

SANTA MARIA VALLEY WATER CONSERVATION DISTRICT

Employee Handbook

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DRAFT

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COVERAGE

This handbook covers all of the Santa Maria Valley Water Conservation District's ("District") exempt and non-exempt employees.

DEFINITIONS

Full-Time Exempt. Salaried management, administrative, professional or other employees that are exempt from overtime requirements as defined by law.

Full-Time Non-Exempt. Non-exempt hourly employees who are scheduled to work more than thirty (30) hours per week on a regular basis.

Part-Time Non-Exempt. Non-exempt hourly employees who work less than thirty (30) hours a week.

Temporary. Employees who are hired to fill in for special projects, leaves of absence, vacations and other situations where needed on a temporary basis. The position is designed to be of short duration.

AT-WILL EMPLOYMENT

All Employees are hired by the District on an "at-will" basis. This means that either the employee or the District can terminate the employment relationship at any time at will, with or without cause and with or without any advance notice. This also means that the District can change job content, work hours, job assignments, job descriptions, wages, training programs, policies or working conditions and can change or eliminate any benefit or policy or any other term or condition of employment at any time at-will. No employee, supervisor, or officer other than the Board of Directors of the District has the authority to modify the at-will nature of the relationship and employees should not rely on any representation to the contrary because they are not authorized. The at-will nature of the employment relationship can only be modified by Board action that authorizes the District President to execute a written document containing such modification.

EQUAL EMPLOYMENT OPPORTUNITY; NON-DISCRIMINATION POLICY

We are an equal opportunity employer and will not discriminate against any employee or applicant for employment because of race, color, religious creed (including religious dress or grooming practices), sex, gender, gender identity, gender expression, pregnancy, child birth or related medical conditions (including breastfeeding and medical conditions related to breastfeeding), national origin, ancestry, genetic information, age for individuals over forty (40) years of age, marital status, physical disability, mental disability, medical condition, veteran status, military status/military reserve status, sexual orientation, reproductive health decision-making, an employee's opposition to any violations of law or requests for reasonable accommodations, the employee's association with others protected by law, the employee's participation in any proceeding conducted by the

Commented [CMC1]: These are new categories in CA

Department of Fair Employment and Housing, or the federal Equal Employment Opportunity Commission, or any other consideration made unlawful by federal, state or local laws. All such discrimination is unlawful. This commitment applies to hiring, promotion, discharge, compensation and any other terms, conditions or privileges of employment. The District is also committed to prohibiting and preventing discrimination against any employee or applicant for employment by any vendor, customer, client, independent contractor, or other third party the District does business with.

The District is committed to complying with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the operations of the District and prohibits unlawful discrimination by any employee of the District, including supervisors, managers and co-workers, as well as vendors, customers, clients, independent contractors, visitors or other third parties that come into contact with an employee. If any applicant or employee believes that they have been subject to any form of unlawful discrimination, they should make a complaint to their supervisor, [the General Manager](#), the President or Secretary of the District. The complaint may be oral or written at the employee's choice. The District phone number is (805) 925-5212. Any complaint provided to supervisors or other management employees will be referred to qualified personnel for handling. All complaints will be treated confidentially to the extent possible. The District will respond to a complaint in a timely fashion and conduct a thorough and fair investigation by impartial and qualified personnel. All investigations shall be documented and tracked to ensure reasonable progress. Complaints will be timely closed and if the investigation determines that there has been a violation of this policy, prompt effective remedial action will be taken to remedy the violation and to deter any future violations. The District will not retaliate against you for making a complaint or participating in an investigation and will not knowingly permit others to retaliate against you or others who participate in an investigation. If you believe you are subject to retaliation for complaining, you should make a complaint to your supervisor, [the General Manager](#), the President or Secretary of the District in the same manner as provided above. The District will also not retaliate against you for requesting a reasonable accommodation on the basis of religion, [pregnancy](#), [breastfeeding](#), or disability. Any complaint of retaliation will be investigated and remedied in the same manner as set forth above.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the District will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result. Employees may also request accommodations for religious beliefs and practices.

Any applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact a District representative with day-to-day personnel responsibilities such as the [General Manager](#), President or Secretary of the District and request such an accommodation. [If requested, the employee will provide his or her job description to a health care provider and obtain a licensed health care provider's note listing functional limitations.](#) The individual with the disability ~~will should~~ have an

Commented [CMC2]: I added new CA categories

interactive discussion with the District representative about what accommodation he or she needs to perform the job. ~~The District then will conduct an investigation to identify the barriers that make it difficult for the applicant or employee to have an equal opportunity to perform his or her job.~~ The District will identify possible reasonable accommodations, if any, that ~~will~~ help eliminate the barriers for the applicant or employee to perform his or her essential job functions~~limitation~~. If ~~an~~the accommodation is reasonable and will not impose an undue hardship, the District will make ~~an~~the accommodation.

REQUIREMENTS FOR EMPLOYMENT

The following are requirements for employment with the District:

- Must have a valid Social Security Number;
- Must complete a W-4 form;
- Must have completed an employment application; and
- Must have appropriate documentation establishing your right to work in the United States in compliance with state and federal law.
- Must have a valid Driver's License.

POLICY AGAINST HARASSMENT

The District requires all employees to treat each other with dignity and respect. In keeping with this commitment, the District maintains a strict policy prohibiting unlawful harassment of any type. This policy prohibits harassment in any form, including verbal, physical or visual harassment.

The District's policy prohibits harassment based on race, religious creed (including religious dress or grooming practices), sex, sexual orientation, gender, gender identity, gender expression, national origin, ancestry, genetic information, age for individuals over forty (40) years of age, marital status, physical or mental disability, medical condition, pregnancy, child birth or related medical conditions (including breastfeeding and medical conditions associated with breastfeeding), military or veteran status, the employee's opposition to any violations of law or requests for reasonable accommodations, the employee's association with someone protected by law, the employee's participation in any proceeding conducted by the Department of Fair Employment and Housing or the federal Equal Employment Opportunity Commission, or any other basis protected by federal, state or local law, ordinance or regulation. The District believes in and is committed to providing equal opportunity for all employees.

This policy prohibits harassment by supervisors, managers, and co-workers alike. This policy also prohibits harassment of employees, interns by any Board member, vendor, customer, client, independent contractor, visitor, intern, volunteer or third parties the employee comes into contact with. Sexual harassment violates the California Fair

Commented [CMC3]: the law also protects interns, so I added that

Employment and Housing Act and Title VII of the Civil Rights Act. Prohibited harassment includes, but is not limited to, the following:

1. Unwelcome comments or conduct based on sex that unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.

~~1) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;~~

~~2) Visual conduct such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;~~

2. Implicitly or explicitly conditioning a job or promotion on an applicant or employee's submission to sexual advances or other conduct based on sex;

3. Threats and demands to submit to sexual advances or requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits or favorable employment decisions in return for sexual favors;

4. Unwanted sexual advances

5. Offering employment benefits in exchange for sexual favors

6. Visual conduct, such as leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters

7. Verbal conduct such as derogatory comments, epithets, slurs, or jokes

8. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations

9. Physical touching or assault, as well as impeding movements;

and

10. Retaliation for having reported or threatened to report harassment or participating in an investigation of harassment.

Any employee who feels or believes they have been harassed by a co-worker, supervisor, manager, agent, vendor, intern, Board member, customer, client, independent contractor, visitor or other third party the employee comes into contact with, should promptly make a complaint to their supervisor, the General Manager, President or Secretary of the District. The complaint can be in writing or can be oral at the employee's option. The phone number for the President or Secretary of the District is (805) 925-5212.

Any complaint provided to supervisors or other management employees will be referred to qualified personnel for handling. All complaints will be treated confidentially to the extent possible. The District will respond to a complaint in a timely fashion and conduct a thorough and fair investigation by impartial and qualified personnel. All investigations

shall be documented and tracked to ensure reasonable progress. Complaints will be timely closed, and if the investigation determines that there has been a violation of this policy, prompt effective remedial action will be taken to remedy the violation and to deter any future violations. In any event, the person submitting the complaint shall be notified of the results of the investigation where appropriate and whether of the remedial action was to be taken. In appropriate circumstances, the type of remedial taken may be disclosed.

In the case of third-parties, the District will take appropriate action to eliminate the harassment.

The District will not retaliate against you for filing a complaint or participating in an investigation and will not tolerate or permit retaliation by supervisors or co-workers.

After enforcement of this policy has been completed, management shall monitor the principal parties involved. If any employee feels that there has been any reprisal or retaliation for reporting harassment, or participating in any investigation regarding harassment, they should report such reprisal or retaliation in the same manner as set forth above. The District will investigate all such allegations and take appropriate action. Any reprisal or retaliation in any manner or form against any person who has reported harassment or participated in an investigation of a complaint of harassment is grounds for immediate dismissal.

All supervisors must attend AB 1825 anti-harassment training and anti-bullying a minimum of 2 hours every 2 years. For nonsupervisory employees, they must attend one hour ever 2 years of antiharassment training. The District encourages all employees to report any incidents of harassment or retaliation forbidden by this policy immediately so that complaints can be quickly and fairly resolved. You also should be aware that the federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or discriminated against or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

Commented [CMC4]: The training is required by all public employers so I added it

LACTATION POLICY

The District accommodates mothers who choose to continue breastfeeding ~~and who avoid the use of infant formula~~ after returning to work. The District recognizes that breastfeeding is a normal part of daily life in mothers and infants and that California law authorizes mothers to breastfeed their infants where mothers and infants are authorized to be. The District protects a mother's right to breastfeed in public. The District also allows sufficient break time and a private location for breastfeeding employees to express milk at work. Supervisors are encouraged to consider flexible schedules to accommodate the employee's needs in that regard. ~~The District may provide a private room which is convenient to all employees to express milk.~~ Employees are encouraged to ask the District's General Manager or President as to the District's workplace accommodations, including the location of a private room to express milk.

POLICY AGAINST VIOLENCE IN THE WORKPLACE

Violence in the workplace has become a leading cause of workplace fatalities. This policy is aimed at preserving a violence-free workplace for all employees whether the violence or threat is made by another employee, or a third party.

The District will not tolerate acts of violence or threats of violence by any person. This is a zero tolerance policy. All violent acts by an employee will result in discharge. All threats by an employee, even if said in jest, are considered serious and may result in discharge. The District will also respond to violent acts or threats by third parties.

The District seeks to detect and deter real or threatened violence. To implement this goal, every employee has an affirmative obligation to immediately report any violence or threat of violence against any co-worker, supervisor, visitor, or other individual. This report should be made in accordance with the section below entitled "*All Employees Are Required To.*" Emergencies should be immediately reported to the police at 911.

District policy prohibits retaliation or harassment against an employee who reports a real or perceived threat in good faith. The District will discipline, up to and including discharge, (1) any employee involved in committing workplace violence or threats of violence, or (2) any employee who commits retaliation or harassment against any employee who reports violence or threats, or (3) any employee who attempts to discourage another employee from reporting a threat or act of violence. This policy applies to all District employees.

ALL EMPLOYEES ARE REQUIRED TO:

- ❖ Never make a threat, even if you are "just kidding." All threats will be considered serious and may result in your discharge.
- ❖ Never engage in an act of violence. It will result in your discharge.
- ❖ Report any threat of violence or violence immediately to your supervisor. Emergencies, including a situation where employees are aware of an imminent act of violence, threat of imminent violence or actual violence, should be immediately reported to the police at 911.

Learn to recognize the early warning signs of violence listed below. If you witness or learn of any of these signs of violence, report them immediately to the [Twitchell Operations Committee \("TOC"\)](#) or the [District Board](#) President.

- Any explicit or implicit threat to or about a co-worker, a supervisor or the District; especially threats of bodily injury or death.
- Any statement expressing identification with, support or endorsement of, or commenting favorably upon a recent event or perpetrator of violence.
- Any employee expressing an overwhelming concern they are being persecuted by a supervisor, co-worker or District.

- Any employee who is involved in a physically abusive relationship with another person or who has made threats of violence.
- Any employee demonstrating an abnormal excessive interest in weapons, paramilitary training, or expressing interest in ~~and~~-groups that advocate violence.
- Anyone carrying a weapon on Twitchell Dam premises, or carrying a weapon in the course of doing business for or with the District.
- ❖ Report any workplace security hazards to the TOC.

Commented [CMC5]: Abnormal is a little subjective so I added the word "excessive"

ALL SUPERVISORS ARE EXPECTED TO:

- ❖ Take appropriate and immediate action to prevent injury. Emergencies should be reported to the police at 911.
- ❖ Notify the TOC as soon as possible with details of any violence or threat of violence.

POLITICAL ACTIVITIES

In recognition of its responsibilities as a business citizen, the District encourages its employees to accept the personal responsibility of good Citizenship, including participation in civic and political activities, in accordance with their interests and abilities.

The District accepts without reservation the basic democratic principle that all employees are free to make their own individual decisions in civic and political matters. No employee's status with the District will be affected, in any way whatsoever, because of participation or nonparticipation in lawful civic and political activities.

Participation in civic and political activities is considered to be a personal matter and, as such, is generally to be carried on outside of normal working hours (except for time off to vote, which is covered in the District's Time Off to Vote Policy). No political activities or solicitations will be carried on within company premises. Employees are not permitted to harass or otherwise ridicule or mistreat one another based on political party affiliation or political viewpoint.

Political activities are defined for this policy's purposes as activities in support of any partisan political issue or activities in support of, or in concert with, any individual candidate for political office, or of a political party, which seek to influence the election of candidates to federal, state, or local offices. The definition includes employees who are or may themselves be candidates for political office. Employees may not use District property and equipment to carry out political campaigning.

GRATUITIES TO GOVERNMENT EMPLOYEES OR OFFICIALS

In adherence to government regulations, no employee may offer a gratuity to any government employee or official on behalf of, or in pursuit of, District's business. Gratuities are defined as meals, drinks, gifts, expenses, cash, or any other item of value, including personal service. This policy does not apply to an employee's individual

campaign contributions made in conformity with state and federal law.

The District strictly forbids any form of a business gift to federal, state, or municipal employees. Further, the District prohibits any conduct that could be construed as exercising improper influence over, or is otherwise intended to corrupt, government employees or officials. Violation of this policy will be treated as a major violation of District policy and, depending on the circumstances, may be grounds for immediate termination or other appropriate disciplinary action.

GRATUITIES TO/FROM CUSTOMER OR SUPPLIER REPRESENTATIVES

Employees of the District may not offer to give or accept a gift, cash, or other item of value—including personal services—from or to an existing or prospective customer, supplier, or a representative of, either in pursuance of business or in conjunction with negotiating business on behalf of the District.

Expenses for meals as part of a seminar, convention, or business meeting are not within the definition of gratuities for purposes of this policy. Similarly, this policy does not apply to routine promotional ~~or holiday~~ gifts or discounts offered by the District and at the District's direction. Invitations extended by a customer or supplier to participate in any program or activity, ~~such as a party or football game~~, should be referred to your supervisor for approval on a case-by-case basis.

Violation of this policy in any form will require immediate disciplinary action.

VIDEO AND GPS MONITORING

In our ongoing effort to achieve the highest level of business efficiency and customer service, as well as employee security, the District reserves the right to observe employees ~~in non-private areas of~~ throughout the District premises, and/or at the District worksites, either by way of direct observation or through use of security cameras or electronic devices, including electronic Global Positioning System (GPS) devices on District vehicles. Employees are prohibited from disabling these electronic devices. the District may install video cameras to monitor areas of security concern, including reception areas where customers may pay for water service, well and tank sites, the dam, pump stations, work areas, parking areas, meeting rooms (except for break rooms during breaks), and/or other generally open areas where employees may be seen by others. Therefore, employees should have no anticipation of privacy in the workplace, with the exception of restrooms, changing rooms, lactation rooms or residences.

Employee phone calls on District phones may also be randomly monitored; therefore, employees should not have any personal calls on District phones; when business calls are randomly monitored for quality control purposes, both the employee and the other party to the call will be informed that the call may be monitored.

Commented [CMC6]: Gifts of public funds are prohibited; promotional items, like items with the district logo given out at a conservation event, for example are typically ok because they serve a public purpose. Discounted service based on verified economic need, based on an established policy, is also ok

Commented [CMC7]: General surveillance of employees in the workplace may violate privacy. The areas should be clearly public so I more narrowly tailored this to areas where people should not have an expectation of privacy. The security cameras should not have the sound recording function on. But you can record a public Board meeting.

TRADE SECRET AND CONFIDENTIALITY POLICY

~~The District insists on the undivided loyalty of all employees, including management and non-management staff.~~ Employees must not engage in any conduct that would create an actual or potential conflict of interest or create the appearance of such a conflict.

The protection of confidential, sensitive, and proprietary information is of critical importance to the District, its workforce and its clients. It is therefore essential that all employees take steps to safeguard such information. Confidential information includes any information related to the District's ~~business, its~~ customers, its banking information, its network log-in and password information, its software, its business techniques, sales, marketing plans, financial or personnel data and certain other proprietary or any other business or financial information with which that employees are entrusted ~~with~~. Employees must not disclose confidential or proprietary information to third parties without authorization or use any confidential, sensitive or proprietary information of the District in any manner that is unauthorized or detrimental to the ~~best~~ interests of the District. Any questions concerning which records are public records under the California Public Records Act ("PRA") and which records are exempt from the PRA, should be directed to the General Manager or Board President.

INTRODUCTORY PERIOD

All new and rehired employees work in an "introductory" status for the first ninety (90) days after their date of hire, transfer or promotion. This "introductory period" gives the supervisor the opportunity to determine the ability of the employee to perform his or her job and provide training if necessary. It also provides the employee with the opportunity to decide if he or she is satisfied with the position. The District reserves the right to extend the duration of the introductory period when such an extension is determined appropriate in the District's sole and absolute discretion.

Employees are advised that completion of the introductory period does not change the employee's at-will status. Either the employee or the District can terminate the employment relationship at any time at-will, during or after the introductory period, with or without cause and without any advance notice. The at-will nature of the employment relationship can only be modified by a written agreement signed by the District President and approved by the Board.

CHANGE OF EMPLOYEE INFORMATION

It is important that you keep your supervisor and the office informed of any changes in important information. If your marital status or dependents change, you may have to change the number of exemptions claimed for income tax withholding purposes. Your present address and phone number are essential for many purposes, including mailings from the District to your home. Employees are responsible for notifying the District of any change of address. Only written changes are effective. By accepting employment with the District, you agree that the District has no obligation to verify your address, and you agree to notify the District of any change in your address to which important notices can be sent.

ACCESS TO PERSONNEL FILES

Upon request, current and former employees or their representatives may inspect their own personnel files at a mutually agreeable time, but no later than 30 calendar days from the date the District receives a written request. With limited exceptions, inspections take place on District premises, in the presence of a District official. With limited exceptions, employees will be permitted to inspect the entire contents of their personnel file. ~~With one exception is~~ where the employee has filed a lawsuit relating to a personnel matter and the lawsuit is pending at the time of the request, the request should proceed through the appropriate process for document requests in the litigation. Other exceptions are noted below. Current and former employees or their representatives are allowed to receive a copy of their personnel file if they make a request and pay the actual costs of copying. Exceptions to a current or former employee's right of inspection and copying include records regarding a criminal investigation, letters of reference maintained by the District, ratings, reports, and records that were obtained prior to an employee's employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination. Certain records concerning investigations may also have information redacted, to the extent permitted by law, depending on the situation.

EMPLOYEE RELATIONS

Our sincere conviction is that the best and most rewarding employee-management relations result from a direct relationship between management and employees.

We encourage you to bring your work-related problems to the TOC. If you are not satisfied with his/her response, we encourage you to bring your problems to the Board. We, in turn, promise to listen to your concerns with respect and do our best to solve your problems.

The District will not take any retaliatory action against any whistleblower who either reports internally or externally a violation of a state or federal statute, a violation or noncompliance with a local, state or federal rule or regulation, or with reference to employee safety or health, any unsafe working conditions or work practices in the workplace.

ADVANCES, LOANS OR GARNISHMENTS

The District does not make advances in pay or make loans.

Normally the District will not involve itself with creditors in the collection of personal debts from its employees. However, under certain legal procedures (such as garnishments, levies, or government tax requirements) the District is required by law to make deductions from an employee's pay.

HOUSEKEEPING

All employees are expected to keep their work areas clean and organized. Trash or other debris should never be left in work areas, District vehicles or in any storage or office facility. Please clean up after meals. Dispose of trash properly.

The District sometimes has visitors in the office. The District's surroundings should always reflect a professional appearance. Eating at your desk and vehicle is acceptable, but should not be done during work hours. All employees are personally responsible for keeping the area around their workstation and presentable. Employees are also responsible for returning the kitchen to a clean and presentable condition after use.

KITCHEN/BREAK AREAS

The District may provide a kitchen/break area for its employees' benefit. Employees are responsible for keeping the area clean, including the washing of personal dishes and utensils. All trash should be disposed of in the trash container and recycling placed in the appropriate bin. An employee's failure to clean up after himself or herself, or to be courteous to coworkers in the use of the kitchen/break areas, may be considered in the employee's overall performance evaluation.

VISITORS AND SECURITY (TWITCHELL DAM)

Twitchell Dam is not open to the General Public.

There will be no access to the "Santa Maria Project Site" when the Project [emergency action plan \("EAP"\)](#) is active at any level. Employees may not bring visitors into an active Project Area, work areas without prior authorization from the TOC. Visitors must adhere to all security procedures that the USBR may require, including providing picture identification to security personnel or submitting to metal detector scans. Visitors may not be allowed unaccompanied access to company facilities.

Law enforcement or government officials, including health or fire inspectors, will be directed immediately to the most senior or highest ranking employee at the location who will review court orders or subpoenas, or otherwise assist the law enforcement or government officials in a manner that provides full cooperation with minimal disruption to District Operations. Employees other than the most senior employee should not engage or otherwise assist law enforcement or government officials unless instructed to do so.

COLLECTION AND SOLICITATION

No collections and/or solicitations, for any purpose, will be permitted on work time or in work areas unless approved in advance by the District President.

ATTENDANCE AND PUNCTUALITY

As an employee of the District, you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your

supervisor. When you are absent, your workload must be performed by others, just as you must assume the workload of others who are absent.

Employees are expected to report to work as scheduled, on time and prepared to start work at their scheduled start time. Employees should not begin work until their scheduled start time. Employees also are expected to remain at work for their entire work schedule, except for meal periods, authorized breaks, or when required to leave on authorized or approved business. Late arrival, early departure or other unapproved absences from scheduled work hours are disruptive and must be avoided. Employees must report any deviation from their scheduled work hours to their supervisor or the President of the District. Because of the possible threat to the public, employees who leave the dam unattended during regularly scheduled work hours without appropriate advance notice and approval are subject to discipline, up to termination of employment.

If you are unable to report for work on any particular day, you must call the TOC at least two hours before the time you are scheduled to begin working for that day. If you have trouble reaching your supervisor, call the office at (805) 925-5212. If you call less than two hours before your scheduled time to begin work, you will be considered tardy for that day. In all cases of absence or tardiness, employees must provide the TOC with an honest reason or explanation. Employees also must inform the TOC of the expected duration of any absence. Absent extenuating circumstances, you must call in on any day you are scheduled to work and will not report to work.

Excessive absenteeism (excused or not), unless protected by law, may be grounds for discipline up to and including termination of employment. Each situation of excessive absenteeism or tardiness shall be evaluated on a case-by-case basis. However, even one unexcused absence may be considered excessive, depending on the circumstances.

If you fail to report for work without any notification to your TOC/supervisor and your absence continues for a period of three (3) days, the District will consider that you have abandoned your employment and have voluntarily terminated your employment.

LANGUAGE, DRESS, WORKPLACE BEHAVIOR AND CELL PHONES

Language, Behavior. The District will not tolerate offensive or vulgar language in the workplace or behavior that is disruptive or disrespectful to others. The use of vulgar language or engaging in disruptive behavior is prohibited, as it may offend others and does not present a professional image.

Avoid extremes in dress or behavior. Unprofessional Flashy, skimpy or revealing outfits and other non-work-like clothing, such as work-out or beach attire, are unacceptable. Likewise, unprofessional and inappropriate behavior in the workplace, such as sexually-related conversations, inappropriate touching (i.e., kissing, hugging, massaging, sitting on laps) and any other behavior of a sexual, unprofessional or vulgar nature is prohibited.

Appearance and Courtesy; Uniforms. Neatness and good taste in dress, care in personal cleanliness and grooming, interest in your work, and a willing, cooperative

attitude toward associates, customers, and visitors are recognized and appreciated business assets. No matter what your position might be, it's important to remember that good manners give a good impression. Being pleasant and courteous to customers, visitors, and your coworkers is an important part of your job.

Employees are expected to come to work each day dressed appropriately for the workplace and the day's tasks. Employees may use their discretion in selecting appropriate attire. However, such dress must be appropriate for the work to be performed. ~~Employees~~ Any request for religious accommodation to a dress policy may be directed to the General Manager or Board President. The District does not discriminate based on hair texture and protective hairstyles and does not impose dress requirements based on sex or gender. ~~However, such dress must be appropriate for the work to be performed.~~ ~~Employees~~ Employees are also required to wear all required safety gear.

Commented [CMC8]: There are new laws that I added language to cover

Enforcement of Policy. Employees are expected to observe the District's language, dress and behavior policy at all times while at work. Employees who fail to observe these standards will be subject to disciplinary action, up to and including termination.

ADVANCING WITHIN THE DISTRICT

Periodic evaluations may be made to determine your individual progress, training needs, and potential pay increases. A formal annual review will take place prior to the end of each fiscal year. Pay increases and performance bonuses are not automatic and depend on factors such as the employee's demonstrated job proficiency and the District's ability to pay, and therefore are entirely at the Board's discretion on an individual basis.

The chance to advance is important to each of us. By promoting from within our organization, when current employees are qualified and as justified by our District needs and growth, the District offers as many opportunities for advancement as possible. However, the District retains the right to elect to hire from outside the District for any open position, and employees have no entitlement to promotion. Employees may always apply for any open position, however, and will be evaluated in an unbiased manner along with all other candidates.

OPEN-DOOR POLICY

Our District recognizes that in any employee group, problems, difficulties, and misunderstandings may arise. It is the desire of the District. to see that every problem is handled promptly. To this end, the District will endeavor: (1) to invite employees to talk frankly with their supervisors, or to anyone else in authority, when they have a work-related problem of any kind, with the assurance that it will not be held against them by their supervisor or anyone else in management, and (2) to provide an open door at all times for employees to discuss with upper management any decision they feel to be unfair. The District is most sincere in encouraging any employee who feels he or she has not been treated properly, or who has a work-related problem of any kind, to make it

known to management through this “open-door policy.”

THIRD-PARTY PROPERTY/REPORTING MOTOR VEHICLE ACCIDENTS

When performing work at a location of a third party, employees must take all reasonable steps to protect the property and confidential information of such third parties. Any damage to any third-party property must be immediately reported to District management without exception. This includes reporting damage of any severity that results from an accident involving a District vehicle or an employee’s personal vehicle if the damage occurs while the employee is performing work-related duties.

DRAFT

DISTRICT VEHICLES

District vehicles should only be used by authorized drivers for business purposes only. Each of the authorized drivers is responsible for returning the District vehicle and keys at the end of their workday, in the same working condition as the start of their workday, less a day's wear and tear.

All authorized drivers must inspect the vehicle before and after its use. A Vehicle Inspection Report must be accomplished before the start of their driving assignment. Problems should be brought to the attention of the TOC immediately. It is the employee's responsibility to ensure that vehicles are safe, in good working order, and have complete documentation that includes registration papers, stickers, and proof of insurance. It is also the driver's responsibility to keep the inside passenger compartment clean at all times.

Vehicles should always be kept locked and parked only in designated parking areas while in the field or on District premises. Vehicles should also be operated in compliance with all vehicle codes and regulations. Violations and resulting fees and changes may be charged to the erring employee.

In the event of an accident, employees are required to inform their supervisor immediately.

Drivers. Drivers are required to possess the necessary license to drive District vehicles and must comply with all traffic laws.

Insurability. All employees driving District vehicles must remain insurable under the District's liability insurance policy. If any employee is declared uninsurable by the District's insurance carrier, the employee will immediately be considered ineligible for further employment.

Cellular Phones. District cell phones are not for private use.

Cell phone use must always be in compliance with all laws and regulations regarding its use. Texting, emailing or accessing a handheld electronic device while driving a District vehicle is prohibited at all times.

Any employee, while operating a District vehicle who is involved (to any degree) in an accident must report the accident immediately to their supervisor before their work shift is over for the day. Failure to do so may result in immediate termination.

EMPLOYMENT OF RELATIVES

The District does not maintain a strict policy that prohibits employment of relatives in all circumstances. However, there are significant restrictions on the employment of relatives under some circumstances. For example, the District may refuse to place one relative under the direct supervision of another relative for business reasons of supervision, safety, security or morale. For the same reasons, the District may refuse to place both

relatives in the same department, if the work involves potential conflicts of interest or hazards that are greater for relatives than for other individuals.

POLICY AGAINST FRATERNIZATION

The District desires to avoid misunderstandings, complaints of favoritism, possible claims of sexual harassment and the employee morale and dissension problems that can potentially result from personal or social relationships involving managerial and supervisory employees in the District. Accordingly, managers and supervisors are prohibited from fraternizing or becoming romantically involved with one another or with any subordinate employee in their chain-of-command or with any other non-management employee. Should any such relationship arise it must be disclosed to your supervisor in order to mitigate against favoritism.

CONFLICT OF INTEREST POLICY

Employees are expected to devote their full efforts, energies, and loyalty to the District. Due to the importance of this requirement, the District strictly prohibits any employment, activities or relationships that create any actual or potential conflict of interest. Any violation of this policy may result in disciplinary action, up to and possibly including immediate termination. It is therefore important for employees to avoid any potential violations of this policy. Employees are encouraged to raise any questions regarding specific activities or questions involving this policy with their supervisor or the District President before becoming engaged in outside activities or relationships that could violate this policy.

Off-duty conduct: While the District does not seek to interfere with your off-duty conduct; certain types of off-duty conduct may interfere with the District's legitimate business interests. Employees are expected to conduct their personal affairs in a manner that does not adversely affect the District's integrity, reputation, or credibility. Off-duty conduct that adversely affects the District's legitimate business interests or an employee's ability to perform his or her work will not be tolerated and may result in discipline, up to and including termination.

Personal conduct: Personal or romantic involvement with a vendor, supplier, or similar business contact may impair an employee's ability to exercise good judgment on the District's behalf. An employee should immediately disclose any relationship of this type to his or her supervisor or human resources personnel. The District will determine if an actual conflict of interest exists. If a conflict is determined to exist, the District will take whatever corrective action it deems to be appropriate under the circumstances.

TIMEKEEPING

All hours worked by non-exempt employees must be accurately recorded by either a timecard or timesheet as directed by the District. The District requires non-exempt employees to review and acknowledge the accuracy of their time records by signing their individual time records after each pay period. Employees who believe their time records

are inaccurate are required to advise the District of such inaccuracies by advising the office as soon as possible. No off the clock work is permitted at any time.

Employees are not allowed to begin work or perform work related activities before their start time, during their meal periods or after the time recorded as the end of the workday.

The following guidelines on timekeeping must be adhered to:

- ❖ No off the clock work is permitted. All work time must be recorded. No supervisor or manager has authority to ask you to work off the clock. If a supervisor or manager asks you to work off the clock, you should immediately inform the District President of this fact.
- ❖ If there is a mistake on the time record, an employee should inform his or her supervisor and then make and initial the necessary correction. The supervisor should also approve any correction by initialing the correction on paper or noting approval in the timekeeping system.
- ❖ Supervisors or managers are authorized only to change an employee's time record to accurately reflect the employee's actual work hours. If you believe that a supervisor or manager has modified your time record to inaccurately reflect your actual hours worked, you must immediately inform management or the office manager of the alleged inaccuracy, in writing.
- ❖ Each employee will review and sign their own time records. Doing so for other employees will result in discipline up to termination.
- ❖ Do not enter a time earlier than your designated start time. Your time in should be your scheduled start time. Employees should not begin work earlier than their scheduled start time without authorization.
- ❖ Record the time when you are released from work.
- ❖ Meal periods must be recorded and must be signed and acknowledged by each non-exempt employee. You must record the beginning and end of your meal period.
- ❖ Record the total hours worked for the pay period on the last timesheet.
- ❖ All reviewed and signed time records will be collected no later than two (2) days after the close of the last day of the pay period.
- ❖ Dam tenders are required to describe the work performed during the employee's shift. Each employee should follow all instructions and training on filling out their time record.

USE OF DISTRICT PROPERTY

All District workspace, including file cabinets, desks, vehicles, computers and other property provided to the employees for their work are the property of the District and must be available to management at all times. The use of personal locks on any District property is strictly forbidden. No District property may be used to house personal files or items. No District equipment, including computers, photocopiers or printers may be used for personal business.

POLICY CONCERNING USE OF COMPUTERS AND INFORMATION SYSTEMS

This policy governs the use of the District's information systems. "Information systems" includes telephone, e-mail, voice mail, internet, mobile phones or personal communication devices, iPad, tablets, computers, computer components and software, files generated regardless of the medium on which stored, computer systems and all other forms of electronic communications. Of course, this policy does not cover all possible issues, which may arise, particularly given the rapidly developing nature of technology and its applications. It is intended to set forth general rules and the District's basic philosophy and approach to the use of our information systems. District reserves the right to modify this policy at any time and to deal with issues which may arise in the manner management determines to be most appropriate under the circumstances.

Business Use. District's information systems are the District's property and are business tools to facilitate the management of and the transmittal of business-related communications information. While the telephone, e-mail, voice-mail, internet and computer systems may be used occasionally for non-business purposes, such use must be kept to a minimum and must never interfere with an employee's performance of job duties. However, Internet access is restricted to business-related purposes.

Improper Use. Employees are expressly prohibited from abusing the District's information systems by:

1. Threatening or harassing other employees;
2. Using or displaying profanity, obscenities or abusive, discriminatory, sexist or racist language or materials;
3. Creating, displaying, downloading, transmitting or storing negative offensive or derogatory images, messages or cartoons regarding race, color, creed, religion (including religious dress or grooming practices), sex, gender identity, gender expression, pregnancy, child birth or related medical conditions (including breastfeeding and medical conditions related to breastfeeding), national origin, ancestry, genetic information, genetic characteristics, age (over 40), marital status, physical or mental disability, medical condition, veteran status, military status, sexual orientation or which in any way violates the District's policy prohibiting employment discrimination or harassment in employment;

4. Violating any laws;

5. Quotation of others without legal authority or without obtaining express permission, or engaging in any other conduct that might constitute infringement of copyright, trademark or ownership rights;

6. Expressing personal opinions relating to the District on the internet in any manner that implies that the District endorses the message. Employees and contractors, who on their own time and via their own computer wish to express personal opinions regarding the District, should be wary of the danger that such opinions may imply inappropriate access to and dissemination of confidential, sensitive or proprietary information. Opinions concerning the District that are expressed should clearly indicate that they do not reflect the opinion of the entity involved or its officers or management;

7. Misrepresenting, obscuring, suppressing, concealing or replacing the author's or transmitter's identity. Creating or constructing e-mail or other communications so they appear to be from someone else is prohibited. All employees are personally accountable for messages and internet postings that they originate or forward from our information systems;

8. All messages communicated by use of our information systems should have your name attached;

9. It is never permissible to send a message from another employee's or personal account, either directly or indirectly, unless you obtain that employee's or contractors prior approval;

10. If an inappropriate communication is received by an employee or contractor either internally or by way of the Internet, the employee or contractor is prohibited from forwarding such a message to another employee, other than for the purpose of alerting his or her supervisor or the District President of the improper use of the District' resources; or

11. Deletion of any content from the District's information systems must only be done according to the District's document and information policies or with the permission of management.

District Property. All communications and information created, sent, received, deleted, stored or otherwise associated in any way with District's information systems (hereinafter "Content") is District property and not the property of any employee or user.

District Access and No Expectation of Privacy. District may access, intercept, read, review, copy, listen to, and/or disclose any Content at any time without notice. This includes any private, confidential or personal Content which may be on District information systems, whether or not password-protected and whether or not marked confidential. Employees should understand that they have no expectation of privacy with regard to Content on the District's information systems, and any Content which an

employee wishes to keep private should not be placed on the District's information systems nor, if on any District disk or other storage media, ~~brought into the workplace.~~

No Computer Snooping or Hacking. Notwithstanding the District's right of access, no employee is permitted to use information systems to access Content created by others except as reasonably necessary to perform the employee's job. This rule applies whether or not the Content is password-protected or marked confidential. Under no circumstances may District's information systems be used to monitor the electronic files or communications of others or to obtain unauthorized access to files or networks through "hacking," using others' log-ons, or otherwise breaching security measures. Any exceptions to this policy, such as a supervisor asking an employee to log into the supervisor's account to perform a District task, must receive prior approval by the District General Manager or President of the District.

Passwords. All passwords must be filed with the District General Manager or President. Please remember that the use of a password does not mean that any information on our information systems is private or confidential.

Deletion. Deleting e-mail messages and computer files does not necessarily mean that there are not copies on the individual PC, on the network or in storage or that the information cannot be retrieved. Accordingly, nothing should be written in a computer file or in e-mail that you would not put in a traditional hard copy document. Please note that it is possible that the District would choose to or be compelled to produce e-mail and computer files in litigation.

Software. It is our policy that we acquire software through legitimate means and respect agreements concerning the use and copying of software. Employees must not borrow, "bootleg," or copy District-licensed software for personal use nor utilize it outside the limits of the license agreement negotiated by the District. You may not use any personally-acquired software on our computers without the express approval of the District President. Some programs may not be compatible with the District's systems and may contain viruses.

Security. Security of our information systems is a priority and the responsibility of all employees. Each employee must log off the PC he or she uses when away from the PC for extended periods and at the end of each workday. Computer log-on IDs and passwords for network access, e-mail, voice mail and other applications should never be revealed to anyone without authorization. Care should be taken to ensure that any requests for user ID and password information are in fact coming from authorized District personnel.

The Internet. Please keep in mind that while the Internet allows access to vast sources of information, it is unregulated. Information sources may not be accurate, complete or current. Further, it is possible that individuals accessing the Internet may encounter material they find offensive or disturbing.

Social Networking and Blogging. Personal web sites and Web logs (blogs), such as

Commented [CMC9]: The District can search its own systems. The District should not be doing searches of items an employee brings to work though. If the employee puts data on the District's system, then the District would be able to see it. With public agencies, there's a fourth amendment or invasion of privacy issue with searching personal belongings.

Facebook, Twitter, and the like have become prevalent methods of self-expression in our culture. The District respects the right of any employee to maintain a blog or participate in social media. However, employees should be aware that many of the standards and expectations contained in the policies of the District also apply when participating in blogs and other personal web sites, even though they are carried out on personal time. The policies outlined below have been established to protect the District's interests and establish guidelines that employees must adhere to when engaging in blogging or creating personal Web sites:

- 1) Employees may not post on a blog, such as Facebook, Twitter or other social media sites during work time or at any time with District equipment or property.
- 2) All rules regarding confidential ~~business~~ information apply in full to blogs and social media. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog or on social media.
- 3) Employees are prohibited from using the District logo, uniform, or other identifying symbol of the District in any blog, personal Web site or social media.
- 4) If employees mention that s/he is an employee of the District in a blog or other social media and also expresses a political opinion or an opinion regarding the District's actions, the poster must specifically note that the opinion expressed is his/her personal opinion and not the District's position. This is necessary to preserve the District's good will in the marketplace.
- 5) Any conduct which under the law is impermissible if expressed in any other form or forum is impermissible if expressed through a blog or on social media.

In accordance with the District's policies on appropriate and respectful conduct, including the District's policy on Harassment and Discrimination, the District reserves the right to take action against an employee if any statement made in a blog or Web site contains information that violates District policy or is any way deemed to be harassing, discriminatory, threatening, intimidating or sexually explicit with respect to the District, its employees, its officers, owners or third parties with whom it has relationships (e.g. customers and vendors). This applies not only to written statements, but also inappropriate photographs or visuals that may be posted to a blog, Web site or other social media.

~~Further, the District encourages all employees to contemplate the speed and manner in which information posted on a blog or social media can be relayed and often misunderstood by readers. Thus, subject to the limited restrictions above, while an employee's free time is generally not subject to any restrictions by the District, the District urges all employees to not post information regarding the District, its officers, owners or employment situations which could lead to morale issues in the workplace or which could detrimentally affect the District's business. Employees must use their best judgment; if you are about to post something that makes you feel uncomfortable, review the guidelines above. When in doubt, don't post!~~

Commented [CMC10]: They are allowed to post criticisms about terms and conditions of employment on line, under Labor Law, and banning all speech that might lead to morale issues is probably not specific enough. The prior paragraph seems to cover what the District needs to prohibit, like harassing speech, copyright infringement etc, so I kept that one in and took this one out

POSTAGE, SHIPPING AND OFFICE SUPPLIES

Postage, shipping and office supplies paid for by the District are for business purposes and are not to be used for an employee's personal purposes.

PERSONAL PROPERTY; PARKING

The District does not assume responsibility for any personal property located on its premises. Employees are to use their own discretion when choosing to bring personal property into the office, and do so at their own risk. Additionally, employees may not bring or display in the office any property that may be viewed as inappropriate or offensive to others.

Parking is provided to employees on the premises. Do not park in areas which are designated "no parking." The District is not responsible for loss or damage to employee vehicles or their contents.

BUILDING SECURITY

Shortly after an employee's start date, he/she may be given a key to gain access to the building. The last employee to leave the building at night is responsible for making certain that all doors and windows are locked.

MONITORING AND SEARCHES

All District property is subject to monitoring and review at all times. This includes, but is not limited to, desks, lockers, District vehicles, computers and e-mail files. Reasons for searches and reviews include, but are not limited to, personal abuse of District property, theft investigation, and improper disclosure of confidential information.

The District retains the right to conduct searches at any time. This includes the right to search District computers or files, even if protected by a password. Any employee that attempts to obtain or alter a password for the purpose of accessing restricted files will be subject to disciplinary action, up to and including termination.

BULLETIN BOARD

The District has bulletin boards where employees can review information concerning employment laws and terms and conditions of employment. Postings on the bulletin boards contain notices of state and federal laws, as well as information on wage rates and other terms and conditions of employment.

Employees may not post any information on these bulletin boards without the express authorization of the District. All requests to place information on the bulletin boards should be directed to the District [General Manager](#) or President.

Removal or defacement of notices or other material on these bulletin boards violates District policy and is grounds for discipline up to and including termination.

SMOKING

Smoking is not permitted in any District building. Smoking is also prohibited in District vehicles. Smoking is only permitted in designated area.

DRUG AND ALCOHOL ABUSE POLICY

The District is committed to providing its employees a safe, efficient, and productive work environment. In keeping with this commitment, the District has adopted a variety of policies to ensure that employees perform their duties safely, efficiently, and in a manner that protects their interests as well as those of their co-workers and our customers. Employees who believe they may be struggling with a drug or alcohol problem are encouraged to voluntarily reach out to an employee assistance program or healthcare provider to obtain help.

The goals of this policy would be severely compromised by drug or alcohol abuse in the workplace. The District has therefore adopted a strict policy regarding the inappropriate use or possession of drugs or alcohol. There are two components to this policy. The first involves a general prohibition against conduct that is detrimental to the objectives of the policy and the interests of the District and its employees. The second involves methods of detecting inappropriate drug or alcohol use, including the testing of job applicants for certain positions holding a conditional job offer and employees in specified circumstances for specified substances~~substance abuse~~.

General Rules. Employee involvement with alcohol or drugs can be extremely disruptive and harmful to the workplace. It can adversely affect the quality of work and the performance of employees, pose serious safety and health risks to the user and others, and have a negative impact on work efficiency and productivity. Accordingly, the District requires all employees to report for work fit to perform their duties and prohibits the use or possession of alcohol or illegal drugs while working or during times that could affect their work performance. All employees must adhere to the rules stated in this policy.

The use, possession, distribution, transfer or sale of illegal drugs or alcohol, or being under the influence of drugs or alcohol, is strictly prohibited while on duty, while on the District's premises or while operating a vehicle or potentially dangerous equipment owned or leased by the District. This is a zero tolerance policy. Any violation of this policy will result in disciplinary action, up to and possibly including immediate discharge.

Any employee who is under the influence of any prescribed medication which may impair public safety must advise his supervisor or foreman of that fact, ~~and the precise type of medication involved~~, before reporting to work.

No employee shall be under the influence of, or have in their system, a reportable level (as identified by a standardized screening test) of alcohol or any illegal drug while on District premises or in District vehicles (including District rented vehicles, Quadrunners and other off-road vehicles) or while performing District business. District premises is defined as all District property including, but not limited to, the dam and all areas

Commented [CMC11]: An employer cannot ask all employees to disclose all prescriptions, per the EEOC. However, if someone is on a prescribed medicine that could impair public safety, then that should be disclosed. If the impairing medicine is for a disability, then the employer should have a reasonable accommodation meeting because the person might need their work functions temporarily changed while on the medicine, medical leave or some other accommodation for example

surrounding the dam, including structures, offices, shops, yards, parking lots, or any location where District business is conducted. For purposes of this policy, an illegal drug is defined to mean: cocaine, MDMA, MDA, heroin, PCP, methamphetamine, marijuana, including medical or recreational marijuana, or any controlled substance, medication, or other chemical substance that (1) is not legally obtainable under California or federal law; or (2) is legally obtainable, but is not legally obtained, is not being used legally, or is not being used for the purpose(s) for which it was prescribed or by the person to whom it was prescribed or intended by the manufacturer. ~~Thus, "illegal drugs" may include even over-the-counter medications, if they are not being used for the purpose(s) for which they were intended by the manufacturer.~~ The use sale, distribution, manufacture, or possession of alcohol, illegal drugs, drug paraphernalia, or unauthorized prescription drugs while on District premises, or any location where District business is conducted, including District vehicles and parking lots is strictly prohibited.

If any employee has reason to believe that drugs are being manufactured, distributed, dispensed, sold or used on District premises or while employees are performing District business, they should immediately notify their supervisor, the General Manager or the District President.

Possession, use or being under the influence of any legally obtained drug (prescriptions or over-the-counter medications) is prohibited when such use affects the employee's job performance or safety. Any employee who has questions about medications they are taking, should discuss the matter with their physician and comply with this Drug and Alcohol Abuse policy.

Inspections to Administer and Enforce Policy. In order to promote a safe, productive and efficient workplace, the District reserves the right to inspect employees, as well as any articles and property in their possession. The District also reserves the right to inspect lockers, desks, boxes, and District vehicles, ~~personal vehicles on District property, packages, lunch boxes, purses,~~ and other District objects or District containers brought onto District property that might conceal alcohol, illegal drugs, and/or other inappropriate materials.

Drug and Alcohol Tests

The District may conduct the following tests of employees for confirmation of illegal drug and/or alcohol use:

➤ **Pre-Employment Testing:** Prior to beginning employment, while holding a conditional offer of employment, all applicants are required to submit to and pass a pre-employment drug test if their job duties include safety sensitive functions or may include using a District vehicle or heavy equipment, performing any security work or physical labor, or performing work with vulnerable populations, such as children, disabled persons or the elderly. Any applicant that tests positive or refuses to submit to, or tampers with the drug and/or alcohol test will be ineligible for hire.

Commented [CMC12]: A public agency GM or Board president should not be conducting searches of personal vehicles or personal containers. There are 4th amendment and privacy issues.

Commented [CMC13]: check drug test section

Commented [CMC14]: A series of cases have narrowed the scope of pre employment drug tests.

➤ Post-Accident Testing: Post-accident testing may be required when ~~an employee~~ (i) ~~an employee has received a citation after an accident in which has~~ an on-the-job injury ~~occurred~~ which ~~requires~~ medical treatment ~~away from the scene~~ or who ~~is involved in a vehicle accident for which the employee received a citation that se~~ actions contributed to a medical injury ~~that had to be treated away from the scene~~; (ii) ~~an employee was~~ involved in ~~a vehicle accident causing significant property damage requiring a tow or at least \$10,000 of damages and the employee received a citation or an injury accident~~; (iii) ~~is involved in an accident with a District vehicle~~; or (iv) ~~is a party to a physical fight during work time~~; or (iii) ~~an employee was involved in a vehicle accident that resulted in a fatality~~. Drug and alcohol testing will be required in situations (i) through (iiiv). ~~Drug testing may also be required in circumstances in which an employee is involved in an on-duty physical fight or accident resulting in injury or significant property damage where the observable changes in employee behavior and the facts known to the supervisor or Human Resources representative at the time of the accident create a reasonable suspicion indicate that the employee is at fault and is under the influence of drugs. Drug and alcohol testing will also be required in situations involving workplace injuries or accidents where it appears that drugs or alcohol is likely to have contributed to the accident or injury and where a drug and alcohol test can accurately identify impairment caused by drug or alcohol use. In all such cases, the employee will be required to have an immediate substance screen to ensure fitness for work. Employees may be subject to a field substance screen consisting of a swab to the mouth or breathalyzer which will preliminarily screen for drugs and/or alcohol. If the field screen shows a positive result the employee will be immediately transported to the facility for testing either via District vehicle, driven by a supervisor or Human Resources representative, or via cab. Employees involved in an incident and sent for a screen will not be allowed to return to work until the drug and/or alcohol screen results are received. Refusal to report any on the job accident or incident within 24 hours will be subject to disciplinary action up to and including termination. This policy is not applicable to commercial vehicle drivers who are governed by our DOT drug testing policy.~~

➤ Reasonable Suspicion Testing: Any employee whose on-the-job behavior and/or actions indicate that they may be under the influence of drugs and/or alcohol may be tested for the use of drugs and/or alcohol. Testing must be job-related and consistent with business necessity, and a supervisor trained in substance-use signs must have reasonable suspicion that the employee is impaired, based on observable changes in behavior. This behavior and/or actions may include, but not be limited to, visible signs of possible intoxication or influence of drugs and/or alcohol, the strong smell of alcohol and/or drugs coming from the employee (along with a second behavior, action or admittance), the admittance of being under the influence of illegal drugs and/or alcohol, documentation of suspected behavior, as well as possession of suspected illegal drugs and/or alcohol, drug paraphernalia, or when any of these items are found in an area controlled or used exclusively by such employee. Where there is reasonable suspicion, ~~the employee will be required to have an immediate substance screen to ensure fitness for work. Employees will be informed of the basis of the suspicion, the testing process and the privacy precautions to be taken and will be asked to sign a consent to such~~

screen, and assuming they do so will be transported to the facility for testing either via District vehicle, driven by a supervisor or District representative, or via cab.

➤ Employees directed to have a screen will not be allowed to return to work until the drug and/or alcohol screen results are received. If the screen is positive, the employee will be sent home.

➤ Random Selection Testing: This may include all employees in safety sensitive positions as defined under Department of Transportation regulations, that may be subject to periodic testing on an unannounced basis for illegal substances. Random selection will be conducted by a DOT-approved true random number selection program using employee ID numbers. Random selections will be conducted for any position designated as "safety sensitive" under Department of Transportation regulations and is defined as any job which may endanger any employee, the general public, contractors, or individuals due to impaired performance or operation of his or her duties which may involve the operating of machinery, performing work at the dam, or operating vehicles or any positions that could endanger the safety of others. "Safety sensitive" shall not include any clerical, or office personnel positions, which could not generally endanger the public or others.

Commented [CMC15]: A specific regulation has to allow random testing. The closest thing would be the DOT regulation, but it narrowly defines "safety sensitive" and is specific about when testing can happen.

➤ "Safety Sensitive" work is work by DOT commercial motor vehicle operators, operators of vehicles weighing over 26,000 gross vehicle weight rating, DOT placarded vehicles under hazardous material regulations or vehicles designed to transport more than 15 people including driver.

Specimen Collection and Testing Procedures

Specimen Collection Procedures:

1. Test ~~s~~Subject ~~p~~Privacy will be respected, and will comply with DOT regulations, a copy of with is available at the District.

~~Appropriate professional personnel will supervise the collection of urine and blood specimens for testing.~~

2. Chain of Custody Procedures

The District will take steps to preserve the chain of custody of specimens, in order to ensure testing accuracy.

Specimen Testing Procedures:

➤ Specimens will be tested only by laboratories that are properly approved to conduct drug testing by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists. Specimens will be tested only for the presence of illegal drugs, and their metabolites.

➤ The District will rely only on positive initial screening test results that also have been confirmed by gas chromatography/mass spectrometry (GC/MS) or other

methods of confirmatory analysis provided for by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists (“confirmatory test”).

Cost of Testing: The District will pay for any drug or alcohol test that it requests or requires.

Test Results: The District will promptly communicate positive test results to test subjects.

Employee’s Test Result Report: Employees may request, in writing, a copy of their test result report provided that The District receives the request within five (5) calendar days after the employee has been informed of the positive test result.

Confidentiality of Test Results: The District will not disclose test results except as authorized by the test subject or as authorized, permitted, or required by applicable law.

Consequences of Refusal: Employees may refuse to undergo drug and alcohol testing, and testing will not be conducted unless the employee consents in writing. However, employees who refuse to undergo testing or who fail to cooperate with the testing procedures may be subject to discipline, up to and including immediate discharge.

Consequences of Confirmed Positive Test Results: Any employee who tests positive on a confirmatory drug and alcohol test required by the District may be subject to discipline, up to and including immediate discharge.

Employee’s Right to Explain Test Results: Any employee who tests positive on a confirmatory drug and alcohol test required by the District, may request, in writing, the opportunity to explain the positive test result in a confidential setting, provided that the District receives the request within five (5) calendar days after the employee has been informed of the positive test result. Furthermore, any employee who tests positive on a confirmatory drug and alcohol test required by the District may request, in writing, the confirmatory retest of the original sample, at his or her own expense, provided that The District receives the request within five (5) calendar days after the employees has been informed of the positive test result. Confirmatory retests requested and paid for by the employee may be conducted only by laboratories that are properly approved to conduct drug and alcohol testing by the National Institute on Drug Abuse, the Department of Health and Human Services, or the College of American Pathologists.

WORK RULES

Supervisors have the responsibility of enforcing District rules and policies. Any infraction of a District rule or procedure may be grounds for disciplinary action, which may include discharge. The work rules listed below are not exhaustive and actions other than those listed may be grounds for discipline, including discharge, within management’s discretion. In all cases, employees are expected to use common sense in performing their duties.

The District does not have a “good cause” termination policy and reserves the right to terminate any employee with or without cause and with or without notice at any time. The

at-will nature of the employment relationship can only be modified by a written document approved by the Board of Directors of the District and signed by the District President. Thus, a violation of District policy is not a prerequisite to termination. However, employees should at all times comply with District policy and should take warnings (oral or written) seriously.

The following conduct violates District policy:

- 1) Unauthorized soliciting or collecting for any purpose while on District time or in District work areas.
- 2) ~~No one except~~Only Directors and employees ~~will be allowed~~are authorized to discharge firearms on Twitchell Dam property, and in such cases, only where a person is at great risk of injury or death due to wildlife threats.
- 3) Violating the District's equal opportunity; non-discrimination policy.
- 4) Violating the District's policy against harassment.
- 5) Violating the District's workplace violence policy.
- 6) Release of confidential information to unauthorized personnel.
- 7) Violation of the District's policy on use of cellular or wireless phones while operating vehicles or equipment.
- 8) Absence from duty on available working days, without prior notice to and permission from your immediate supervisor. Three (3) consecutive days of such absence will be considered a voluntary resignation.
- 9) Willful falsification of employment records or any other District records, which includes providing the District with false or misleading information on application forms and timecards.
- 10) Fighting or attempting bodily injury to another person on District or customers' property or while on duty.
- 11) Engaging in unauthorized activities while on duty, such as gambling, sleeping, etc.
- 12) Not returning from a leave of absence at the approved time.
- 13) Possession of illegal drugs on Twitchell Dam property or reporting to work under the influence of drugs or alcohol.
- 14) Unauthorized use of District vehicles or equipment, including telephones or District credit cards, for personal use.
- 15) Indecent conduct, such as threatening, coercing, assaulting or using abusive language, toward fellow employees or supervisors on District property or while on duty.

- 16) Littering or deliberately creating or contributing to unsanitary conditions at any work area.
- 17) Leaving your work area for personal reasons during work hours without prior notification to and approval of your supervisor.
- 18) Having visitors without permission in work areas during work hours.
- 19) Failure to complete work as assigned by your supervisor or refusing to follow instructions.
- 20) Tardiness or absence.
- 21) Interference with any employee in the performance of their duties.
- 22) Malicious abuse or damage to District property or the property of another employee or visitor. Graffiti on walls of restrooms, District buildings, or other property, is forbidden.
- 23) Insubordination to District supervisors or other management personnel.
- 24) Theft or misappropriation of District property, equipment, product or supplies.
- 25) Failure to report accidents or injuries.
- 26) Poor work performance.
- 26)27) Engaging in a conflict of interest.

SAFETY RULES

Employee Safety; Accident Reporting

The District strives to provide its employees with a safe and healthy workplace environment. To accomplish this goal, both management and employees must diligently undertake efforts to promote safety. The state Division of Occupational Safety and Health, better known as Cal/OSHA, requires strict compliance with regulations by both employers and employees. Failure to follow the District's, as well as Cal/OSHA's, safety rules will result in discipline, up to and including termination.

All job-related injuries or illnesses are to be reported to the TOC and recorded immediately regardless of severity. In the case of serious injury, an employee's reporting obligation will be deferred until circumstances reasonably permit a report to be made (written report to the District Office pending EAP need). Failure to report an injury or illness may preclude or delay related benefits to the employee.

Preventative Measures

In addition, you can help avoid serious accidents and/or injury to yourself and others by following certain general safety rules while at District offices and/or worksites:

- Keep hallways and exits free of debris at all times and never block or obstruct them.
- Keep floors clean and dry.
- Don't block or obstruct fire extinguishers at any time.
- Do not remove and/or replace safety devices and guards before operating any machine or power tool.
- Report all unsafe work conditions to the TOC.
- Do not attempt to fix equipment yourself unless authorized to do so; only qualified personnel can perform maintenance or repair of equipment.
- Use proper hygiene when leaving or returning to work areas for break and meal periods (e.g., washing hands).
- Use proper lifting techniques to avoid over-extension when lifting.
- Head protection: Employees exposed to flying or falling objects and/or electrical shock and burns must be safeguarded by means of approved head protection; where there is risk of hair entanglements in moving parts of machinery, combustibles, or toxic contaminants, employees must confine their hair.
- Eye and face protection: Employees working in locations where eye hazards are inherent in the work or environment due to flying particles, hazardous substances, or injurious light rays must use employer-provided eye or face protection. Suitable screens or shields isolating the hazardous exposure will safeguard nearby employees.
- Hand protection: Gloves may be required for employees whose work exposes hands to hazardous substances, cuts, or burns.
- Foot protection: Appropriate foot protection is required for employees who are exposed to foot injuries from hot, corrosive, or poisonous substances; falling objects; or crushing or penetrating actions that may cause injuries. Employees working in construction areas requiring foot protection must furnish their own steel-toed or comparable work boots.

Emergency Closings

Twitchell Dam is open 24/7/365. The facility is operated under normal conditions for most every task. During any Emergency, regardless of the type the facility is manned and is operated under established rules as the Emergency Action Plan – EAP. Training is required for all persons that work under the EAP, with an annual opportunity to refresh the use of the EAP and its reporting to the USBR.

PERSONAL MAIL AND SHIPPING

From time to time, employees will be permitted to use the District's shipping vendor to arrange for shipping personal goods. Any costs associated with personal shipments will

be charged back to the employee and will be promptly reimbursed by the employee to the District. Employees may also occasionally receive personal shipments at the workplace, provided that it does not interfere with or burden mail room or other administrative staff, and as long as the materials received are not inappropriate for the workplace.

WORKING HOURS, PAY PERIODS, OVERTIME AND BREAKS

Scheduling of Work Hours. Regular working hours will be assigned by the Board of Directors and will change from time to time depending on the needs of the District. The District's office and administrative personnel work a typical Monday through Friday, eight-hour workday (excluding meal periods for nonexempt employees), generally between the hours of 8 a.m. and 6 p.m. Dam Tenders typically work an eight (8) hour day, excluding meal periods, shifts and schedules may differ for each employee. The schedule for work at the Dam depends on many factors and employees will be advised of their schedule and any changes. Extra hours, overtime and Sunday work may be required.

Working Hours; Workweek. The normal workweek begins at 12:01 a.m. Sunday and continues until 12 midnight of the following Saturday. Your supervisor will inform you of your work schedule at the time of hire. The workday is twenty-four (24) hours and begins at 12:01 a.m. and ends at midnight. Management reserves the right to change work schedules or hours at any time.

Pay Periods. Pay periods are monthly and begin at 12:01 a.m. on the 7th of the month and continue until the following month on the 6th.

Paydays. Paydays are on the 15th of each month and are for the pay period ending the 6th of the month.

Payroll Deductions. The following deductions are required by federal and state laws.

- Federal Income Tax
- State Income Tax
- Federal Insurance Compensation Act (FICA)
- Medicare
- State Disability Insurance (SDI)
- Family Temporary Disability Insurance (FTDI)

Equal Pay. The District will not pay wages to any employee at a rate less than the District pays employees of the opposite sex for work that is substantially equivalent requiring comparable skills and experience, where the two sets of employees perform substantially equivalent work and have substantially equivalent skills, education and experience. If you believe you are not receiving equal pay in accordance with this policy, immediately contact your supervisor or the District President. Employees who inquire or complain about equal pay issues will not be retaliated against in any way.

Administrative Pay Corrections. The District takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of your supervisor so that corrections can be made as quickly as possible. If the issue is not resolved, contact the District President.

Rest Periods. Non-exempt employees who work more than three and one half (3½) hours in a workday are authorized and permitted to take one (1) ten (10) minute off-duty paid rest period for every four (4) hours worked or major fraction thereof. In so far as practical, rest periods are to be taken during the middle of each 4 hour work period. This means that your first rest period should be about half way between your start time and your meal period and the second rest period should be taken about half way between your meal period and your normal quitting time if your shift is 10 hours or less. Rest periods will generally be taken away from your work area. Employees will be relieved of all duties during their rest periods and will not be on call or otherwise required to perform any work. Employees are required to take all rest periods as provided by this policy. If you do not have a specific rest period schedule, you are required to take rest periods consistent with this policy.

Number of Rest Periods. The following describes the number of rest periods that are authorized and permitted:

If you work a shift from three and one-half and up to six hours, you are authorized and permitted to take one 10-minute rest period.

If you work a shift of more than six hours and up to 10 hours, you are authorized and permitted to take two 10-minute rest periods.

If you work a shift of more than 10 hours and up to 14 hours, you are authorized and permitted to take three 10-minute rest periods.

If you work a shift in excess of 14 hours, you will continue to be authorized and permitted additional 10-minute rest periods for every four hours you work, or major fraction thereof.

Meal Periods. All non-exempt hourly employees who work over five (5) hours in a workday will be provided an uninterrupted unpaid meal period each day of at least thirty (30) minutes. The actual time for your meal period will be determined by your supervisor but will not be later than five (5) hours after you begin work. If you work six (6) hours or less in a workday, the District and the employee may mutually agree to waive the meal period. Employees who work more than ten (10) hours in a day will be provided a second meal period of at least thirty (30) minutes. This second meal period may be waived by mutual agreement of the employee and the District as long as the first meal period is not waived and the employee does not work over twelve (12) hours. Employees are released from work during such meal periods and are not required to remain on the premises. All non-exempt employees must record the time they take their meal period on their time records.

Meal Periods will generally be taken on a staggered schedule so that your absence from work does not create a problem with the day-to-day operations of the District and must be taken no later than five hours after your shift begins. You are not allowed to combine meal and rest periods together. Meal and rest periods must be taken in conformance with this policy.

Reporting Missed Rest or Meal Periods. If anything about your job or any District representative prevents you from taking a rest or meal period in accordance with this policy, you must advise a supervisor, the President or the Secretary of the District of this fact and the District will take appropriate action to make sure you are provided rest or meal periods consistent with our policy and that you are compensated correctly for any rest or meal period you were not authorized or permitted to take.

Overtime. You may be called upon to work overtime. Non-exempt hourly employees will be paid overtime according to applicable ~~state and~~ federal laws:

All hours worked in excess of forty (40) straight-time hours in any one workweek will be paid at the rate of 1½ times the regular rate of pay.

No employee is authorized to work overtime unless advance approval has been given by your supervisor or the General Manager ~~or President of the District~~. Hours used for vacation and other time paid but not worked such as holidays are not counted for purposes of calculating overtime because they are not work time.

Travel Time Pay. Employees are not entitled to travel time pay for the regular commute between their homes and the location where they are to first report to work (either the District's office, their normal work location, or the initial worksite for the day).

For nonexempt employees, all other travel time will be paid at the nonexempt employee's regular rate of pay or travel time rate of pay, including applicable overtime premiums. Employees are not entitled to travel time pay for off-duty hours, including, but not limited to, time spent sleeping in a hotel, eating meals (unless the meal is a required business-related meal), or on personal or sightseeing activities. Compensation for travel time is included in the salary and other benefits paid to exempt employees.

Travel Expenses Authorization and Reporting. This policy establishes the general guidelines and procedures to be followed when business travel is required:

Travel-related expenses are to be detailed on the District expense reimbursement form available from your supervisor or the human resources or accounting departments.

Employees who prefer to use their personal vehicles for their convenience on company business, including trips to the airport, will be reimbursed at the standard mileage rate provided by the IRS, assuming that the time and distance involved are reasonable under the circumstances (this excludes the normal driving distance between the employee's residence and normal work location).

All parking expenses and highway tolls incurred as a result of business travel will be

reimbursed (this excludes driving between the employee's residence and initial work location).

All air travel must be approved in advance by the employee's supervisor. All employees will travel economy class unless extenuating circumstances require business- or first-class travel. The duplicate airline ticket receipt should be attached to the District reimbursement form.

Employees should request advance approval for use of a rental car at their destination. If a rental car is used, additional insurance must be purchased from the rental car agency. A copy of the rental car agreement form must accompany the travel reimbursement form.

Employees should select moderately priced lodging convenient to their destination to minimize time and expense. When a group rate is available, the per night cost may not exceed the group rate, or when such a rate is not available but a government rate is available, it may not exceed a government rate. A detailed receipt from the hotel or motel must accompany the reimbursement form unless such a receipt is unavailable, in which case a credit card receipt is acceptable.

Commented [CMC16]: This, or a variation on it, is a common provision

Employees must submit receipts for meals or accept the allowable per diem rates with the reimbursement form. Reasonable tips, when paid by the employee and noted on the receipt, will be reimbursed.

Travel reimbursement requests are due to management before the last working day of the month in which expenses are incurred.

Conferences and Meetings. An employee may request time off or District financial support, or both, to attend conferences or meetings sponsored by institutions or professional organizations related to the employee's work. The subject matter to be presented must relate directly to the employee's position or provide beneficial information to be shared in the employee's department.

The employee's supervisor must approve the employee's participation in the conference or meeting in advance. Authorization to attend may also be given by Board authorization. The conference or meeting must materially serve the employee's work for the District, and the employee may be asked to provide documentation of the topics that will be covered at the meeting or conference or the business development goals served by such attendance.

The District will pay for the following expenses if attendance is approved: registration fees, travel costs, and lodging and reasonable meal expenses not covered by registration. Meal expenses will not include alcoholic beverages.

Time off for attendance and travel during normal working hours will be paid at the normal rate of pay.

Business Expense Authorization. All employee travel, mileage, purchase requisitions, and other business-related expense reports must have Board authorization. Employees are

required to request approval in advance of expenditures whenever possible to ensure no delay in company reimbursement. While necessary, all reasonable and customary expenses will be reimbursed even if not authorized in advance, the repeated or abusive failure to obtain advance approval for expenses can result in discipline, up to and including termination.

Business Expense Reimbursement. The District will pay all actual and reasonable and customary business-related expenses incurred by employees in performing their job responsibilities, but requests must be made in advance of expending personal funds to cover business expenses above \$150. All items purchased or charged by the employee are to be itemized on the approved District expense report. His or her manager must approve all such expenses incurred by an employee before the District will make payment.

Commented [CMC17]: It would be better if the person gets permission in advance, or we can put in a cut-off amount, such as above a certain amount requires advance approval.

Expense reports are to be submitted to the District and supported by evidence of proof of purchase, e.g., receipts. Expense reports are due

before the last working day of each month. Expenses submitted after the last working day of the month in which they are incurred will be paid on a deferred basis.

Complaint Procedure Regarding Inaccurate Compensation, Reimbursement of Expense or Job Classification. If any employee believes that he or she has been improperly classified as an exempt employee, or is owed wages, overtime compensation, sick leave, reimbursement for reasonable and customary expenses, or has had any inaccurate or improper deductions taken from his or her paycheck, the employee is strongly encouraged to report such fact immediately to his or her supervisor or the District President. The District will immediately investigate the facts and if the employee's complaint is found to be meritorious, the employee will immediately be reimbursed for any amounts found to be due and owing to the employee. In addition, the District will make every effort to ensure that similar mistakes will not be repeated in the future.

The District will not retaliate against any employee for making such a report and will not permit others to retaliate against such an employee. Any form of retaliation for reporting such errors can result in immediate termination.

TERMINATION

Resignation Or Voluntary Termination:

Employees who plan to leave the employ of District are requested to give notice at least two (2) weeks in advance of the expected termination date. Such notice will facilitate the orderly transfer of work assignments.

All employee benefits normally end with the termination of employment.

Failure to return to work upon the expiration of a leave of absence, jury duty, vacation, military leave, or any other approved leave, on time will be treated as a voluntary termination of employment as of the first day of the unapproved absence.

Employees who are absent without notice for three (3) days will be considered to have voluntarily terminated their employment with the District.

~~When an employee provides notice of resignation, the District reserves the right to have the employee's work terminate on an earlier date than noticed by the employee.~~
~~any employee upon notice of his or her resignation.~~

Layoff. The District may from time to time find it necessary to terminate employees or to place them on layoff (e.g., job elimination, reduction in force, or convenience of the District.).

Involuntary Termination. Involuntary termination of employment occurs when an employee is removed from the payroll by the District. The District may terminate the employment relationship at-will, with or without notice and with or without cause at any time. The at-will nature of the employment relationship can only be modified in a written document signed by the District President.

Exit Interviews. When employees leave the District's employment voluntarily or involuntarily, normally an exit interview is conducted on District time. This allows the District to receive the employee's views on their work experience and to ask each employee about any work-related injuries or problems.

Return of District Property. Before or concurrent with a departing employee's final day of work, the employee will return to the District office, all District property, including keys, electronic keycards or key-fobs, computer equipment and other devices and technology, files, cell phones, documents, uniforms, tools, and other equipment in the employee's possession. Any District property not returned may be considered stolen and appropriate action may be taken.

BENEFITS

Holidays. Full-time exempt and full-time non-exempt employees who meet the eligibility requirements set forth below will receive the following paid holidays:

- ❖ New Year's Day
- ❖ Memorial Day
- ❖ Independence Day
- ❖ Labor Day
- ❖ Thanksgiving Day
- ❖ Christmas Day

All eligible full-time non-exempt employees who meet the requirements below will receive eight (8) hours of pay for each holiday based on the employee's regular hourly rate.

Holidays falling on Saturday will normally be observed on Friday. Any holiday falling on Sunday will normally be observed on the following Monday. The District reserves the right to designate which day will be observed as the actual holiday when the holiday falls on a weekend. To receive holiday pay, you must work the entire scheduled workday before the holiday and the entire scheduled workday following the holiday, unless the absence is due to approved vacation.

Employees who work on a holiday shall receive holiday pay and all hours worked on the holiday shall be counted as hours worked.

Employees may with prior approval take time off for religious holidays not set forth above without pay or by using accrued vacation time.

Non-exempt, temporary, non-exempt part-time employees and employees on a leave of absence or layoff are not entitled to paid holidays.

Vacation. Full-time exempt and non-exempt administrative, employees are eligible to accrue vacation at the following rates:

Years 1 through 5 years of Service	80 Hours Per Year or 6 2/3 hours per month of continuous service
Years 6 and more years of Service	120 Hours Per Year or 10 Hours Per month of continuous service

Vacation accrues from the date of hire and continues to accrue as an employee works. Employees may use earned vacation as it is earned subject to the rules below. A break in service, leave of absence or layoff terminates the accrual of vacation for the duration of the break in service, leave of absence or layoff.

It is the District's intention that all employees use their vacation as earned. Therefore, vacation ceases to accrue when an employee has accrued unused vacation equal to one and one half (1.50) times their annual vacation accrual (Vacation Cap). Once the employee reaches the Vacation Cap, they must use some of their unused vacation pay or have their vacation time paid out before they begin accruing additional vacation pay.

Except as required by law, you must obtain approval for time off for vacation. The following rules are applicable to the taking of vacation:

1. You must fill out a form to request vacation. This form is to be submitted to your supervisor or the office.
2. No more than two (2) consecutive weeks may be taken at any one time.

3. You should notify your supervisor at least two (2) weeks in advance of the need for time off. If an employee requests to take less than a full week's vacation, one week's notice is required unless otherwise provided by law.

4. All vacation schedules must be approved by your supervisor

5. Employees will not be compensated in pay in lieu of taking time off except upon termination.

6. Full-time non-exempt employees will be paid for each vacation day based on eight (8) hours pay at the employee's regular rate of pay. Exempt employees will receive vacation pay based on the equivalent of one day's wages based on ~~for~~ a five (5) workday workweek. Vacation pay will be based on a full workday equaling eight (8) hours of vacation pay. When ~~a an-exempt or~~ non-exempt employee takes a partial day off for personal reasons, a partial day will be deducted from the employee's vacation bank based on the number of hours taken. The District substitutes vacation pay for all time off an employee takes for personal reasons and substitutes vacation pay for illness after the employee has exhausted their sick leave, if the employee consents to use of vacation pay during illness.

Commented [CMC18]: They have the option of using vacation pay during an illness

7. Vacation may be taken in minimum increments of one (1) hour.

8. Vacation pay does not accrue while an employee is on a layoff or leave of absence for any reason.

9. The District reserves the right, if necessary to designate vacation periods during which employees are expected to schedule their vacations in order to accommodate overall District work schedules and/or to insure employees actually use all of their accrued vacation benefits.

Paid Sick Leave . The District offers sick days to all employees as provided below:

Employees who work at least thirty (30) days for the District in a one (1) year period are eligible to accrue paid sick leave benefits. Paid sick leave benefits accrue at the rate of one (1) hour for every thirty (30) hours worked. Once the employee works the thirty (30) days required for eligibility, the accrual of paid sick leave is retroactive to the effective date or the date of hire if the employee is hired after the effective date.

Employees are eligible to use paid sick leave beginning on the 90th day of employment and after that date may use paid sick leave as it accrues subject to the use restrictions below.

The use of paid sick leave benefits is limited to three (3) days or twenty-four (24) hours in each year of employment ("Employment Year"). Each employee has an Employment Year

that begins on their actual date of hire. For purposes of this policy, employees who have a break in service that is longer than one year will establish a new date of hire, if rehired.

Accrued sick leave carries over from one Employment Year to the next. Employees may only have six (6) days or forty-eight (48) hours of paid sick leave accrued and unused at any one time. This is a cap on accrual and employees will cease to accrue paid sick leave hours when this cap is reached and will not accrue any additional paid sick leave hours until the employee uses some of their accrued but unused paid sick leave hours.

Paid sick leave may be used for the diagnosis, care (including preventive care), or treatment of an existing health condition of an employee and certain family members of the employee.

A family member includes a child, parent, parent-in-law, spouse, registered domestic partner, grandparent, grandchild, ~~or sibling~~, and one other designated person. For purposes of this policy, a "child" means a biological or adopted child, a foster child, a step-child, a legal ward, or a child to whom the employee stands *in loco parentis*. Similarly, a "parent" under this policy means a biological or adoptive parent, a foster parent, a step-parent, an employee's legal guardian, a legal guardian of an employee's spouse or domestic partner, or a person who stood *in loco parentis* when the employee was a minor child.

Commented [CMC19]: parent in law was added to the categories recently

Employees who are victims of domestic violence, sexual assault, or stalking also may use paid sick leave for treatment, testimony, relocation, seeking assistance, and other purposes authorized by law.

If the need for sick leave is foreseeable, an employee shall provide reasonable advance notice by notifying their supervisor orally or in writing. If the need for sick leave is unforeseeable the employee shall provide as much notice as practicable to their supervisor. The District may require an employee to provide reasonable documentation of any 3-day absence from work for which paid sick leave will be used.

When an employee uses paid sick leave, the employee may request payment of paid sick leave hours according to his or her then-regularly scheduled workday. For example, if an employee was regularly scheduled to work 8-hour days when he or she took paid sick leave, the employee could request up to 8 hours of paid sick leave for the day off (provided the employee has sufficient paid sick leave available).

Sick leave may be used in minimum increments of two (2) hours and shall be paid at the employee's current hourly rate of pay at the time of use. An employee is paid for paid sick leave use by the pay day for the next payroll period after the paid sick leave is used.

Unused sick leave is not paid at termination or separation of employment.

The District strictly prohibits any form of retaliation or discrimination against an employee for attempting to use or using paid sick leave under this policy, and for any other reason prohibited by applicable law. Employees who believe they have been discriminated or retaliated against should report their concerns to the Board of Directors of the District.

Health And Accident Insurance. Full-time exempt and non-exempt employees (as defined in our policy of insurance) are eligible to participate in the District's health plan once the employee has completed their introductory period. Except as required by law, the District's obligation to pay the premium for an employee's health insurance terminates when an employee no longer works for the District, is on an extended leave of absence or is laid off provided any required COBRA notifications are provided. The employee's eligibility depends on the terms of the plan itself and may be changed at any time by the District in its sole discretion. You should consult the plan if you have questions. Please contact the office to fill out the necessary forms.

Commented [CMC20]: Advance notice is required with the opportunity to go on COBRA

Workers' Compensation. The District pays for workers' compensation insurance that covers all employees. All employees must report promptly to their supervisor in full detail all accidents or injuries when they occur. If injured on the job, employees are covered by Workers' Compensation Insurance and may be entitled to receive compensation for lost time and medical expenses in accordance with state law.

California State Disability Insurance. Any California employee injured in "non-work" related accidents and who is unable to work because of a disability may be eligible for State Disability Insurance. The District is required by California State Law to deduct an amount required by law from the employee's paycheck for such coverage.

Paid Family Leave Family Temporary Disability Insurance (FTDI). Employees who are required to care for an ill family member or who are bonding with a new born child may be eligible to receive Paid Family Leave Family Temporary Disability Insurance benefits from the state. Eligible employees can receive disability payments of up to six (6) weeks during any 12-month period for the following circumstances.

- To bond with a new child of the employee or of the employee's spouse or registered domestic partner;
- To bond with a child in connection with birth, an adoption or foster care; or
- To care for a seriously ill child of the employee, or to care for a seriously ill spouse, parent or domestic partner of the employee, child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner of the employee
 - Participate in a qualifying event resulting from a family member's military deployment to a foreign country.

There is no length of service requirement to receive this benefit. However, this benefit does not create any new leave rights. Time off to use the benefit is determined according to FMLA, CFRA and pregnancy disability leave laws that may or may not be applicable. To determine whether you are eligible for time off, you should consult our Family Leave or Pregnancy Disability Leave policies.

The benefit is paid by the Employment Development Department and you must fill out a claim form. A health care provider certificate is required when a paid family leave claim is filed to provide care for a seriously ill family member. This certificate which you file with

the State must include a diagnosis and international classification of diseases code, the commencement date of the disability, the probable duration, the estimated time care is needed and that the serious health condition warrants care. This includes providing psychological comfort and arranging third party care. For bonding, the paid family leave is limited to the first year after the birth, adoption or foster care placement of a child.

There is a seven (7) day waiting period before benefits are paid. You cannot receive paid family leave while receiving SDI, unemployment insurance or workers' compensation benefits. You are also not eligible for paid family ~~leave disability insurance~~ benefits for any day that another family member is able and available for the same period of time that the individual is providing the required care.

This benefit is administered by the State of California and is paid for by deductions from employees.

LEAVES OF ABSENCE

Military Training Leave. Employees who are members in the reserve forces of the United States Military are allowed military leave for annual training and for active duty as required by law. Unless otherwise required by law, such leave is unpaid.

Jury Duty. All employees who are summoned to appear for jury duty may take a leave for such purpose provided that the employee provides the District reasonable advance notice. Unless otherwise required by law, such leave is unpaid and will be for a minimum of a full day. If you receive notice of required jury duty, please inform your supervisor immediately. Each day that you complete your jury duty, or if you are called to report but are not chosen for jury duty, you are expected to report to work and complete the remaining part of your regular work schedule.

Witness Duty. All employees who are required by law to appear in any judicial proceeding as a witness may take leave for such purpose provided that the employee provides the District with reasonable advance notice of the employee's intent to take such time off. Unless otherwise required by law, such leave is unpaid.

Time Off to Vote. Because the District has a continuing interest in encouraging responsible citizenship, you are ~~encouraged~~ urged to vote for the candidates of your choice at local, state, and national elections either before or after your regular shift. In extreme cases, if you do not have sufficient time outside of working hours within which to vote in statewide elections, you will be allowed to take up to 2 hours off with pay for this purpose. Such time off should be taken at the beginning or end of your regular shift, whichever allows for more free time to vote. To receive time off for voting, you must advise your supervisor that you will need time off at least 2 working days before the election, receive your supervisor's approval, and present a voter's receipt or sticker to your supervisor.

Bereavement Leave. If a death occurs in your family and the deceased is your mother or father, ~~spouse/wife or husband~~, registered domestic partner, child, sibling, grand-

parent, mother-in-law, or father-in-law, you may need some time off to attend the funeral or service and/or making arrangements. You may miss up to 2 regular days of work, prior to and including the day of the funeral or service, without loss of pay. If an employee must miss more than 2 days, the District will provide up to 3 additional unpaid days off. The District, in its discretion may grant additional time off without pay. SMVWCD may request adequate verification.

Commented [CMC21]: There is a new bereavement leave law that says people get up to 5 unpaid days off

Time Off for School Activities. Parents, guardians, or grandparents with custody of a child in nursery school, pre-school, or kindergarten through grade 12 are eligible for 40 hours per school year of unpaid leave time to participate in school activities. This 40 hours is the maximum time, per school year that the District will grant an employee regardless of the number of children the employee has custody of. No more than eight hours of unpaid leave time will be granted in any given month. You may also take off such additional time without pay as may be necessary to attend your child's or grandchild's school to discuss your child's or grandchild's possible suspension or expulsion. The District requires reasonable advance notice from the employee of the need for such leave time. Employees can also elect to use vacation benefits for these purposes.

Leave for Victims of Domestic Violence or Sexual Assault. All employees who are the victims of domestic violence or sexual assault may take leave to provide for their own or their children's health, safety, or welfare. This includes, but is not limited to, time off to obtain or attempt to obtain legal relief, including, but not limited to, a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health safety, or welfare of the victim or his or her child, and/or time off for medical treatment, psychological counseling or other domestic violence victims' or sexual assault victims' services, safety planning including relocation, or legal proceedings. If possible, an employee should provide reasonable advance notice of the employee's intent to take such time off. When an unscheduled absence related to domestic violence or sexual assault occurs, the employee must, within a reasonable time after the absence, provide certification of the reason for the absence. Sufficient certification can be any of the following: (1) a police report indicating the employee was a victim of domestic violence or sexual assault; (2) a court order protecting or separating the employee from the perpetrator of an act of domestic violence or sexual assault or other evidence from the court or prosecuting attorney that the employee appeared in court; (3) documentation from a medical professional, domestic violence advocate, sexual assault victims advocate, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse resulting from victimization of an act of domestic violence or sexual assault. Unless otherwise required by law, such leave is unpaid. An employee may use any accrued PTO or sick pay for time taken off under this policy. The District will not discriminate or retaliate against any employee for taking leave under this policy. To the extent allowed by law, the District will maintain the confidentiality of any employee requesting leave under this policy.

Leave for Victims of Crimes. All employees who are the victims of crimes or who are the immediate family member, registered domestic partner, or the child of a registered domestic partner of a victim of a crime, may take leave to attend judicial proceedings

related to the crime, including, but not limited to appearing in court to comply with a subpoena or other court order as a witness. If possible, an employee should provide reasonable advance notice of the employee's intent to take such time off. When an unscheduled absence related to such leave occurs, the employee must, within a reasonable time after the absence, provide documentation evidencing the judicial proceeding from any of the following: (1) the court or government agency setting the hearing; (2) the district attorney or prosecuting attorney's office; or (3) the victim/witness office that is advocating on behalf of the victim. Unless otherwise required by law, such leave is unpaid. An employee may use any accrued PTO or sick pay for time taken off under this policy. The District will not discriminate or retaliate against any employee for taking leave under this policy. To the extent allowed by law, the District will maintain the confidentiality of any employee requesting leave under this policy.

Personal Leave. Any personal leave of absence must be requested by the employee in writing on forms furnished by the District. Personal leaves are unpaid and subject to approval by management and must be requested at least thirty (30) days in advance unless an emergency exists. There is a maximum of thirty (30) days of personal leave that will be granted. Leaves of absence will not be granted to an employee to work for another District or for the employee's own business ventures. At the conclusion of the personal leave of absence reasonable efforts will be made to return you to your same job or a similar job depending on staffing needs and business requirements at the time.

Other Disability Leaves. In addition to medical or pregnancy-related disability leaves, employees may be provided a leave of absence if necessary to reasonably accommodate a workplace injury or a legally qualified disability. Such leaves are limited to eight (8) weeks, which can run concurrently with any other disability leave provided by the District or required by applicable law. However, the District recognizes its obligations under the law to engage in the interactive process to determine reasonable accommodation for an employee's disability, which can include additional leave. If an employee who has exhausted eight (8) weeks of leave desires a leave of absence because the employee is unable to perform the essential functions of their position with or without accommodation they should notify the District President of this fact. The District will meet with the employee to determine what accommodation is reasonable, including possible further leave. If the accommodation is reasonable and will not cause the District undue hardship, the District will make the accommodation.

Disability leaves under this section will be unpaid and no benefits will accrue during such leave.

Pregnancy Disability Leave. Any employee who is disabled because of pregnancy or a pregnancy-related condition is entitled to up to four (4) months disability leave (four (4) months equals the number of days the employee would normally work within four (4) calendar months or one-third of a year equaling 17 1/3 weeks). This leave may be taken intermittently or all at once when medically advisable. During the disability leave, the employee is entitled to use whatever accrued PTO or sick benefits that are available, but such benefits cannot be used to extend the four (4) month leave. Such leave of absence

is without pay and no benefits will accrue during the leave.

Upon the completion of the disability leave, the employee shall be entitled to return to the same job previously held, unless the job has been eliminated for business reasons or because preserving the employee's job would substantially undermine the District's ability to operate safely and effectively which would justify not making the same position available. Under such circumstances, the employee shall be entitled to a comparable position, if any exist at the time reinstatement is requested.

Employees must provide at least thirty (30) days' advance notice of the need for pregnancy leave if it is foreseeable. If thirty (30) days is not practicable, as much notice as is practicable should be given. Forms are available at the office and should be completed and submitted to your supervisor. The District may request medical certification of the need for leave before leave begins and periodically during employee's leave. For example, the District may request medical certification if employee's leave is extended, or to verify that an employee has a is disabled by pregnancy qualifying pregnancy condition, childbirth, or a related medical condition (including, but not limited to, recovery from pregnancy, childbirth, loss or end of pregnancy, or post-partum depression). Medical certification may include certification from the employee's healthcare provider that certifies that employee is disabled by pregnancy or related medical conditions and the approximate duration of the leave. As with any other medical or disability leaves, the District will also require a certification from employee's healthcare provider that they are able to return to work.

Employees who are covered by our medical plan and who are disabled by pregnancy will be provided with coverage under our medical plan on the same terms and conditions as if the employee was working for the period of disability but not to exceed four (4) months. Therefore, the employee will be required to pay their share of premiums, if this has been required, in a timely manner to continue coverage. Medical coverage provided by this policy runs concurrently with any coverage required under any other leave law, unless otherwise specified by law. If the employee fails to return to work after the pregnancy disability leave, and depending on the reasons for the employee's actions, the employee may be required to reimburse the District for premiums made by the District during the disability leave.

Pregnancy Accommodation. The District will provide reasonable accommodation to an employee disabled by pregnancy or a pregnancy related condition. To request an accommodation, an employee should contact the District General Manager or President who will meet with the employee to have a discussion about what accommodation the employee needs to perform the job. Such accommodation can include, but is not limited to, a change in work duties or restructuring of the employee's job. In addition and in lieu of a pregnancy leave of absence, a pregnant employee may request a transfer to a less strenuous or less hazardous position. If such a transfer can be reasonably accommodated, a pregnant employee will be transferred for the duration of her pregnancy, provided that she submits a written request for such transfer, and, in addition, furnishes a doctor's written certificate attesting that the transfer request is upon doctor's advice. However, the District will not undertake to create additional employment within

the District that would not otherwise be created to meet its own business needs, nor will the District be required to discharge any employee, transfer any employee with more seniority than the pregnant employee, or to promote an employee who is not qualified to perform the job. Upon transfer, an employee will receive the salary and benefits which are regularly provided to employees in the position to which the employee has been transferred.

Consequences of Failure to Return From the Leave of Absence. Employees should be advised that failure to return after a leave of absence on the scheduled date of return can result in termination.

AGREEMENT & ACKNOWLEDGMENT OF RECEIPT (“AGREEMENT”)

Employee Acknowledgement: By signing below the undersigned acknowledges receipt of the foregoing document entitled "Employee Handbook" (handbook) on the date set forth below and has read its contents.

Agreement Regarding At Will Employment: By signing below the employee acknowledges and agrees that this handbook is not an employment contract, express or implied, and the District maintains the right to change or eliminate at will, at any time any of the policies, procedures, or benefits described in this handbook or to change the eligibility to receive such benefits at any time and for any reason. Employee agrees that employment with the District is at will and not for any particular length of time and may be terminated with or without cause or notice at any time. Employee also agrees that the "at-will" nature of the employment relationship can only be modified by a written agreement signed by the District President. Employee also agrees that no other officer, District President, supervisor, or other employee has the authority to change or modify the at-will nature of the employment relationship.

Employee agrees and warrants that no person employed by District has made any promises or commitments as to continued employment for any particular length of time, or that employment can be terminated only for cause.

Acknowledgement of Employer Policies: Employee further acknowledges that he or she has received, read, understands, and agrees to comply with all employer policies in their original or modified form, including, but not limited to, the District's policies entitled (i) *Equal Employment Opportunity; Non-Discrimination Policy*; (ii) *Policy Against Harassment* and (iii) *Policy Against Violence in the Workplace*. Employee agrees that he or she will not violate these policies. Employee understands that the District will not tolerate unlawful harassment or unlawful discrimination, threats of violence or violence by any employee. These are zero tolerance policies. Employee agrees that the only way that the District can achieve its goal of providing a harassment-free, discrimination-free, and violence-free work environment is with employee assistance. Employee therefore agrees

to fulfill employee's responsibility under each policy, by reporting any acts that the employee knows of, or has reason to know about which violate the District's policies.

Employee's Name [Print]

Employee's Signature

Date Signed

DRAFT

ARBITRATION AGREEMENT

I, _____ (“Employee”), in consideration of my employment or continued employment as an at-will employee with SANTA MARIA VALLEY WATER CONVERSATION DISTRICT (“District”) agree as follows:

Employee and District agree that if any dispute arises from Employee's application or candidacy for employment, employment and/or cessation of employment with District, it will be submitted to final and binding arbitration. Both the District and Employee agree that any claim, dispute, and/or controversy that either Employee may have against the District (or its owners, directors, officers, managers, employees, agents, and parties affiliated with its employee benefit and health plans) or the District may have against Employee, arising from, related to, or having any relationship or connection whatsoever with Employee's seeking employment with, employment by, or other association with the District shall be submitted to and determined exclusively by binding arbitration, under the Federal Arbitration Act (FAA), in conformity with the procedures of the California Arbitration Act (Cal. Code Civ. Proc. sec 1280 et seq., including section 1283.05 and all of the Act's other mandatory and permissive rights to discovery) to the extent they are consistent with the FAA and not preempted. Included within the scope of this Agreement are all disputes, whether based on tort, contract, statute (including, but not limited to, any claims of discrimination, retaliation and harassment, whether they be based on the California Fair Employment and Housing Act, Title VII of the Civil Rights Act of 1964, as amended, the Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), wrongful termination, wage and hour claims, claims for any violation of a statutory leave law, violation of an individual's right of privacy, claims for reimbursement of expenses under Labor Code § 2802, or any claim that a state, local or federal law or regulation has been violated), any dispute regarding the interpretation, applicability, enforceability or formation of this Agreement, including, but not limited to, any claim that all or any part of this Agreement is void or voidable, any equitable claim or controversy, with exception of claims arising under the National Labor Relations Act which are brought before the National Labor Relations Board or charges made to the Agricultural Labor Relations Board, claims for medical and disability benefits under the California Workers' Compensation Act, Employment Development Department claims, or as otherwise required by state or federal law.

However, nothing herein shall prevent Employee from filing and pursuing proceedings before the California Department of Fair Employment and Housing, or the United States Equal Employment Opportunity Commission (although if Employee chooses to pursue a claim following the exhaustion of such administrative remedies, that claim would be subject to the provisions of this Agreement).

This Agreement to arbitrate applies to applicable claims that preexist or may preexist the date of this Arbitration Agreement or the Employee Handbook.

The District and Employee intend and agree that class action procedures shall not be asserted and will not apply in any arbitration pursuant to this Agreement. The

Commented [CMC22]: Employers cannot make employees sign arbitration agreements in California. A 9th circuit case is before the Supreme Court. Some upcoming court decisions might change things, but for now, we can't make employees sign an arbitration agreement.

~~District and Employee further intend and agree that neither party will assert class action claims against the other in arbitration or otherwise. Further, this Agreement shall not prevent either the Employee or the District from obtaining provisional remedies to the extent permitted by Code of Civil Procedure Section 1281.8 either before the commencement of or during the arbitration process. In addition to any other requirements imposed by law, the arbitrator selected shall be a retired California Superior Court Judge, or otherwise qualified individual to whom the parties mutually agree, and shall be subject to disqualification on the same grounds as would apply to a judge of such court. If the parties do not agree on an arbitrator, one shall be selected through procedures of JAMS. All rules of pleading (including the right of demurrer), all rules of evidence, all rights to resolution of the dispute by means of motions for summary judgment, judgment on the pleadings, and judgment under Code of Civil Procedure Section 631.8 shall apply and be observed. Resolution of the dispute shall be based solely upon the law governing the claims and defenses pleaded, and the arbitrator may not invoke any basis (including but not limited to, notions of "just cause") other than such controlling law. The arbitrator shall provide either party with sufficient time and access to witnesses, documentation and records of the parties in order to conduct adequate discovery prior to initiation of the proceeding. The arbitrator shall have the immunity of a judicial officer from civil liability when acting in the capacity of an arbitrator, which immunity supplements any other existing immunity. Likewise, all communications during or in connection with the arbitration proceedings are privileged in accordance with Cal. Civil Code Section 47(b). As reasonably required to allow full use and benefit of this agreement's modifications to the Act's procedures, the arbitrator shall extend the times set by the Act for the giving of notices and setting of hearings. Awards shall include the arbitrator's written reasoned opinion. The arbitrator's decision shall be final and binding and subject to judicial review as provided by the California Arbitration Act (Code of Civil Procedure Section 1285 et seq.) Employee understands and agrees that both Employee and the District give up their right to trial by jury of any claim Employee or the District may have against each other.~~

~~The District will pay the arbitrator's fees and the cost of the facilities for the arbitration. Filing fees and reporter fees shall be split by the parties unless such fees would exceed normal court fees. In such cases, the District shall, in addition to its own one half of the fees, pay the difference between what the employee would have paid in court as a filing fee or reporter fee and one half of the actual amount of those fees. Each party shall pay for its own costs and attorney's fees. However, the arbitrator may award costs and/or attorney's fees to the prevailing party to the extent permitted or required by applicable law for the claims made.~~

~~This is the entire agreement between the District and Employee regarding dispute resolution, and this agreement supersedes any and all prior agreements regarding this issue. It is further agreed and understood that any agreement contrary to the foregoing must be entered into, in writing, by the Employee and an authorized representative of the District. This Agreement does not change the at-will nature of the employment relationship between the District and the Employee. All~~

~~employment is at will and the at will nature of the employment relationship can only be modified by a written agreement signed by the President of the District.~~

~~If any term or provision, or portion of this Agreement is declared void or unenforceable it shall be severed, and the remainder of this Agreement shall be enforceable.~~

DRAFT

MY SIGNATURE BELOW ATTESTS TO THE FACT THAT I HAVE READ,
UNDERSTAND, AND AGREE TO BE LEGALLY BOUND TO ALL OF
THE ABOVE TERMS.

DO NOT SIGN UNTIL YOU HAVE READ THE ABOVE
ACKNOWLEDGMENT AND AGREEMENT.

Date: _____

Date: _____

Employee's Signature

District

By: _____

Employee's Name [Print]