pay. Where possible, the employee shall give his or her supervisor at least two working days' notice that time off to vote is needed.

7.12 SCHOOL CONFERENCES INVOLVING SUSPENSION

If it becomes necessary for an employee who is the parent or guardian of a child to attend the child's school to discuss possible suspension, the employee should alert his or her supervisor as soon as possible so that alternative arrangements may be made. No discriminatory action will be taken against the employee for taking time off for this purpose.

7.13 EXTERNAL EMPLOYEE EDUCATION

It may be necessary for employees to attend training programs, seminars, conferences, lectures, meetings or other outside activities for the benefit of the Agency or the individual employees. Attendance at such activities may be required by the Agency or requested by individual employees. However, attendance will not be considered an officially authorized activity, subject to the following policies on reimbursement and compensation, unless prior written approval has been issued by the General Manager. To obtain approval, employees wishing to attend an activity must submit a written request detailing all relevant information, including date, hours, location, cost, expenses, and nature, purpose and justification for attendance.

Where attendance is required or authorized by the Agency, customary and reasonable expenses will be reimbursed upon submission of proper receipts. Reimbursement for required or authorized educational classes will be awarded after successful completion of the educational class and the receipt of a passing grade (C or better). Customary and reasonable expenses generally may include registration fees, materials, meals, transportation and parking. Reimbursement policies regarding these expenses should be discussed with the General Manager in advance.

Employees will also be reimbursed following successful completion of examinations for certificates that are required by their job descriptions. Similarly, renewals for required certificates will be reimbursed by the Agency.

Employee attendance at authorized outside activities, during normal working hours, will be considered hours worked for hourly non-exempt employees and will be compensated in accordance with normal payroll practices.

BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions may generally lead to improved job performance. While the Agency generally encourages all employees to improve their job skills and promotional qualifications, such activities will not be subject to this policy regarding reimbursement or compensation unless prior written approval is obtained as discussed above.

7.14 RECREATIONAL ACTIVITIES AND PROGRAMS

The Agency or its insurer will not be liable for the payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

7.15 WORKERS' COMPENSATION

The Agency, in accordance with state law, provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:

- a. medical care,
- b. cash benefits, tax free, to replace lost wages,
- c. vocational rehabilitation to help qualified injured employees return to suitable employment.

To ensure that the employee receives any/all workers' compensation benefits to which they may be entitled, the employee will need to:

- a. Immediately report any work-related injury to the supervisor.
- b. Seek medical treatment and follow-up care if required.
- c. Complete a written Employee's Claim Form (DWC Form 1) and return it to the General Manager.
- d. Employees must provide the Agency with a certification from their health care provider regarding the need for workers' compensation disability leave and the employee's ability to return to work from the leave based on the essential physical function of the assigned position.

The Agency provides for medical treatment for work-related injuries through an Agency designated medical provider.

Employees who are injured in a work-related incident will be referred to the Agency's designated medical treatment provider, unless prior to a work-related injury, the Agency has received from the employee a written notice that the employee wishes to be treated by his/her own physician. Employees who do not designate their own physician will be treated by the Agency's designated medical treatment provider for work-related injuries, for at least 30 days, if required. Employees may seek treatment from their own physician after 30 days, should they so desire.

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Upon submission of a medical certification that the employee is able to return to work, they will be offered the same position held at the time of leaving, unless the job has been filled in order to avoid undermining the Agency's ability to operate safely and efficiently, or the employee is not capable of performing the job responsibilities upon return. If the employee's former position is not available, a substantially similar position will be offered unless there is no substantially similar position available, or filling the available position would substantially undermine the Agency's ability to operate safely and efficiently, or the employee is not capable of performing the job responsibilities.

The law requires that this Agency notify the workers' compensation insurance company of any concerns of false or fraudulent claims. Any person who makes or causes to be made any knowingly false or fraudulent material statement or material misrepresentation for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony. A violation of this law is punishable by imprisonment for one to five years, or by a fine not exceeding \$50,000 or double the value of the fraud, whichever is greater, or both. Additional civil penalties may be in order.

BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

ACKNOWLEDGMENT

I hereby acknowledge that I have received a copy of the Bighorn Desert View Water Agency EMPLOYEE HANDBOOK (hereinafter "Handbook"), dated July , 2018, and that I understand that I am to promptly read its contents. I understand that if I have any questions about the Handbook or its contents, I am to discuss them with my supervisor or the General Manager.

I recognize that this Handbook supersedes and replaces any previous Handbooks, and to the extent that provisions of this Handbook conflict with previously issued policies or practices, whether or not such policies and practices were contained in an Employee Handbook, this Handbook shall prevail. I agree that changes in the policies set out in the Handbook are not valid unless made and approved, in writing, by the Board of Directors.

Finally, I agree that my employment with the Agency is at will, as set forth in the At Will Employment section of the Handbook, and that this agreement on at will employment status is the sole and entire agreement between me and the Agency regarding the term of my employment and the termination thereof; and, I further agree that this agreement on at will employment status cannot be changed in any way, whatsoever, except in a writing which has been signed by the President of the Agency.

Employee's Name (print or type)

Date: _____

Employee Signature

Date: _____

Witness

BIGHORN-DESERT VIEW WATER AGENCY EMPLOYEE HANDBOOK

APPENDIX A	<u>DRUG AND ALCOHOL TESTING POLICY</u>
APPENDIX B	<u>JOB DESCRIPTIONS/CLASSIFICATIONS</u>
APPENDIX BC	<u>RANGE AND STEP SCHEDULE – ADOPTED BY SEPARATE BOARD</u>
	<u>RESOLUTION AND INCORPORATED BY REFERENCE</u>
APPENDIX C	ORGANIZATIONAL CHART

APPENDIX A
DRUG AND ALCOHOL POLICY

THIS POLICY WILL BE SUBMITTED FOR REVIEW AT A LATER
DATE PRIOR TO CONSIDERATION BY FULL BOARD OF
DIRECTORS

APPENDIX B

JOB DESCRIPTIONS/CLASSIFICATIONS

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 Acct Tech I
03 Acct Tech II
04 Acct Tech III

**TITLES: ACCOUNTING TECHNICIAN I/CUSTOMER SERVICE REPRESENTATIVE
ACCOUNTING TECHNICIAN II/CUSTOMER SERVICE REPRESENTATIVE
ACCOUNTING TECHNICIAN III/CUSTOMER SERVICE REPRESENTATIVE**

Page 1 of 6
Status: Non-Exempt

Summary

Supervision of the Accounting Technician/Customer Service Representative (AT/SCR) varies from close to limited with increasing job complexity (AT/CSR Range I to III). Routinely performs a variety of moderately complex and occasionally highly complex accounting duties related to Accounts Payable, Accounts Receivable, Personnel, General Office Administration and Public Relations. Performs Customer Service duties on a daily basis. Performs confidential customer service, administrative and clerical functions.

Position Title

Title and salary range of the individual is commensurate with the following factors: skills and abilities as well as education, training and experience level. Regarding internal promotions the overall performance of the individual; demonstrated independent judgment and degree of supervision required will also be considered.

Distinguishing Characteristics

This position is characterized by the level of skills required to perform the principal duties of the position, as well as the level of supervisory oversight provided to this position on a routine basis and the independent judgment required. Position reports directly to the General Manager, and has no supervisor duties but may have "lead" and/or training responsibilities.

Examples of Duties

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this class.

Accounts Receivable:

- Prepares meter reading "books" for collection of meter readings. Prepares and distributes customer bills for water services, in a timely manner, based on meter usage data and application of approved rate structure.
- Ages accounts, applies delinquent charges, manages delinquent account notifications, and annually conducts processes and procedures for placing liens on property tax rolls for delinquent accounts.
- Maintains accurate customer accounts by posting records that reflect refunds, deposits, voids, customer inquiries and other account activity.
- Coordinates with others to balance monthly accounts receivable records to General Ledger.
- Makes appropriate account adjustments, maintains accounts receivable records/journals and audits the meter reading Exceptions Report and Billing Register journals. Maintains documents.
- Investigates and resolves (or makes recommendations) regarding variances from Rules and Regulations. Issues Service Orders for field investigation and resolution. Closes Service Orders, tracks responses and maintains records; coordinates related office/field correspondence, providing prompt follow-up contact with customers orally or in writing.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 Acct Tech I
03 Acct Tech II
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ACCOUNTING TECHNICIAN III/CUSTOMER SERVICE REPRESENTATIVE**

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Status: Non-Exempt

Accounts Payable:

- Maintains Accounts Payable database and files.
- Gathers, assembles, tabulates, checks, verifies, prepares and inputs all paperwork required to process accounts payable for payment (i.e. review for correctness) against estimates and contracts. Prepares checks, obtains signatures and distributes payments to vendors and others.
- Processes documents involved in financial transactions and financial recordkeeping.
- Provides reconciliation and review of A/P Journals and related General Ledger accounts.
- Prepares and distributes Form 1099 annually.

Accounting:

- Performs accounting tasks (low to moderately complex depending on position title assigned) including regular analysis and reconciliation of revenue, expenditure and balance sheet accounts. Works with other accounting staff to balance accounts receivable database records and journals to General Ledger.
- Ensures timely and accurate posting to the General Ledger and researches information for adjustments to General Ledger. Makes appropriate periodic journal entries at month-end and year-end closings.
- Reconciles Agency bank accounts monthly.
- Prepares monthly and year-end financial statements including balance sheet, income statement, and supporting ledgers and journals in an accurate and timely manner. Prepares and maintains spreadsheet analyses and reports.
- Monitors and makes recommendations for cash flow requirements.
- Performs periodic internal audits of accounting records to assure adequate controls.
- Prepares special reports for the State of California, management staff and the Board of Directors.
- Performs special analytical studies as directed by the General Manager.
- Provides assistance with annual audit, interfacing with outside auditors and preparing audit schedules as required. Prepares the annual audit binder including reconciliation of all accounts. Assists with analysis, preparation and presentation of the Agency budget and audit.
- Maintains Job Cost accounting database and files.
- Maintains inventory database and files. Assists field representative to reconcile periodic inventory count. Prepares and inputs all paperwork required to add inventory purchased and remove inventory used.
- Maintains fixed asset database and files. Sets up, calculates and monitors annual fixed asset depreciation; adjusts for new or retired assets as appropriate.
- Maintains and processes Petty Cash disbursements and replenishments.

Purchasing:

- Monitors and maintains adequate inventory of general office and field supplies. Includes specialty items or services.
- Obtains quotes and requisitions supplies and services as needed. Makes recommendations on new products and services related to Agency operations.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 Acct Tech I
03 Acct Tech II
04 Acct Tech III

**TITLES: ACCOUNTING TECHNICIAN I/CUSTOMER SERVICE REPRESENTATIVE
ACCOUNTING TECHNICIAN II/CUSTOMER SERVICE REPRESENTATIVE
ACCOUNTING TECHNICIAN III/CUSTOMER SERVICE REPRESENTATIVE**

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Status: Non-Exempt

Payroll:

- Gathers, organizes, and prepares a variety of information for the preparation of the Agency's payroll. Prepares and processes payroll for agency employees.
- Audits time records for accuracy and proper distribution of costs.
- Prepares and posts payroll distribution to general ledger. Provides reconciliation and review of journal and related general ledger accounts. Post time-off accruals to the general ledger.
- Audits and reviews payroll data concerning benefits (ie. co-pays, vacation, sick leave balances). Researches and corrects payroll discrepancies. Answers a variety of questions concerning leave balances, payroll discrepancies, and net payments for Agency staff.
- Prepares and distributes payments to insurance agencies, CalPers, EDD, garnishments and others receiving monies from payroll withholdings.
- Prepares and distributes Form W-2 annually.

Customer Service:

- Performs cashier duties: handles cash, accepts and inputs payments. Maintains assigned cash drawer in an accurate and accountable manner. Compiles and verifies accuracy of bank deposits.
- Deals with customers and others in a courteous and professional manner using phone, e-mail, fixed frequency radio and face-to-face interactions with walk-in public.
- Communicates account status and Agency Rules & Regulations to customers.

Office Administration:

- Administrative support to General Manager and Board of Directors as needed. Read and analyze incoming documents and determine their significance and Plan their distribution/execution. Prepares Public Information Request responses in compliance with the Public Records Act.
- Prepares meetings notices and agendas in compliance with the Brown Act. Assembles staff information for agenda. Attends night meetings; takes and prepares minutes of meetings. Acts a primary point-of-contact for those attending meetings.
- Composes resolutions, ordinances and other agency documents. Maintains/updates Minute, Resolution and Ordinance library, Motion Order Index and other related Board records including Form 700, Conflict of Interest Code and other filings. Prepares typed correspondence, enters data and maintains files as directed.
- Assists with administration of employee benefits programs.
- Researches, prepares reports, and makes presentations and recommendations on special projects as assigned. Compiles and distributes Agency newsletters, and outreach materials to the public. Arranges and attends off-site public relations functions (including after hours functions).

Other Duties:

- Understands and abides by Agency Rules and Regulations for Water Service.
- Other duties as assigned including outside/field activities (customer water surveys, meter "bench" testing, turn on/off's, off-site Public Relations functions, etc.).
- General office maintenance and cleaning as needed.
- Coordinating travel arrangements for Board of Directors and staff.
- Banking, mail and other miscellaneous errands.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

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ACCOUNTING TECHNICIAN III/CUSTOMER SERVICE REPRESENTATIVE**

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Status: Non-Exempt

Lead Responsibilities:

- Answers technical accounting and customer service questions of staff.
- Directs other staff in proper procedures for accounting.
- Assists in cross training of other staff on critical job functions.
- Uses independent judgment to solve problems and efficiently lead the work of other finance staff.
- May organize and coordinate daily accounting functions and assignments of others.

Safety:

- Coordinates safety training classes; maintains safety training schedules and files.
- Assists with administration of OSHA requirements.
- Follows proper safety practices at all times. Promotes compliance with Agency's Injury and Illness Prevention Program.
- Attends safety meetings.

Job Requirements

Education, Training & Experience:

- Any combination of experience, education and/or training that would provide the required knowledge and abilities is qualifying.
- A typical way to obtain the knowledge and abilities to advance from Level I would be:
 - Level I:
 - Graduation from high school or equivalent.
 - Up to three (3) years accounting or business administration experience.
 - Level II:
 - Accounting emphasis: Three (3) to five (5) years accounting experience. Experience in governmental accounting highly desirable. Administrative emphasis: Three (3) to five (5) years government administrative experience with increasing responsibility in clerical systems and office procedures.
 - College level course work (ie. accounting, business, public administration and/or communications).
 - Level III
 - Accounting emphasis: Minimum 5 years of government accounting experience including familiarity in computerized accounting systems, accounts payable, payroll, and general ledger. Administrative emphasis: Minimum 5 years of government administration experience including thorough knowledge of pertinent federal, state and local codes and regulations as it pertains to the procedures, responsibilities and operations of the Board of Directors. Advanced knowledge of clerical systems and office procedures.
 - AA Degree in Accounting or Bachelor's degree in accounting, business, public administration or communications is highly desirable.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 Acct Tech I
03 Acct Tech II
04 Acct Tech III

**TITLES: ACCOUNTING TECHNICIAN I/CUSTOMER SERVICE REPRESENTATIVE
ACCOUNTING TECHNICIAN II/CUSTOMER SERVICE REPRESENTATIVE
ACCOUNTING TECHNICIAN III/CUSTOMER SERVICE REPRESENTATIVE**

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Status: Non-Exempt

Skills and Abilities:

- Ability to establish and maintain cooperative and respectful working relationships with those contacted in the course of work, and to interact with the public and Board of Directors in a prompt, courteous, patient, polite, productive, and efficient manner.
- Ability to work independently, efficiently and productively when completing work tasks.
- Prioritization, organization, and coordination skills. Use independent judgment and exercise initiative in daily work activities.
- Ability to interpret and apply Agency rules, policies, and procedures governing the accounting process.
- Ability to responsibly and accurately perform semi-skilled to skilled bookkeeping functions and the most skilled financial record keeping functions using independent judgment.
- Responsible for safeguarding confidential information (customer, personnel, administrative records) obtained in connection with his or her employment.
- Knowledge of principles and practices of accounts payable, accounts receivable, payroll, and general ledger.
- Proficient, effective and accurate at using word processing, presentation and spreadsheet software; using 10-key adding machines by touch; and familiar with governmental accounting software which includes accounts payable, payroll and accounting systems.
- Ability to understand and carry out verbal instructions.
- Knowledge of laws, ordinances, statutes, regulations of the management of a water agency; controlling the preparation of and maintenance of accounting records including issuance of payroll.
- Work with vendors to resolve payment issues.
- Knowledge of general and subsidiary ledger functions and requirements.
- Ability to read and understand water agency terminology.
- Ability to read and understand accounting terminology.
- Ability to make mathematical calculations with speed and accuracy.
- Ability to maintain accurate records.
- Ability to recommend improvements in Accounting Technician job-related policies and procedures.
- Know safety standards and requirements.

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**TITLES: ACCOUNTING TECHNICIAN I/CUSTOMER SERVICE REPRESENTATIVE
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Status: Non-Exempt

Physical:

- Subject to reasonable accommodation in accordance with the requirements of applicable law.
- Possess the ability to lift and/or carry objects (no greater than 20 lbs) on an infrequent basis.
- Ability to bend, twist, turn, push, pull, stoop, kneel, crouch and reach routinely, as well as perform repetitive motion tasks.
- Sits for extended time periods and uses office equipment such as computer keyboards and terminals, telephones, 10-Key adding machine, copiers and fax machines on a regular basis.
- Communicates orally in face-to-face, one-to-one and group settings or utilizing cellular telephones and fixed frequency radios to communicate.
- Requires normal range hearing and vision with or without correction.
- Travels by automobile in conducting Agency Business.

Other:

- Maintain valid California Class C Driver's License.
- Proof of a good driving record free from multiple or serious traffic violations or accidents for a period of at least two years.
- Position subject to extended work hours, evening meetings, and periodic travel.
- Notary Public Commission beneficial.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 WDO I
03 WDO II
04 WDO III

**TITLES: WATER DISTRIBUTION OPERATOR I
WATER DISTRIBUTION OPERATOR II
WATER DISTRIBUTION OPERATOR III**

Page 1 of 5
Status: Non-Exempt

Summary

Under general direction of the General Manager, the Water Distribution Operator (WDO Level I to III) routinely performs a variety of semi-skilled and routine assignments related to installation, maintenance and repair of the Agency's water distribution system as well as install, repair, overhaul, operate and monitor water pumps, controls, recording devices, valves, chlorinators and related parts of the water production system. Performs meter reading, meter maintenance and repair, customer service, facilities and grounds maintenance and other duties as assigned.

Position Title

Title and salary range of the individual is commensurate with the following factors: skills and abilities as well as education, training and experience level. Regarding internal promotions the overall performance of the individual; demonstrated independent judgment and degree of supervision required will also be considered.

Distinguishing Characteristics

This position is characterized by the level of skills required to perform the principal duties of the position, as well as the level of supervisory oversight provided to this position on a routine basis and the independent judgment required. Position reports directly to the General Manager, and has no supervisor duties but may have "lead" and/or training responsibilities.

Examples of Duties

The duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to this class.

Water Distribution System:

- Repairs, installs and maintains distribution and transmission pipe networks including but not limited to: water mains, service connections, fire hydrants, air/vacuum valves and meters on a scheduled or emergency basis.
- Operates, repairs and maintains manual and automated valves such as gate, globe, ball, check, and butterfly type valves.
- Digs, backfills and compacts trenches by operating tractors, trucks, rollers, jackhammers, backhoes, compressors, and loaders. Repairs damaged roads.
- Assists in the disinfection and flushing of water mains and related appurtenances.
- Performs welding, carpentry, pipefitting and cement work, using power and hand tools.
- Locates and marks or relays information concerning location of District's facilities for Underground Service Alert (USA) activities.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 WDO I
03 WDO II
04 WDO III

**TITLES: WATER DISTRIBUTION OPERATOR I
WATER DISTRIBUTION OPERATOR II
WATER DISTRIBUTION OPERATOR III**

Page 2 of 5
Status: Non-Exempt

- Responsible for proper on-site procedure and set-up of traffic control functions.
- Maintains and repairs vehicles as well as all field equipment or makes recommendations and facilitates such repairs.
- Assists in information gathering pertaining to fire flows, will serve letters, facility upgrades and project plans and specifications.
- Ensures proper parts and material are obtained for assigned tasks.

Water Production System:

- Performs a variety of skilled and/or semi-skilled monitoring, maintenance, installation, testing and repair on water pumps, control systems, recording devices, motors, valves and chlorinators of the water production system on a scheduled or emergency basis.
- Maintains and ensures the adequate supply of water in reservoirs and the Agency water system. Manages energy usage and responsible for compliance with "Time-of-Use" schedules.
- Collects water samples for lab analysis in compliance with state and federal rules, regulations and standards; completes and submits documentation pertaining to water quality regulatory requirements; assesses system water quality and makes appropriate adjustments, including the use of chemicals, to assure public safety. Calculates dosages.
- Operates, maintains and monitors water production equipment such as boosters, wells, reservoirs, and pressure reducing/sustaining stations. Operates equipment necessary for maintaining water production facilities including pumps and emergency generators.
- Adjusts and changes pump and motor lubrication such as, but not limited to, pump packing, motor oil, well shaft oil, and greased bearings and joints.
- Performs water table depth measurements and records findings.
- Works on energized 480 V three phase related equipment.
- Inspects for cross connection and backflow requirements. Administers backflow program.
- Compiles memoranda, data reports, written correspondence, develops written procedures related to departmental needs and requirements. Interprets maps and provides direction to complex problems with multiple variables.
- Operates and maintains telemetry control systems and their associated components.

Inventory:

- Monitors and maintains adequate inventory of water system parts and supplies. Includes specialty parts and supplies not included in formal inventory counts.
- Obtains quotes and requisitions inventory as needed. Makes recommendations on new products and services related to operation and maintenance of water system.
- Assists accounting staff to reconcile periodic inventory count. Prepares and submits all paperwork required to add inventory purchased and remove inventory used.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 WDO I
03 WDO II
04 WDO III

**TITLES: WATER DISTRIBUTION OPERATOR I
WATER DISTRIBUTION OPERATOR II
WATER DISTRIBUTION OPERATOR III**

Page 3 of 5
Status: Non-Exempt

Field Services Duties:

- Reads and records residential and commercial meter readings manually or using an electronic recording device.
- Provides customer service; handles, prioritizes and completes Service Orders and interacts with customers regarding water quality, billing, and field service duties, including but not limited to, turn-on/lock-offs, leak repair, pressure checks, taste and odor complaints and meter repair/replacement. Communicates politely with customers.

Other Duties:

- Coordinates work of outside contractors as related to departmental needs and requirements.
- Understands and abides by Agency Rules and Regulations for Water Service.
- Acquires and records data by hand or through the operation of various data collection devices and programs such as meter reading equipment; supervisory control and data acquisition (SCADA) systems; online analyzers; Geographical Information System (GIS); and District atlas maps.
- Performs general housekeeping in shop and yard; facility maintenance and grounds keeping.
- Completes necessary forms and reports and computer data entry. Communicates using written and computerized methods such as email, word processing, spreadsheet or other customized software programs.
- Maintains necessary supplies, tools and equipment in Agency vehicle. Maintains District records.
- Attends meetings and off-site training as required.
- Recommends improvements in job-related policies and procedures.
- Completes regularly on-call duty. Responds to after-hours emergencies.

Lead Responsibilities (WDO II or WDO III):

- Answers technical questions from staff.
- Assists with cross training of other staff on critical job functions.
- Uses independent judgment to solve problems and efficiently lead the work of other field staff.
- May organize and coordinate daily functions and assignments of others.

Safety:

- Proper knowledge of safety practices and safety gear. Follows proper safety practices at all times. Promotes compliance with Agency's Injury and Illness Prevention Program.
- Attends safety meetings.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 WDO I
03 WDO II
04 WDO III

**TITLES: WATER DISTRIBUTION OPERATOR I
WATER DISTRIBUTION OPERATOR II
WATER DISTRIBUTION OPERATOR III**

Page 4 of 5
Status: Non-Exempt

Education, Training & Experience: The position of Water Distribution Operator I/ II/ III requires the following knowledge:

- Graduation from high school or equivalent. Advanced course work in water distribution or water treatment science highly desirable.
- Laws, rules, regulations and principles of work safety. Proper work safety standards.
- Proper procedure in the utilization of Underground Service Alert.
- Safe application and handling of chemicals and other hazardous materials.
- Basic (WDO I) to expert (WDO III) knowledge in the operation and maintenance of a water distribution system and water production operations which includes SCADA and RTU programming and troubleshooting.
 - Basic (WDO I) to expert (WDO III) knowledge of state and federal water regulations.
 - Basic (WDO I) to expert (WDO III) knowledge of distribution system parts and materials.
 - Basic (WDO I) to expert (WDO III) knowledge of valve operation, maintenance and repair.
 - Basic (WDO I) to expert (WDO III) knowledge in the operation and transport of heavy equipment.
 - Basic (WDO I) to expert (WDO III) knowledge of operator math and concepts.
- Customer service techniques.
- Satisfactory knowledge in the use and application of common and specialized computer software.

Qualification Requirements: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skills and/or abilities required. In accordance with the Americans with Disabilities Act, reasonable accommodations may be made to enable individuals with disabilities to perform essential job functions.

Skills and Abilities:

- Ability to establish and maintain cooperative and respectful working relationships with those contacted in the course of work, and to interact with the public and Board of Directors in a prompt, courteous, patient, polite, productive, and efficient manner.
- Ability to work independently, efficiently and productively when completing work tasks.
- Prioritization, organization, and coordination skills. Use independent judgment and exercise initiative in daily work activities.
- Understand and carry out oral and written instructions.
- Safe operation and use of all power tools, hand tools, heavy equipment and motor vehicles.
- Read and interpret plans and drawings. Solve shop and field arithmetic.
- Troubleshoot and repair pump and electrical problems satisfactorily.
- Use computer systems and software packages related to the needs of the Agency.
- Basic (WDO I) to expert (WDO III) knowledge of water distribution system best practices.

BIGHORN-DESERT VIEW WATER AGENCY

CLASS DESCRIPTION

Revised: Resolution No. 12R-32

Salary Range: 02 WDO I
03 WDO II
04 WDO III

**TITLES: WATER DISTRIBUTION OPERATOR I
WATER DISTRIBUTION OPERATOR II
WATER DISTRIBUTION OPERATOR III**

Page 5 of 5
Status: Non-Exempt

- Ability to read basic (WDO I) to complex (WDO III) literature. Compile clear and concise reports of operations, job reports, summary reports and memorandum as directed.
- Maintain accurate records and accurately record data.

Physical Requirements: Subject to reasonable accommodation in accordance with the requirements of applicable law. The physical activities described here are representative of those that must be met by an employee to successfully perform the essential functions of this position.

- Operates Agency vehicles and equipment in distribution system construction, maintenance and repair work.
- Enters and exits a vehicle multiple times daily.
- Must be able to frequently carry, push, pull, reach and lift equipment and parts weighing up to 100 pounds.
- Frequently stoops, kneels, crouches, crawls and climbs throughout the course of the day.
- Walks, stands and crouches on narrow, slippery or erratically moving surfaces or uneven terrain.
- Works in an environment with exposure to dust, dirt and significant temperature changes between hot and cold.
- Communicates orally in face-to-face, one-to-one and group settings or utilizing cellular telephones and fixed frequency radios.
- Uses office equipment such as computer terminals and software common to the industry, copiers and FAX machines.
- Stands and walks for extended time periods.
- Hearing and vision with normal ranges with or without correction.
- Climbs to heights in excess of 40 feet.

Special Requirements:

- Water Distribution Operator I requires state certification at level D1 within 18 months of employment. Advancement to Water Distribution Operator II requires state certification level of D2 and treatment certification T1 AND two (2) to three (3) years relevant work experience with increasing responsibilities. Advancement to Water Distribution Operator III requires state certification level of D3 and treatment T2 AND three (3) to five (5) years relevant work experience with increasing responsibilities.
- All Water Distribution Operator classifications require the appropriate Class A driver's license or, in the case of entry level Water Distribution Operator I, ability to obtain within 18 months.
- Work around and tolerate chlorine and other associated chemicals used in water treatment.
- Work with high voltage electricity.
- This is a Safety-Related position subject to random drug and alcohol testing per Agency policy.
- Proof of a good driving record free from multiple or serious traffic violations or accidents for a period of at least two years.
- Position subject to extended work hours, periodic meetings, and periodic travel.

APPENDIX C

RANGE AND STEP SCALE

ADOPTED BY SEPARATE BOARD RESOLUTION AND
INCORPORATED BY REFERENCE

APPENDIX D

ORGANIZATIONAL CHART

THE ORGANIZATIONAL CHART IS UNDER REVIEW AND WILL
BE SUBMITTED PRIOR TO CONSIDERATION BY FULL
BOARD OF DIRECTORS

AGENDA ITEM # 6

**BIGHORN DESERT VIEW WATER AGENCY STANDING COMMITTEE
FINANCE/PUBLIC RELATIONS/EDUCATION/PERSONNEL
AGENDA ITEM SUBMITTAL**

Meeting Date: July 25, 2018

To: Board of Directors

Budgeted: N/A

Budgeted Amount: N/A

Cost: N/A

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Agency Organizational Structure – Review Proposed Organizational Charts

SUMMARY

Staff will present to the Committee several proposed organizational charts based on current staffing levels and perceived needs of the Agency going forward.

The organizational structure was last updated in 2015 just prior to the annexation of Improvement District Goat Mountain. That change added two full time staff to the field operations. After three years, there is now a better understanding of overall resource needs to more efficiently and effectively manage the field operations.

In addition, since 2015 two full time administrative positions have been vacated and one remains unfilled due to the need for a new analysis of the Agency's overall administrative needs.

RECOMMENDATION

Information Only

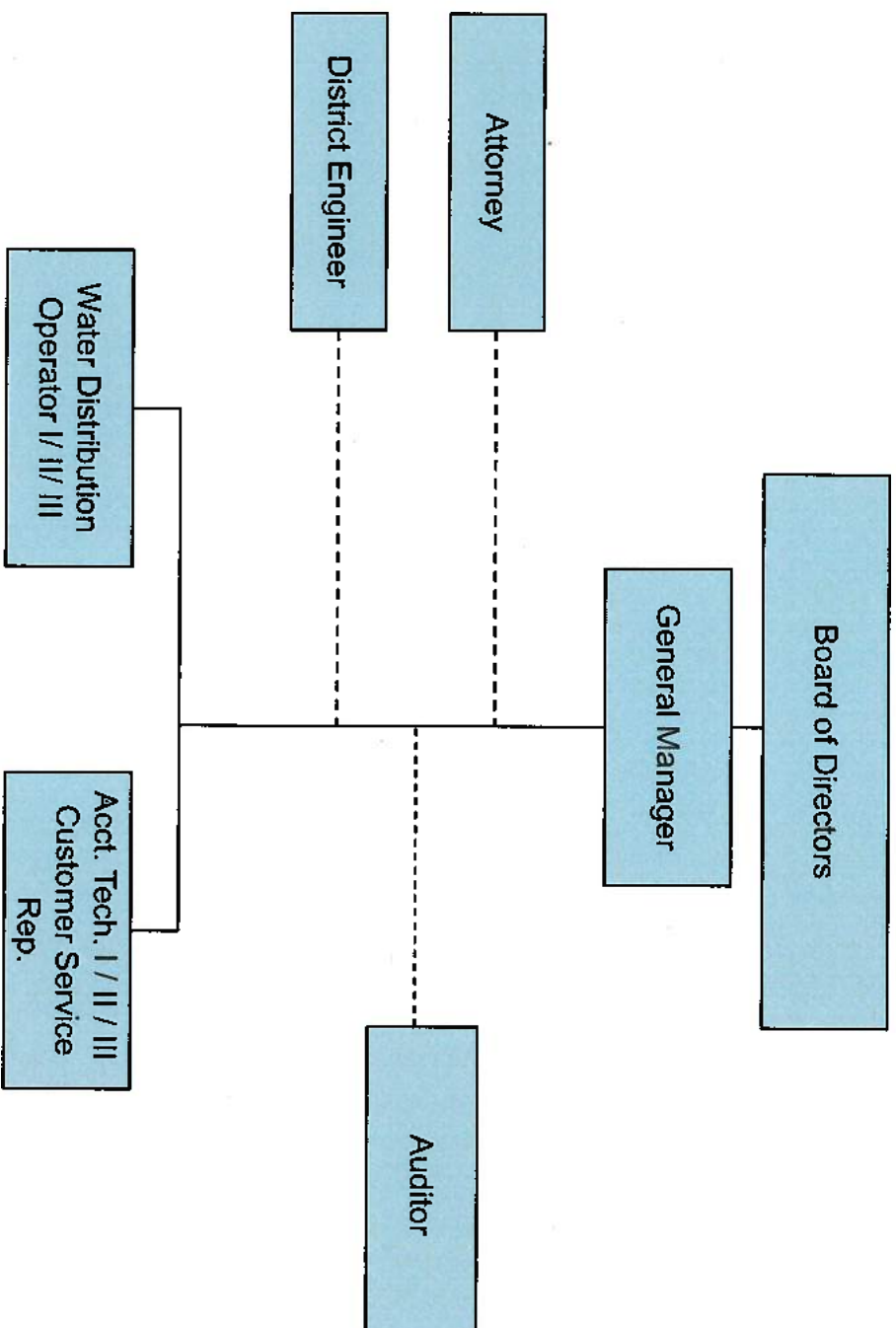
BACKGROUND/ANALYSIS

No additional analysis is provided here regarding the proposed organizational charts. Staff is seeking feedback from the Committee to be incorporated before bringing the entire Employee Handbook to the full Board for review and possible adoption.

PRIOR RELEVANT BOARD ACTION(S)

5/26/2015 Motion 15-021 Adoption of Resolution No. 15R-08, A Resolution Fixing and Adopting the Agency Budget for Fiscal Year 2015/2016 for Bighorn-Desert View Water Agency which included an update to the Organizational Chart adding two full time field operations positions.

11/27/2012 Motion 12-080 Adopt Resolution 12R-32 Amending the Employee Handbook for Purposes of Establishing the Policy/Procedure for Cost-Of-Living Increases, Modification of Holiday Provisions, and Modifying/Correcting/Adding Job Descriptions and Establishing an Organizational Structure.



Total positions authorized = 5

- Total allowable Level II = 5
- Total allowable Level III = 5

Total positions authorized = 3

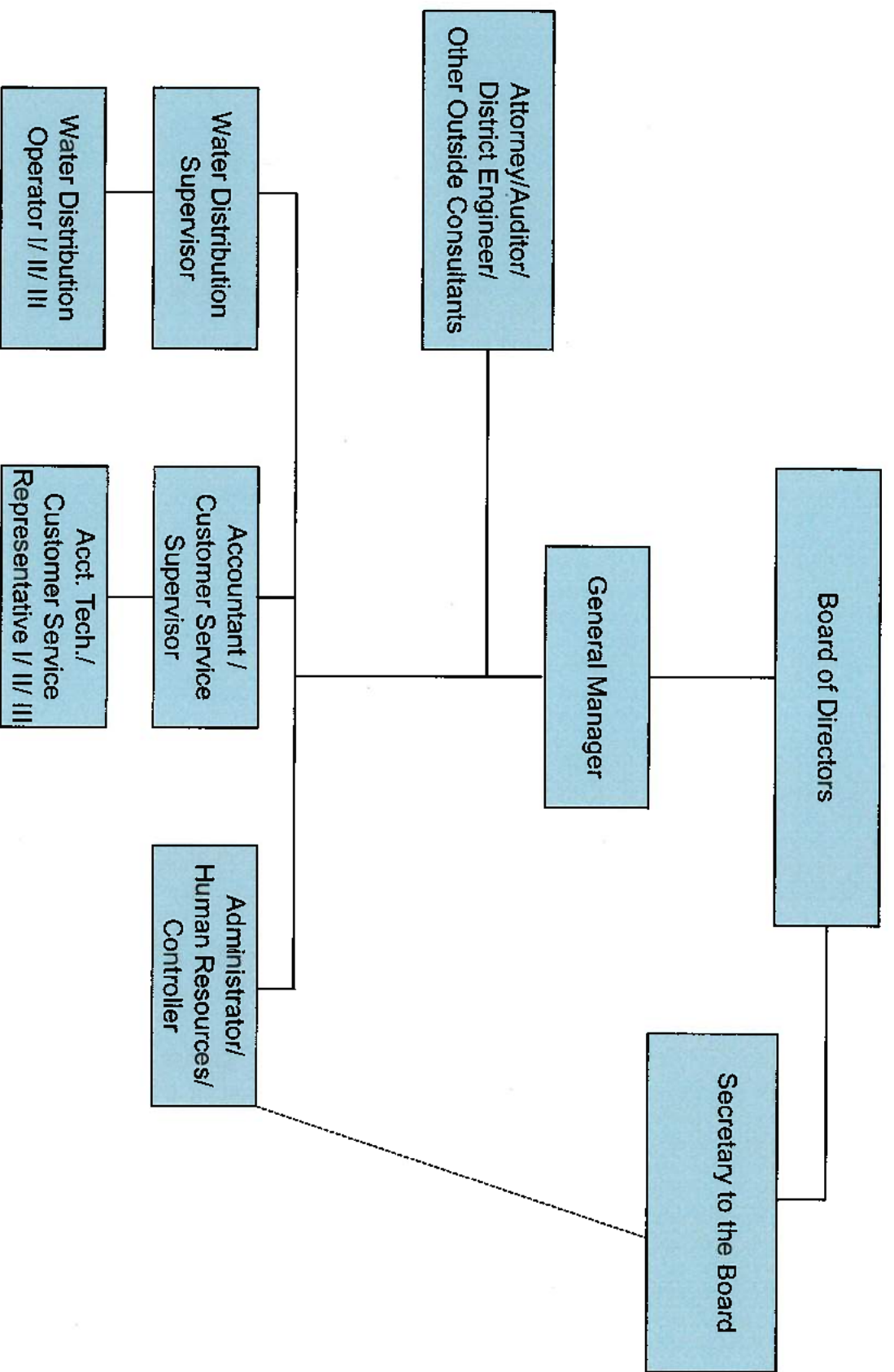
- Total allowable Level II = 3
- Total allowable Level III = 3

Resolution No. 15R-08

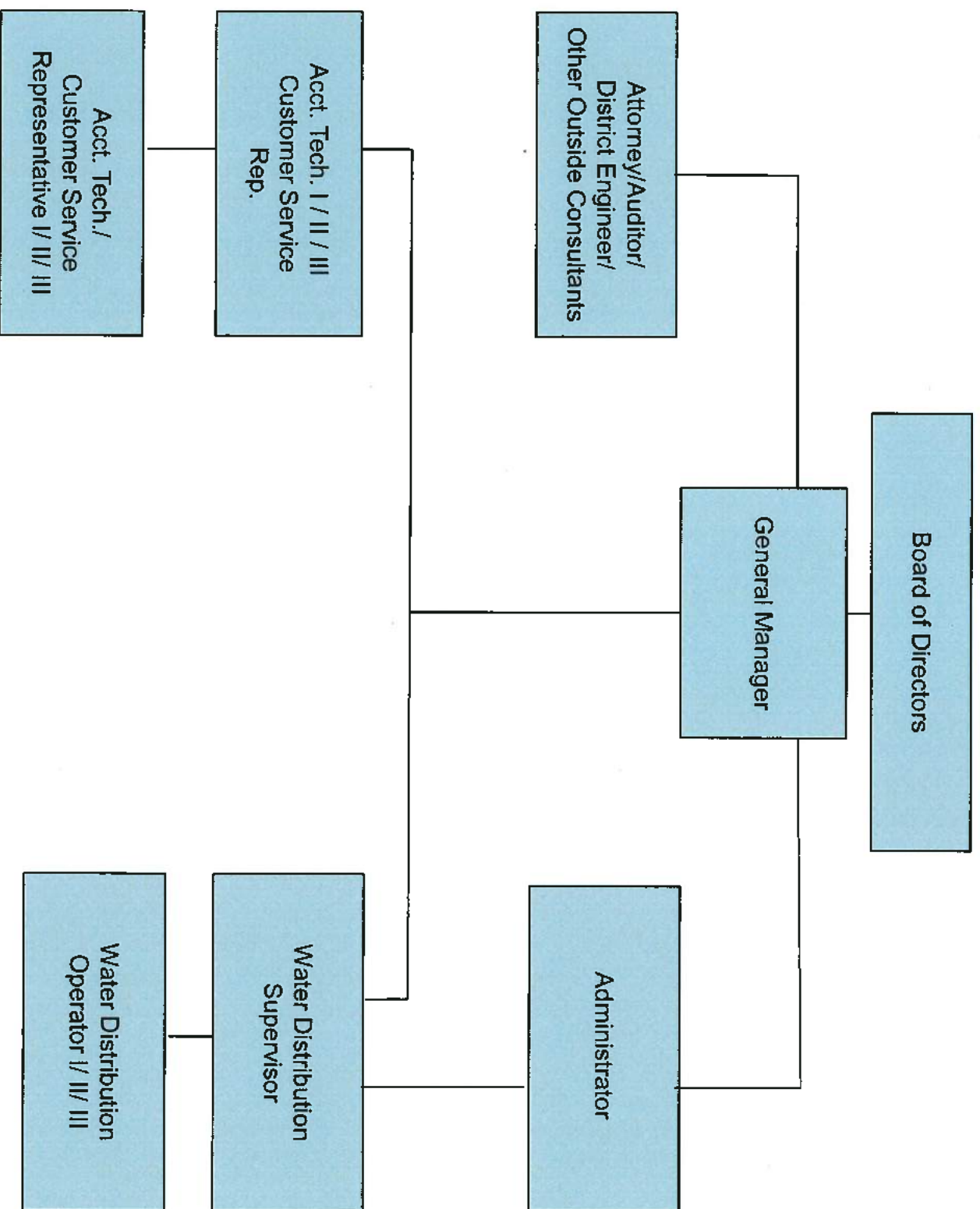
(Budget Included W-1 Plan of Service Recommendation to add 2 FTE Operations staff)

Adopted May 26, 2015

CURRENTLY APPROVED ORGANIZATIONAL CHART



ALTERNATIVE 1



ALTERNATIVE 2

AGENDA ITEM # 7(A)

Bighorn-Desert View Water Agency

Board of Directors

Michael McBride, President
Judy Corl-Lorono, Vice President
Terry Burkhardt, Secretary
J. Larry Coulombe, Director
J. Dennis Staley, Director



Agency Office

622 S. Jemez Trail
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760/364-2315 Phone
760/364-3412 Fax

Marina D West, P.G., General Manager

A Public Agency

www.bdvwa.org

Finance/Public Relations/Education and Personnel Committee Regular Meeting Report

Board Meeting Office
1720 N. Cherokee Trail, Landers, CA 92285
May 16, 2018 - 9:00 a.m.

Committee Members: Michael McBride & Larry Coulombe

Call to Order

President McBride called the meeting to order at 9:15 a.m.

Pledge of Allegiance

Led by Mary Coulombe

Roll Call

Directors: Michael McBride
Larry Coulombe

Staff: Marina West
Mary Helen Tuttle

Approval of the Agenda

President Michael McBride and Director Larry Coulombe approved the agenda as presented.

Fiscal Year 2018-2019 Budget Review

General Manager West gave an overview of the proposed Fiscal Year 2018-2019 Budget. This budget includes the rate increase approved in 2016 (\$1.51 per month Basic Service Charge and \$0.10 per CCF). General Manager West is recommending that the Improvement District 1 (Bighorn Mountain Service Area) debt service be reduced from \$175,900.00 to \$0.00 for the 2018-2019 fiscal year. The recommendation is to use the over-collection of \$113,000.00 to pay the debt and to stop collecting the

tax. General Manager West also reviewed various other expenses. In summary, the expense budget increases by 7% and the revenue budget decreases by 6% due to the fact that the ID1 debt service has been removed in the draft budget. General Manager West suggested our long range plan for capital improvements will be the engineering report completed with the Prop.1 planning grant which includes up to \$10,000,000.00 for construction of identified capital improvements.

Public comment: None

President McBride inquired about the possibility of a recharge pond on Linn Road, and a well for Ames/Reche. He also questioned where uranium in the water comes from and how to get rid of it.

Director Coulombe was concerned about the cost of maintenance of the heavy equipment and asked if the repairs required were due to normal use or misuse. General Manager West responded saying that the maintenance is due to normal wear and tear, and also the charges of a repair company driving all the way out to the vehicle location can add a lot of money to the bill.

Consent Items

- a. Regular FPREP Meeting Report, January 17, 2018
- b. Special FPREP Meeting Report, March 21, 2018

Public comment: None

Director Coulombe and President McBride approved the reports.

Public Comment Period

No public comment.

Verbal Reports

No Committee Member Reports

GENERAL MANAGER'S REPORT

General Manager West reported that a new administrative assistant, Seth Kish, has been hired and will begin employment Monday May 21, 2018.

Adjournment – President McBride adjourned the meeting at 10:04 a.m.