



CAMBRIA COMMUNITY SERVICES DISTRICT

PERSONNEL REGULATIONS



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ARTICLE 1 – DEFINITION OF TERMS

1.1 ADVANCEMENT

An increase in salary within the limits of a pay range established for a class.

1.2 ALLOCATION

The assignment of a single position to a classification in accordance the duties performed, and the authority and responsibilities exercised.

1.3 ANNIVERSARY DATE

The date established as the month and day an employee successfully completed the probationary period.

1.4 APPOINTING AUTHORITY

The General Manager of the District, or any officer or employee of the District to whom he or she has delegated such authority.

1.5 BOARD

The Board of Directors of the Cambria Community Services District.

1.6 COMPETITIVE SERVICE

All positions of employment in the service of the District except those excluded by Section 2.08.040 of the Cambria Community Service District Code.

1.7 CONFIDENTIAL POSITION

A position designated by the Board of Directors that has access to privileged and confidential information relating to District administration, employer-employee relations, and other personnel matters. The employee's access to such confidential matters shall be strictly limited to the areas of work in which each individual position is normally engaged.

1.8 CONTINUOUS SERVICE

Uninterrupted employment with the District from the effective date of employment, except by authorized absence with or without pay.

1.9 CORRECTIVE ACTION PLAN

A plan approved by the Manager to rectify or improve substandard performance that has been determined as the result of an evaluation.

1.10 DAYS

Means calendar days unless otherwise stated.

1.11 DEMOTION

The movement of an employee from one position to another position having a lower maximum base rate of pay.

1.12 DISCIPLINARY ACTION

The warning, reprimand, discharge, demotion, reduction in pay, or suspension of a regular employee or any other similar action taken by the District as a result of the employees job related behavior that does not meet expected and communicated performance standards or that violates the District's rules, regulations or policies.

1.13 DISMISSAL

Involuntary termination of employment with District.

1.14 CCSD or DISTRICT

The Cambria Community Services District.

1.15 ELIGIBLE

A person whose name is on an employment list.

1.16 EMPLOYEE

Any person occupying a position in the District service.

1.17 EMPLOYMENT LIST

- a) Open employment list: A list of names of persons who have taken an open-competitive examination for a position in the competitive service and have qualified.
- b) Promotional employment list: A list of names of persons who have taken a promotional examination for a position in the competitive service and have qualified.

1.18 EXAMINATION

- a) Open-competitive examination: An examination for a position which is open to all persons meeting the qualifications for the position.
- b) Promotional examination: An examination for a position which is open only to employees meeting the qualifications for the position.
- c) Continuous examination: An open competitive examination which is administered periodically and as a result of which names are placed on an employment list, in order of final scores, for a period of not more than one year.

1.19 EXEMPT EMPLOYEE

An employee who meets one or more of the duties test exemption from overtime under the Fair Labor Standards Act (FLSA) (e.g. executive, administrative, professional) and who is paid on a salary basis.

1.20 FULL-TIME EMPLOYEE

Any position, approved by the Board, in which an employee works a continuing year-round shift of 30 or more hours per work week.

1.21 IMMEDIATE FAMILY

An employee's spouse, domestic partner, parents, children, stepchildren, or other dependent(s) (living with employee), sister, brother, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, or grandchildren.

1.22 INCENTIVE PAY

A salary increase of up to 7.5% that recognizes individual employee performance which consistently exceeds the standards normally associated with job performance and significantly contributes to the efficient and effective operation of the District. The limits and requirements of incentive pay salary increases are further detailed in the District's Payment and Compensation Plan.

1.23 INTERN POSITION

A temporary unpaid position, authorized by the Manager, provided for the educational benefit of the intern employee, and administered in conjunction with an educational institution.

1.24 LAY-OFF

The separation of employees from the active work force due to lack of work or funds, or to the abolition of positions or reorganization of the District's operations and/or personnel by the Board. May also be termed "Reduction on Force (R.I.F.)"

1.25 LEAVE OF ABSENCE

Permission to be absent from duty without pay for a specified period of time.

1.26 MANAGER

The General Manager of the Cambria Community Services District.

1.27 MERIT INCREASE

Periodic increases in salary based on performance and duration of employment in any given position.

1.28 MERIT SYSTEM

The personnel system of the District. Also referred to as the competitive service. (Also see definition 1.6)

1.29 PART-TIME POSITION

A position, approved by the Board, in which an employee works a continuing, year-round shift averaging less than 30 hours per week, or as otherwise provided in any applicable Memorandum of Understanding.

1.30 PAYMENT AND COMPENSATION PLAN

A plan detailing the pay ranges and steps, and the specifics of employee compensation. The plan is adopted by the Board and may be adopted in conjunction with the annual District budget.

1.31 PERFORMANCE STANDARDS

Standards which set forth what is expected of an employee in fulfilling the duties of a position. Standards are expressed in terms of quantity, quality, or manner or performance.

1.32 PERSONNEL ORDINANCE

Chapter 2.08 of the Cambria Community Services District Code which creates a personnel system for the District.

1.33 POSITION

A group of duties and responsibilities in the competitive service requiring the full-time or part-time employment of one person.

1.34 PREMIUM PAY

A pay rate which compensates employees for time worked at time and one-half or greater.

1.35 PROBATIONARY PERIOD

A period of time, in accordance with Section 2.08.070 of the Cambria Community Services District Code, or as otherwise provided in any applicable Memorandum of Understanding, which is to be considered an integral part of the examination, recruiting, testing and selection process during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.

1.36 PROMOTION

The movement of an employee from one position to another position having a higher maximum base rate of pay.

1.37 PROVISIONAL APPOINTMENT

A temporary appointment of a person who possess the minimum qualifications established for a particular position and who has been appointed to that position in the absence of available employees or eligibles. In no instance shall a provisional appointment exceed six months.

1.38 RECLASSIFICATION

As approved by the Board, a significant change in the duties and responsibilities of a position. A reclassification downward does not affect an employees' anniversary date.

1.39 REGULAR EMPLOYEE

An employee in the competitive service who has successfully completed the probationary period.

1.40 REGULAR PAY RATE

The hourly rate actually paid to an employee for his/her normal, non-premium work time for the performance of the duties for which that employee has been employed by the District.

1.41 REINSTATEMENT

The restoration without examination of a former regular employee to a position in which the employee formerly served as a regular employee.

1.42 RELIEF OF DUTY

The temporary assignment of an employee to a status of leave without pay.

1.43 REPRESENTATION

The provision of representation of an employee in their dealing with the District under these Personnel Regulations by an employee organization that has been acknowledged as a recognized employee organization in accordance with the procedures contained in Chapter 2.04 or the Cambria Community Services District Code.

1.44 SUSPENSION

Temporary removal of an employee from his or her duties with or without pay.

1.45 TEMPORARY EMPLOYEE

An employee who is appointed to a Temporary Position.

1.46 TEMPORARY POSITION

A position intended to be occupied on less than a year-round basis to cover seasonal peak workloads, unanticipated work loads of a limited duration, normal vacation and sick leave relief, and other situations involving a fluctuating staff. Temporary positions are paid on an hourly basis with no other District benefits, except those required by Federal or State law.

1.49 TRANSFER

At the Manager's discretion, a change of an employee from one position to another with the same or comparable duties.

1.50 VOLUNTARY DEMOTION

Demotion performed at the employee's request. This is not a disciplinary action.

1.51 WORK EXPERIENCE POSITION

A temporary position, authorized by the Manager, which is designated to provide job training to persons who might not otherwise be able to compete in the labor market for regular positions, or a position established to give temporary on-the-job training for full-time students.

ARTICLE 2 – GENERAL PROVISIONS

2.1 GENERAL POLICY

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

These regulations are for the purpose of assuring impartial treatment of applicants and employees in all aspects of personnel administration, including but not limited to all terms and conditions of employment such as compensation, hiring, promotion, transfer, discipline and termination; without regard to political affiliation, union activities, perceived and actual race, religion, color, gender (including a person's gender identity and gender expression), marital status, national origin, ancestry, citizenship, age, or physical disability, medical disability, medical condition (including pregnancy, child birth and cancer related conditions, genetic characteristics, or genetic information as defined by Government Code Section 12926(g)), sexual orientation, or military and veterans status or any basis protected by law; and with proper regard for their privacy and constitutional rights as citizens. No recruitment or selection technique shall be used which, in the opinion of the Manager, is not justifiably linked to job performance.

2.2 VIOLATION OF RULES

Violation of the provisions of these Personnel Regulations shall be grounds for oral or written reprimand, suspension, demotion, reduction in pay, or dismissal, as set forth more fully in these Personnel Regulations.

2.3 DELEGATION OF AUTHORITY

Except as otherwise provided, any duties, responsibilities, powers, and authority granted by these Personnel Regulations or the Cambria Community Services District Code to the General Manager, or Department Heads, may be delegated, in writing, to any subordinate employee at the discretion of the delegating individual.

2.4 AMENDMENT AND REVISION OF RULES

Consistent with Sections 3500 et seq. of the California Government Code, the District reserves the right to amend, supplement, revise, or rescind any provision of these Personnel Regulations.

2.5. NOT AN EMPLOYMENT CONTRACT

Nothing in these Personnel Regulations shall be construed to constitute a contractual right of employment between the District and any employee.

2.6 CONFLICTS

It is the intent of the District that the Personnel Regulations the Cambria Community Services District Code, and other rules, regulations, ordinances, and policies should be read together in harmony to the extent possible. In the event of a conflict between these Personnel Regulations and a valid provision of a Memorandum of Understand, the Memorandum of Understanding shall control.

2.7 CHANGES TO THE LAW

When any local, state, or federal ordinance, regulation, or law that is incorporated in the Personnel Regulations or upon which the Personnel Regulations rely upon is amended, these Personnel Regulations shall be deemed amended in conformance with those amendments.

2.8. SEVERABILITY

If any section, subsection, sentence, clause, or phrase of the Personnel Regulations is found to be illegal by a court of competent jurisdiction, such findings shall not affect the validity of the remaining provisions.

2.9 REASONABLE ACCOMODATION

The employment related provisions of the Fair Employment and Housing Act ("FEHA") and the Americans with Disabilities Act ("ADA") apply to all employees and job applicants seeking employment with the District. Under the ADA, a qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the position in which the individual is employed.

The District will attempt to provide reasonable accommodation for known physical or mental disabilities if a job applicant or employee is otherwise qualified, unless undue hardship related to the necessity of business operations would result, in accordance with federal or state law. An applicant or employee who requires accommodation in order to perform the essential functions of the job should inform the General Manager, or his or her designee, to request an evaluation of such an accommodation. Generally, an interactive process meeting will be scheduled to discuss the request, job duties and possible accommodations.

ARTICLE 3 – CLASSIFICATIONS

3.1 PREPARATION OF PLAN

In accordance with Section 2.08.030 of the Cambria Community Services District Code, the Manager, or person or agency employed for that purpose, shall ascertain and record the duties and responsibilities of all positions in the competitive service and shall prepare a classification plan for such positions. The classification plan shall consist of detailed position descriptions for positions in the competitive service.

3.2 ADOPTION, AMENDMENT AND REVISION OF PLAN

The classification plan shall be adopted by the Manager and may be amended by the Manager from time to time. During the process of consideration, any recognized employee organization affected shall be advised. Amendments and revisions of the plan may be suggested by any interested party, including any recognized employee organization, and shall be submitted to the Manager for consideration.

3.3 ALLOCATION OF POSITION

Following the adoption of the classification plan, the Manager shall allocate every position in the competitive service to one of the positions established by the plan.

3.4 RECLASSIFICATION

Whenever, at the discretion of the Board, it changes District organization methods, procedures, etc., resulting in need to reclassify position, the Manager shall allocate such positions to more appropriate positions descriptions. Reclassification shall not be used for the purpose of avoiding restrictions concerning demotions and promotions, nor to effect a change in salary in the absence of a significant change in assigned duties and responsibilities.

ARTICLE 4 – APPLICATIONS AND APPLICANTS

4.1 ANNOUNCEMENT

All examinations for positions in the competitive service shall be publicized by such methods as the Manager deems appropriate, including posting at work sites. Special recruiting shall be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming examinations. The announcements shall specify the title and pay of the position for which the examination is announced; the nature of the work to be performed; experience and education desirable for the performance of the work of the position; the manner of making application; other pertinent information; and a statement that the District is An Equal Opportunity Employer.

4.2 APPLICATION FORMS

Applications shall be made on District forms as prescribed on the examination announcements. Application forms shall require information covering training, experience, and other pertinent information. Applications shall not include any questions seeking disclosure of an applicant's criminal conviction history (Government Code Section 12952), or salary history (Labor Code 432.3(b)). All applications must be signed by the person applying.

4.3 DISQUALIFICATION

The Manager may reject any application which indicates on its face that the applicant does not possess the minimum qualifications required for the position. Applications may be rejected if the application indicates facts that show that the applicant has made any false statement of any material fact, or practiced any deception or fraud in an application; has previously resigned from a position with the District without giving proper notice; has been discharged for good cause from the public or private sector; has used or attempted to use any personal or political influence to further his or her eligibility for employment; refuses to execute the loyalty oath as required by law; or any other material cause which in the judgement of the appointing authority may render the applicant unsuitable for the position. Whenever an application is rejected, notice of such rejection shall be mailed to the applicant by the Manager. Defective applications may be returned to the applicant with notice to amend the same, providing the time limit for receiving applications has not expired.

4.4 CRIMINAL HISTORY - INELIGIBILITY FOR EMPLOYMENT

After a conditional offer of employment has been made, applicants shall disclose any criminal conviction history, except for marijuana related convictions that are subject to the provisions of Labor Code Section 832.8. The District shall not consider, distribute or disseminate any information regarding arrests not followed by conviction except as permitted by Labor Code Section 432.7(a)(1), referral to or participation in a pretrial or posttrial diversion program, or convictions that have been sealed, dismissed, expunged, or statutorily eradicated pursuant to law.

Disqualification of an applicant for employment based upon an applicant's conviction history shall only be made based upon an individualized assessment of whether the applicant's conviction history has a

direct and adverse relationship to the specific duties of the position.

In making such individualized assessment, the appointing authority shall consider all of the following factors:

- a) The nature and gravity of the offense or conduct.
- b) The time that has passed since the offense or conduct and completion of the sentence.
- c) The nature of the job sought.
- d) The age of the person at the time of conviction.
- e) The presence or absence of rehabilitation or efforts at rehabilitation.
- f) Contributing social or environmental conditions.

If a preliminary decision is made that the applicant's conviction history disqualifies the applicant from employment, written notification shall be provided to the applicant in accordance with Government Code Section 12952(c)(2) and the applicant shall have the right to respond as provided in Government Code Section 12952(c)(3) before a final decision is made.

An applicant shall be notified in writing of a final decision that he or she has been disqualified solely or in part because of the applicant's conviction history in accordance Government Code Section 12952(c)(5).

4.5. APPEALS OF DISQUALIFICATION

An applicant who is disqualified for employment under Section 4.3 or 4.4 may appeal the determination of disqualification to the Manager. Such appeal shall be in writing and filed with the Manager within ten (10) days of the date of the notice of disqualification. The Manager shall hear and determine the appeal within ninety (90) days after it is filed. The determination of the Manager on the appeal is final.

4.6 EMPLOYMENT OF RELATIVES

Based upon the inherent conflict of interest and impact such employment would have on supervision and morale, immediate family members of the Board of Directors may not be employed by the District. As to other District employees, the fact that an applicant is related by blood or marriage to a current employee of the District shall neither aid nor hinder the person's opportunities for District employment. However, a person may not be appointed to a position wherein he or she would directly supervise or be directly supervised by an immediate family member.

4.7 VERIFICATION

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

ARTICLE 5 – EXAMINATIONS

5.1 EXAMINATION PROCESS

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

All candidates testing for positions in the District are subject to an extensive background investigation, and may include consumer credit reports if the position meets the requirements of Labor Code Section 1024.5 (which limits the categories of jobs for which an employer may request consumer reports) and subject to the notice requirements contained in Civil Code Section 1785.20.05. Such investigations shall comply with all requirements of the Fair Credit Reporting Act, as applicable. Candidates must execute an authorization and release form as part of their application. Depending upon the position to which a candidate applied, the background investigation may include but is not limited to verification of information on application material; reference checks; criminal and driving record verification; and fingerprinting. Criminal background checks shall comply with the provisions of Government Code Section 12952.

5.2 PROMOTIONAL EXAMINATIONS

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

ARTICLE 6 – EMPLOYMENT LISTS

6.1 EMPLOYMENT LISTS

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

6.2 DURATION OF LISTS

Except for continuous examinations, employment lists shall remain in effect until exhausted or abolished by the Manager.

Open-competitive lists created as the result of a continuous examination shall remain in effect for up to one year from the time of the last administration of the examination unless it is exhausted sooner or abolished by the Manager. Names placed on such lists may be merged with other names already on the list.

6.3 REMOVAL OF NAMES FROM LIST

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

ARTICLE 7 – METHOD OF FILLING VACANCIES

7.1 TYPES OF APPOINTMENT

Whenever practical, vacancies in the competitive service shall be filled by transfer, demotion, re-employment list, reinstatement, or from employment lists certified by the Manager. Also, provisional appointments may be made in accordance with these Personnel Regulations.

7.2 NOTICE TO MANAGER

If a vacancy in the competitive service is to be filled, the Department Head shall notify the Manager. If there is no re-employment list available for the class has been established or is currently available pursuant to Sections 13.5 and 13.6, the Manager shall have the right to decide the most appropriate method to fill the vacancy, including reinstatement, transfer, demotion, appointment from a promotional employment list, or appointment from an open employment list.

7.3 CERTIFICATION OF ELIGIBLE FROM EMPLOYMENT LISTS

If the Manager does not consider it in the District's best interest to fill the vacancy by reinstatement, transfer, or demotion, or if it is not possible to fill the vacancy by re-employment, certification may be made by the Manager from an appropriate employment list, provided eligibles are available, or by such other method the Manager deems appropriate.

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

7.4 APPOINTMENT

After interview and investigation, the appointing authority shall make appointment from among the top three (3) eligibles, as provided in Section 7.3, and shall immediately notify the Manager of the persons appointed. In accordance with Labor Code Section 432.3(a), salary history information of an applicant for employment shall not be relied on as a factor in determining whether to offer employment to an applicant or what salary to offer an applicant. The appointing authority shall provide a written notice of appointment to the successful applicant. The written notice of appointment shall include a statement that the appointment is subject to the applicant undergoing a physical examination prior to final confirmation of appointment by the Manager (see section 7.6). The person accepting appointment shall report to the Manager, or the Manager's designated representative, for processing on or before the date of appointment. If the applicant accepts the appointment and reports

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

7.5 PROVISIONAL APPOINTMENT

In the absence of an eligible willing to accept appointment from appropriate employment lists, a provisional appointment may be made by the Manager of a person meeting the minimum training and experience qualifications for the position. Such an appointment may be made to a position during which an employee in the position has been suspended or pending final action on proceedings to review a suspension, demotion, or dismissal of an employee, and such vacancy may be filled by the Manager subject to the provisions of the Personnel Regulations. A provisional employee may be removed at any time without the right of appeal or hearing. No provisional appointment shall exceed six months, without specific concurrence of the Board. If a provisional appointee is selected for a regular position with the District, the time served as a provisional appointee shall be counted as time toward the fulfillment of the required probationary period.

7.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

Offers of employment are contingent upon the results of a uniformly applied job-related pre-employment medical evaluation, consistent with business necessity. Offers of employment for some positions may also be contingent upon the results of a psychological examination. Such examinations shall be consistent with the requirements of Government Code Section 12940. The request and receipt of medical information shall be limited to functional limitations only. The job-offer may be withdrawn if it is determined that:

- a) There is no reasonable accommodation that would enable the candidate to perform the essential functions of the job;
- b) Any accommodation for the candidate imposes an undue hardship on the District; or
- c) The employee would pose a direct threat to his or her own health or safety or the health and safety of others.

Before disqualifying an applicant on the basis of a medical exam or inquiry, the applicant is entitled to submit an independent medical opinion to the District before a final decision is made. Further, pursuant to state and federal law, the District must determine through an interactive process with the applicant whether the disabled candidate can perform the essential functions of the job with or without reasonable accommodation.

The District will pay the cost of any District-required medical examinations under this Section. The District shall maintain the confidentiality of any medical information obtained through these processes.

7.7 PERSONNEL ACTION FORM

Every appointment, promotion, transfer, demotion, step increase, longevity increase, suspension without pay, separation for service, or any information or action which affects the salary status of an employee shall be initiated by the Manager through the use of a Personnel Action Form.

7.8 CHANGE OF TEMPORARY OR VOLUNTEER POSITION

When a temporary or volunteer position is changed to a regular position by the District Board, the employee occupying that position may be appointed by the Manager without initiating the routine announcement or examination procedures, provided that employee has served at least three months in that position. Any time served may also be counted toward fulfilling the probationary requirements.

ARTICLE 8 – PROBATIONARY PERIOD

8.1 PROBATION

Unless otherwise provided in an applicable Memorandum of Understanding, the first six months following date of hire, including promotional appointment, with the District is the usual probationary period. Approximately ninety (90) days after initial employment, the employee's Department Head will review and evaluate the employee's performance. If need for improvement exists, it will be noted, and the unsatisfactory performance discussed with the employee so as to provide an opportunity for the employee to bring performance up to standard. Another evaluation review will be conducted approximately 170 days after employment. In the event the probationary period is extended, approximately each sixty (60) days thereafter further evaluations will be conducted through the remainder of the extended probationary period.

Specific to Cambria Community Services District Fire Department and IAFF employees, newly hired employees are subject to a twelve (12) month probationary period.

This period may be extended for an additional period of time, of up to six months, upon recommendation of the employee's Department Head, as approved by the Manager. The employee shall be given written notification that his or her probationary period has been extended, including information as to the reason for extension. Extension of probationary status extends the annual anniversary date accordingly.

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

8.2 OBJECTIVE OF PROBATIONARY PERIOD

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

8.3 REJECTION OF PROBATIONER

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

8.4 REJECTION FOLLOWING PROMOTION

In accordance with Section 2.08.070 of the Cambria Community Services District Code, any employee rejected during the probationary period following a promotional appointment, or at the conclusion of the probationary period by reason of failure of the employee's Department Head to file a statement that the employee's services have been satisfactory, will be reinstated to the position from which the employee was promoted, if there is a vacancy in such position, unless the employee is dismissed in the manner provided in the Personnel Ordinance and these Regulations for positions in the competitive service. If there is no vacancy in such position, the employee shall be placed on a re-employment list which shall be valid for 12 months.

ARTICLE 9 – PERFORMANCE STANDARDS

9.1 RULES AND REGULATIONS

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

9.2 ORIENTATION AND TRAINING

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

9.3 PERFORMANCE EVALUATIONS

District employees will receive periodic written evaluations of their job performance. The purpose of performance evaluations includes, but is not limited to the following:

- a) Maintain and improve performance.
- b) Provide an objective and fair means of measurement and recognition of individual performance.
- c) Provide feedback regarding performance to the employee.
- d) Provide a medium for personnel and career counseling.
- e) Foster fair and impartial personnel decisions.
- f) Facilitate equitable decisions regarding probationary employees.
- g) Identify training needs.

During the initial probation period, an employee will receive reviews as established in Section 8.1. Upon successful completion of the probationary period, regular performance evaluations will be conducted by the employee's Department Head and will be discussed with the employee who will be requested to sign the evaluation form, indicating that it has been read. An employee may make written comments on the form. The employee will receive a copy of the evaluation and a copy will be placed in the personnel file. Upon completion of the evaluation, recommendation will be made to the Manager for consideration of any possible merit pay step increase. If an employee develops less than

workmanlike attitudes or practices in his/her position, supplementary performance reviews may be necessary, additional reports may be filed, and disciplinary action may be taken.

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

Performance evaluations are not subject to review or appeal through the grievance procedure.

9.4 MANAGER'S AUTHORITY TO REQUEST OR PERFORM EVALUATION

In addition to regular performance evaluations, the Manager may request or perform an evaluation of the performance of any employee at any time.

9.5 CORRECTIVE ACTION PLAN

The Manager may request or cause a Corrective Action Plan to be prepared to provide clear direction to an employee whose performance is substandard.

9.6 ATTENDANCE

Employees are expected to work a designated workday. Tardiness shall be cause for disciplinary action. If an employee cannot report for work, then that employee is expected when possible, to notify his/her immediate supervisor before the workday is scheduled to begin. In any event the employee is expected to notify his/her immediate supervisor within the first 2 hours of the scheduled workday.

9.7 OUTSIDE EMPLOYEMENT

Employees may engage in employment outside of their regular working hours if such employment is approved in advance by General Manager and is not incompatible with his or her employment with the District. The General Manager may establish a maximum time period worked on such outside employment and a maximum number of hours of outside work per week so as to not interfere with the employee's work duties.

Incompatible employment includes, but is not limited to:

- a) Work that tends to impair mental or physical capacity to perform District duties efficiently and effectively.
- b) Work that takes the employee's time and attention during his or her official District working hours.
- c) Activities that create a conflict of responsibility or duty between the employee's District work responsibility and the proposed outside employment. This includes work that would, by its nature, tend to reduce the ability of the employee to exercise completely, independent, and unfettered judgment with respect to effectively discharging his or her District work

responsibility.

Any employee who engages in employment outside regular working hours shall be subject to performing his or her regular District duties first.

An employee who does have additional or outside employment shall not be permitted to use District records, materials, equipment, facilities, or other District resources in connection with said employment.

ARTICLE 10 – TRANSFER, PROMOTION, DEMOTION, SUSPENSION AND REINSTATEMENT

10.1 TRANSFER

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

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

10.2 PROMOTION

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

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

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

10.3 DEMOTION

Subject to the procedures contained in Article 12 herein, the Manager may demote an employee for disciplinary purposes or when his/her ability to perform the required duties falls below standard. In addition, upon request of an employee, and with the consent of the Manager, a voluntary demotion may be made to a vacant position. No employee shall be demoted to a position if that employee does not possess the minimum qualifications for the demotion position.

10.4 SUSPENSION

Subject to the procedures contained in Article 12 herein, the Manager may suspend an employee from a position at any time based upon a disciplinary action. Suspension without pay shall not exceed thirty (30) calendar days, nor shall any employee be penalized by suspension for more than (30) thirty calendar days in any fiscal year. Subject to the procedures contained in Article 12 herein, Department Heads may suspend a subordinate employee for not more than three (3) working days at any one time, and not more than once in a thirty (30) calendar day period. Intended suspension action shall be reported to the Manager prior to taking such action.

10.5 REINSTATEMENT

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

ARTICLE 11 – CODE OF CONDUCT

11.1 ACTS WHICH ARE GROUNDS FOR DISCIPLINARY ACTION AND/OR TERMINATION OF EMPLOYMENT

In order that the rights and safety of all employees, the public, and efficient operation of the District are protected, employee activities are governed by reasonable rules of conduct. The following acts are illustrative, and not exhaustive, of acts which are grounds for disciplinary action and/or termination of employment with the District.

- a) Fraud in securing employment or making a false statement on an application for employment.
- b) Incompetency, i.e., inability to comply with the minimum standard of the employee's position for a significant period of time.
- c) Inefficiency or inexcusable neglect of duty, i.e., failure to perform duties required of an employee within his/her position.
- d) Any action, including exhibiting a negative attitude or engaging in behavior, that is a direct hindrance to the effective performance of District operations.
- e) Willful disobedience or insubordination, including a willful failure to submit to duly appointed and acting supervision or to conform to duly established order or directions of persons in a supervisory position or insulting or demeaning the authority of a supervisor or manager.
- f) Dishonesty involving employment.
- g) Possession, distribution, sale, use or being under the influence of alcohol or drugs or narcotics while on duty or while operating a District vehicle or equipment leased or owned by the District.
- h) Excessive absenteeism.
- i) Inexcusable absence without leave, including but not limited to failure to report after leave of absence has expired or after such leave of absence has been disapproved, revoked or canceled.
- j) Abuse of sick leave, i.e., taking sick leave without a doctor's certificate when one is required, claim of sick leave under false pretense, or misuse of sick leave.
- k) The conviction of either a misdemeanor or felony related to the position held by the employee shall constitute grounds for dismissal. The record of conviction will be conclusive evidence of the fact that the conviction occurred. The Manager or his or her designee may inquire into circumstances surround the commission of the crime in order to support the appropriate degree of discipline, based upon making an individualized assessment in accordance with the provisions of Section 4.4. A plea or verdict of guilty, or a conviction showing a plea of nolo contendere is deemed to be a conviction within the meaning of this section.

- l) Discourteous treatment of the public or other employees.
- m) Improper or unauthorized use of District property or misappropriation of supplies.
- n) Refusal to subscribe to any oath or affirmation which is required by law in connection with District employment.
- o) Any willful act or conduct undertaken in bad faith, either during or outside of duty hours which is of such a nature that it causes discredit to the District, the employee's department or division.
- p) Inattention to duty or negligence in the care and handling of District property.
- q) Violation of the policies, rules, or regulations of the District or any department.
- r) Outside employment not authorized by the District.
- s) Acceptance of a reward, gift, or other form of remuneration for the performance of his or her official duties.
- t) Improper political activity on District property or while on duty or that is otherwise in violation of any provision of law.
- u) Working overtime without authorization.
- v) Possession of weapons on District property unless authorized.
- w) Making false or malicious statements concerning any employee, the District or the District's policies or practices.

Department heads may establish additional rules of conduct that are applicable to their specific areas of responsibility, provided such rules do not conflict with those included herein.

ARTICLE 12 – DISCIPLINARY PROCEDURE

12.1 GENERAL

The following measures are part of the disciplinary process: warning, reprimand, suspension without pay, dismissal, demotion, or reduction in pay. Supervisors and/or Department Heads may issue oral or written warnings or reprimands and suspension up to three (3) days. Any such discipline imposed by a supervisor or Department Head shall be coordinated with the District's designated Human Resources staff. All other forms of disciplinary action are reserved for decision and action by the Manager. The Manager may discipline any employee for just cause. An employee or employee group may be represented in their dealings with the District under this Article.

The District shall generally utilize progressive discipline in an attempt to correct employee behavior. However, in some instances, depending on the severity of the misconduct, disciplinary action, up to and including dismissal may be warranted for a first offence. In addition, discipline is generally not for the purpose of imposing punishment on an employee, but rather is for the purpose of giving employees an understanding of and reinforcing to the employee the District's standards and expectations of employee conduct. Accordingly, its purpose is to provide an employee an opportunity to modify his or her performance and behavior to meet those expectations

12.2 BASIS OF DISCIPLINARY ACTION

Disciplinary action normally is based upon, but not limited to, violations of the Code of Conduct set forth in Article 11.

12.3 COUNSELING AND GUIDANCE PRIOR TO DISCIPLINARY ACTION

To the extent practicable, supervisors and/or Department Heads will provide counseling and guidance to employees prior to resorting to disciplinary action.

12.4 POLICY

Prior to the suspension, demotion, reduction in pay or dismissal of a regular employee for disciplinary purposes, the procedure set forth in this Article shall be complied with. In addition, suspensions of FLSA exempt employees shall be in accordance with the requirements of applicable Department of Labor regulations.

12.5 NOTICE OF INTENT TO DISCIPLINE

Whenever the responsible supervisor or Manager intends to suspend an employee, demote an employee, reduce an employee's pay or dismiss an employee, he/she will provide the employee with a notice of intended disciplinary action that includes the following information:

- a) The proposed disciplinary action and effective date intended;
- b) A statement of the rule(s) and/or regulation(s) allegedly violated;

- c) The specific charges against the employee and reason(s) for the proposed action;
- d) A copy of all written materials, reports, or documents upon which the proposed action is based;
- e) The employee's right to respond to the charges in writing or orally within five (5) days of the notice, the employee's right to request that a pre-disciplinary review be held, and the employee's right to have a representative of the employee's choice present at the pre-disciplinary review; and
- f) Notice that failure to respond by the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

Notice shall be served by personal delivery or first-class mail and shall be deemed served when actually served or deposited with the U.S. Mail, with proper postage prepaid and addressed to the employee at his/her last known address.

12.6 RESPONSE BY EMPLOYEE

The pre-disciplinary review is an information meeting at which the employee has an opportunity to rebut the charges against him/her or to state any mitigating circumstances. Usually the Department Head or his/her designee will hear and consider the employee's response. The Department Head shall have the discretion to decide who shall conduct the review depending upon the severity of the proposed discipline and circumstances involved.

12.7 FINAL NOTICE OF DISCIPLINARY ACTION

Within ten (10) business days of the pre-disciplinary review or expiration of the employee's time to respond to the notice of intent to discipline, the Department Head or his/her designee, shall take one of the following actions: (1) withdraw the notice of intent and take no disciplinary action against the employee; (2) modify the intended disciplinary action; or (3) prepare and serve upon the employee a final notice of disciplinary action. The final notice of disciplinary action shall include the following:

- a) The disciplinary action taken and the effective date;
- b) A statement of the rule(s) and/or regulation(s) allegedly violated;
- c) The specific charges against the employee and reason(s) for the action;
- d) A copy of all written materials, reports, or documents upon which the action is based; and
- e) An explanation of the appeal procedures.

12.8 RELIEF OF DUTY

Notwithstanding the provisions of this Article, the Manager may approve the temporary assignment of an employee to a status of leave with pay during such investigations as may be required to determine if disciplinary action is to be taken.

12.9 APPEAL TO MANAGER (POST DISCIPLINARY EVIDENTIARY HEARING)

For all disciplinary actions except warning or reprimand, regular employees may appeal disciplinary actions to the Manager or his or her designee by filing a written request with the Manager within five (5) working days of the date of notification of the disciplinary action. The Manager shall, within ten (10) working days of receipt of the request, schedule an evidentiary hearing at which the employee may answer the charges against him/her, present any mitigating evidence, or otherwise respond to the notice of disciplinary action.

The following hearing procedure shall be followed:

- a) The appellant shall appear personally, unless physically unable to do so, at the time and place of the hearings. The appellant may be represented by any person or attorney as may be arranged for by the appellant and may at the hearing produce relevant oral and/or documentary evidence.
- b) The hearing shall proceed in the following order, unless the Manager or Hearing Officer for special reason otherwise directs:
 1. The appellant shall state the issue being appealed in the form of an opening statement.
 2. The party imposing such disciplinary action shall be permitted to make an opening statement and shall present the evidence supporting the action.
 3. The appellant may then open his/her defense and offer his/her evidence in support of his/her position.
 4. The parties may then, in order, respectively offer rebutting evidence only, unless the Manager or Hearing Officer for good reason permits them to offer evidence upon their original case.
 5. Arguments shall be permitted at the discretion of the Manager or Hearing Officer.
 6. Cross-examination of witnesses shall be permitted. The conduct and decorum of the hearing shall be under the control of the Manager or Hearing Officer, with due regard to the rights and privileges of the parties appearing before him or her.
 7. Hearings need not be conducted according to technical rules relating to evidence and witnesses. Hearings shall be closed unless the appellant, in writing, requests an open hearing and the Manager or Hearing Officer agrees.
 8. The Manager or Hearing Officer shall determine relevancy, weight, and credibility of testimony and evidence and shall base his/her findings on the evidence presented.
 9. The hearing shall be recorded, and a copy of the tape of proceedings shall be made available to the appellant.
 10. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

The Manager may choose to have the hearing conducted by an outside, independent Hearing Officer, who shall make findings of fact and a recommendation to the Manager about the discipline. Selection of the independent hearing officer may be through any means deemed legally permissible, including through lists provided by the State Conciliation and Mediation Service.

The Manager shall issue an opinion and decision within ten (10) working days of the hearing if conducted by the Manager, or within ten (10) working days of receiving a recommendation from an independent hearing officer, and if the Manager finds that the disciplinary action was not justified, the Manager may order a less severe disciplinary action, or may order the employee reinstated with full back pay and benefits. All decisions of the Manager shall be final, subject to judicial review pursuant to Code of Civil Procedure Section 1094.6.

ARTICLE 13 – LAYOFF POLICY AND PROCEDURE

13.1 STATEMENT OF INTENT

Whenever, in the judgment of the Board, it becomes necessary to make a reduction in work force, whenever possible, said reduction shall be accomplished through attrition. If a reduction in the work force is necessary, layoffs shall be based on seniority within the classification targeted for elimination.

Layoffs that result from a reduction in work force shall be made without regard to political affiliation, perceived and actual race, religion, color, gender, marital status, national origin, ancestry, citizenship, age, or physical disability, medical disability, medical condition (including pregnancy, child birth and cancer related conditions or genetic characteristics), sexual orientation, or military and veteran status or any basis protected by law.

13.2 NOTIFICATION

The District shall provide thirty (30) days written notice to employee(s) affected. If such notice is not provided, the laid off employee shall receive severance pay equivalent to ten (10) working days pay, which shall be in addition to any other accrued pay or benefits which may be due to the employee.

The appropriate employee bargaining unit shall receive concurrent notice of the layoff and may be granted an opportunity to meet and consult with the District to discuss the impacts of the reduction in work force, but not the decision to reduce the work force, as may be required by the Meyers-Milias-Brown Act.

13.3 VACANCY AND DEMOTION

Except as otherwise provided, whenever there is a reduction in the workforce, the employees subject to layoff shall be eligible to voluntarily demote to a vacant position in accordance with Section 10.3. All persons so demoted shall have their names placed on a re-employment list as provided in Section 13.5.

13.4 EMPLOYMENT STATUS

In each position classification, whenever it is determined by the Manager to be in the best interest of the District, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary, and regular. Temporary, provisional, and probationary employees shall be laid off according to the needs of the competitive service as determined by the Manager.

13.5 RE-EMPLOYMENT LIST

The names of persons laid off or demoted in accordance with these rules shall be entered upon a reemployment list. Lists from different departments or at different times for the same position

classification shall be combined into a single list. Such a list shall be used by every appointing authority when a vacancy arises in the same or lower class of position before certification is made from an eligible list.

13.6 DURATION OF RE-EMPLOYMENT LIST

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

ARTICLE 14 – SEPARATION FROM DISTRICT SERVICE

14.1 RESIGNATION

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

14.2 DISMISSAL OF A PROBATIONARY EMPLOYEE

A probationary employee may be dismissed at any time during a probationary period for any reason, or for no reason, without right of appeal or hearing. In case of such dismissal, the Manager shall notify the dismissed probationary employee in writing that he/she is being terminated from District service.

14.3 DISMISSAL OF A NON-REGULAR EMPLOYEE

An employee who is not a regular employee as defined by these policies may be dismissed at any time for any reason, or for no reason, without right of appeal or hearing. In case of such dismissal, the Manager shall notify the dismissed non-regular employee in writing, that he/she is being terminated from District service.

14.4 JOB ABANDONMENT

An employee is deemed to have resigned if the employee is absent for three (3) consecutive workdays without prior authorization and without notification during the period of absence. On the second working day of unauthorized absence, the supervisor shall send a letter, by overnight delivery/expedited delivery, to the employee's last known address, providing the employee with an opportunity to be heard and explain his or her absence, and informing the employee that if he or she fails to respond or otherwise report to work, or receive authorization for such absence, the employee will be deemed to have resigned. Employees separated from employment for job abandonment will be reinstated with such charge removed from the employee's record upon presentation of justification for absence such as severe accident, severe illness, false arrest, or mental or physical impairment, which prevented notification. Except for the opportunity to be heard and to provide an explanation as to the reasons for the absence, employees have no right to appeal if deemed to have resigned as result of job abandonment.

14.5 DISMISSAL

Dismissal of a regular employee shall be subject to the disciplinary procedures contained in Article 12.

14.6 PROVIDING EMPLOYMENT REFERENCES

All requests made from outside the District for reference checks or verification of employment concerning any current or former employee shall be processed by the General Manager or his or her designee. This shall include all requests for references, letters of recommendation, or information regarding the reasons for separation. Information will only be released if the employee or former employee has signed an Authorization for Release of Employment Information form. In the absence of such an authorization, only limited information shall be provided, including dates of employment, job title, description of duties, and salary upon departure.

The General Manager or his or her designee must approve all letters of recommendation to be issued for current or former employees. The District is not obligated to provide references on former or current employees, and at his or her discretion, the General Manager may refuse to provide or authorize a recommendation. If authorized, recommendations should be balanced, truthful, free of subjective impressions that lack objective support, and given in good faith and without malice. It should provide a complete account of the employee's job performance and qualifications.

ARTICLE 15 – ADMINISTRATIVE LEAVES, REPORT AND RECORDS

15.1 ATTENDANCE

Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves. All departments shall keep daily attendance records of employees which shall be reported to the Manager in the form and on the dates he shall specify.

15.2 MILITARY LEAVE

Military leave shall be granted in accordance with the provisions of State and Federal law. All employees entitled to military leave shall give the appointing authority an opportunity within the limits of military regulations to determine when such leave shall be taken.

15.3 LEAVE OF ABSENCE WITHOUT PAY

The Manager, in his/her unrestricted discretion, may grant a regular or probationary employee leave of absence without pay or seniority for not to exceed three (3) months. After three (3) months, the leave of absence may be extended at the Manager's discretion. Any such leave of absence shall not count toward the time required for any employee's probationary period. Such leave shall only be considered upon written request by the employee, setting forth the reason for the request. The approval of such leave shall be in writing.

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

15.4 JURY DUTY

Every salaried employee of the District who is called or required to serve as a trial juror, upon notification and appropriate verification submitted to his/her supervisor, shall be entitled to be absent from his/her duties with the District during the period of such service or while necessarily being present in court as a result of such call. The employee shall turn over his/her jury duty pay to the District. Temporary employees shall not be paid during their absence from work on jury duty.

15.5 LEAVES REQUIRED BY STATE AND/OR FEDERAL LAW

Several types of leave are required to be provided by state and/or federal law. The District will grant

such leaves, including but not limited to leaves pursuant to: the California Family Rights Act; the Family and Medical Leave Act; the Pregnancy Disability Leave Law; the Parent Leave Act; the California New Parent Leave Act, and the Fair Employment and Housing Act, to the extent they are applicable to the District and in accordance with the requirements of such state and federal laws, as they are in effect at the time leave is granted. No greater or lesser leave benefits will be granted than those set forth in the relevant California or federal law.

Sick leave shall be provided in accordance with the requirements of State law. Such sick leave for part-time employees shall be in an annual lump sum of 24 hours and not provided on an accrual rate basis.

15.6 PERSONNEL RECORDS

The Manager shall maintain a personnel record for each employee in the service of the District showing the name, title of position held, the department to which assigned, salary, changes in employment status, and such other information as may be considered pertinent by the Manager. The following types of records shall be maintained separately from the employee's personnel file: verification of the right to work in the United States (Form 1-9); verification of employment requests; EEOC and/or DFEH charges of discrimination; records related to workers' compensation claims; and medical or protected health information.

An employee shall have the right to inspect the contents of his/her personnel file in accordance with the provisions of Labor Code Section 1198.5 at reasonable times and intervals. As provided in Labor Code Section 1198.5 (h) the following records are excluded from the right to inspect: records relating to the investigation of a possible criminal offense; letters of reference, and; ratings, reports, or records that were: (A) obtained prior to the employee's employment, (B) prepared by identifiable examination committee members, or (C) obtained in connection with a promotional examination. However, this exclusion is not intended to diminish any rights an employee or applicant has to obtain information from the District when the District conducts a background investigation under the Fair Credit and Reporting Act and/or the Investigative Consumer Reporting Act.

15.7 CHANGE OF STATUS REPORT

Every appointment, transfer, promotion, demotion, change of salary rate, or any other temporary or permanent change in status of employees shall be reported to the Manager in such manner as he may prescribe. Normally this shall be on a Personnel Action Form.

ARTICLE 16 – GRIEVANCE PROCEDURE

16.1 PURPOSE

It is the purpose of this Article to provide an avenue of communication through which an employee or groups of employees may have their complaint heard and decided in an orderly and fair manner. An employee or an employee group may be represented in their dealings with the District under this Article.

16.2 DEFINITION OF GRIEVANCE

A grievance is a complaint of an employee or group of employees concerning the interpretation or application of the administration of the conditions of employment, including job description, salary, and benefits in force between the District and the employee.

- a) Working conditions within the control of the Manager, including these Personnel Regulations and for which no other procedures for orderly resolution of such complaints exist.

16.3 EXCLUSIONS FROM GRIEVANCE PROCEDURE

The following are excluded from the definition of “grievance” and shall not be subject to the procedures contained in this Article:

- a) Requests for changes in hours, wages, or conditions of employment.
- b) Requests for changes in the content of employee evaluations or employment reviews, or denials of step or merit increases.
- c) Matters relating to appointments or examinations for positions.
- d) Challenges to disciplinary actions, including warnings, oral or written reprimands, suspensions, dismissals, demotions, or reductions in pay.

16.4 INFORMAL DISCUSSION

Any employee, or group of employees, shall first discuss the alleged grievance with the immediate supervisor within ten (10) working days of the event comprising the alleged grievance. If the employee is still dissatisfied with the supervisor's solution to the complaint, the employee may proceed with the procedure described in Section 16.5.

16.5 PROCEDURE

The grievance procedure shall be as follows:

- a) If a complaint or grievance has not been resolved at the informal discussion stage, the grievant may submit his/her complaint in writing to the grievants Department Head within five (5) working days of the informal discussion. Within ten (10) working days of receipt of such grievance, the

Department Head shall investigate and provide a written response to the grievance.

- b) If, within five (5) working days of receipt of the Department Head's written response to the grievance, the employee is still dissatisfied with the resolution proposed, the employee may appeal in writing to the Manager. The Manager, upon receipt of the written appeal shall schedule a meeting with the employee, at which the employee may present his or her opinion and facts to the Manager. The Manager shall render his or her decision within thirty (30) working days, and his or her decision shall be final.

16.6 NO RETRIBUTION

An employee shall not be penalized in any manner for availing him or herself of the grievance procedures.

ARTICLE 17 – SAFETY PROVISIONS AND PRACTICES

17.1 SAFETY PROVISIONS AND PRACTICES

The District believes that safe working conditions for all its employees can be attained through adequate supervision, frequent review of safety practices, proper use of tools and equipment, by employment of adequate safety devices and procedures and by complete job instruction. In addition to its own safety instructions and practices, the District and its employees may be subject to certain Federal and State regulations. Supervisors shall be familiar with and make certain that all such applicable regulations are complied with.

The District recognizes the need to provide qualified supervision and specific job-related training for the development of safe working practices. It will provide safe working areas, equipment, tools, and other work devices. In addition, a Safety Committee may be appointed by the General Manager to coordinate safety practices. District safety rules include:

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

17.2 EQUIPMENT

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

ARTICLE 18 – PUBLIC RELATIONS

18.1 PUBLIC RELATIONS

Employees shall not make comments to newspapers or any other media unless specifically directed by the Manager. Normally, employees shall refer individuals seeking information about the District to the appropriate staff member or their supervisor.

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

ARTICLE 19 – VEHICLE USAGE

19.1 District vehicles are to be used for authorized business only. It is desirable that certain employees be provided with the use of a District vehicle for transportation between the employee's residence and the District office. From time to time, the Manager shall determine which employees are to be assigned District vehicles to provide for improved emergency response and to facilitate attendance to after hour meetings and functions related to the District. Assignment of the vehicle is not for the specific benefit of the employee, but for the improved operational efficiency and effectiveness of the District.

19.2 PERSONAL VEHICLES

Use of personal vehicles for District business must be authorized by the Manager. When an employee uses a personal vehicle to conduct District business, the employee shall be reimbursed at the current Internal Revenue Service (IRS) mileage rate. Personal vehicles shall only be used for District business when District vehicles are not practicably available for use.

ARTICLE 20 – PAYMENT AND COMPENSATION PLAN

20.1 PREPARATION OF PAY PLAN

The Manager shall prepare a plan of payment and compensation which shall prescribe for each position a minimum rate of pay, progressive pay rates, other designated benefits. Such Pay Plan shall apply, except as otherwise provided in any applicable Memorandum of Understanding.

20.2 ADOPTION OF THE PLAN

The Manager shall submit a total compensation plan for approval to the Board. The Board shall review the proposed compensation plan and may adopt the plan by resolution. This adoptive resolution may be that same resolution used to adopt the annual budget.

ARTICLE 21 – VIOLATIONS

21.1 VIOLATION OF RULES

Violations of the provisions of these Personnel Regulations shall be grounds for reduction in pay, suspension, demotion, dismissal, or other disciplinary action.

ARTICLE 22 – HARASSMENT PREVENTION POLICY

22.1 PURPOSE

The purpose of this policy is to establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints. The employer encourages all covered individuals to report-as soon as possible-any conduct that is believed to violate this policy. Notwithstanding anything to the contrary contained in any District Ordinance, regulation or rule, this policy shall apply to all District elected or appointed officials, officers, employees, or contractors.

22.2 POLICY

The Cambria Community Services District has zero tolerance for any conduct that violates this policy. Conduct need not rise to the level of a violation of law to violate this policy. A single act can violate this policy and provide grounds for discipline or other appropriate sanctions.

Harassment or discrimination against an applicant, unpaid intern, volunteer, or employee by a supervisor, management employee, elected or appointed official, coworker, member of the public, or contractor on the basis of race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, citizenship status, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), military or veteran status, or any other protected classification as defined below, will not be tolerated.

This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Disciplinary action or other appropriate sanction up to and including termination will be instituted for prohibited behavior as defined below.

Any retaliation against a person for filing a complaint or participating in the complaint resolution process is prohibited. Individuals found to be retaliating in violation of this policy will be subject to appropriate sanction or disciplinary action up to and including termination.

22.3 DEFINITIONS

- a) Protected Classifications: This policy prohibits harassment or discrimination because of an individual's protected classification. "Protected Classification" includes race, religion, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, citizenship status, disability, medical condition, genetic characteristics or information, marital status, age, sexual orientation (including homosexuality, bisexuality, or heterosexuality), and military or veteran status.
- b) Policy Coverage: This policy prohibits the Cambria Community Services District, elected or

appointed officials, officers, employees, or contractors from harassing or discriminating against applicants, officers, officials, employees, unpaid interns, volunteers, or contractors because of: 1) an individual's protected classification; 2) the perception that an individual has a protected classification; or 3) the individual associates with a person who has or is perceived to have a protected classification.

- c) **Discrimination:** This policy prohibits treating individuals differently because of the individual's protected classification as defined in this policy.
- d) **Harassment** may include, but is not limited to, the following types of behavior, if that behavior is taken because of a person's protected classification. Note that harassment is not limited to conduct by the employer's employees. Under certain circumstances, harassment can also include conduct taken by those who are not employees, such as elected officials, appointed officials, persons providing services under contracts, or even members of the public:
 - 1) Speech, such as epithets, derogatory comments or slurs, and propositioning on the basis of a protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories and jokes.
 - 2) Physical acts, such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.
 - 3) Visual acts, such as derogatory posters, cartoons, emails, pictures, or drawings related to a protected classification.
 - 4) Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.
- e) **Guidelines for Identifying Harassment:** To help clarify what constitutes harassment in violation of this policy, use the following guidelines:
 - 1) Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.
 - 2) It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.
 - 3) Simply because no one has complained about a joke, gesture, picture, physical contact, or

comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

- 4) Even visual, verbal, or physical conduct between two individuals who appear to welcome the conduct can constitute harassment of a third individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.
- 5) Conduct can constitute harassment in violation of this policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).
- f) Retaliation: Any adverse conduct taken because an applicant, employee, or contractor has reported harassment or discrimination, or has participated in the complaint and investigation process described herein, is prohibited. "Adverse conduct" includes but is not limited to: taking sides because an individual has reported harassment or discrimination, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment or discrimination. The following individuals are protected from retaliation: those who make good faith reports of harassment or discrimination, those who associate with an individual who is involved in reporting harassment or discrimination, and those who participate in the complaint or investigation process.

22.4 COMPLAINT PROCEDURE

- a) An employee, job applicant, unpaid intern, volunteer, or contractor who believes he or she has been harassed may make a complaint verbally or in writing with any of the following. There is no need to follow the chain of command:
 - 1) Immediate supervisor;
 - 2) Any supervisor or manager within or outside of the department;
 - 3) Any department head; or
 - 4) The staff person designated by the General Manager as having responsibility for the District's Human Resources functions (hereafter referred to as the "Human Resources Officer.")
- b) Any supervisor or department head who receives a harassment complaint should notify the Human Resources Officer immediately.
- c) Upon receiving notification of a harassment complaint, the Human Resources Officer shall:
 - 1) Provide the complainant with a timely response indicating that the complaint has been received and that a fair, timely, and thorough investigation will be conducted.
 - 2) Timely authorize and supervise a fair and thorough investigation of the complaint by

impartial and qualified personnel and/or investigate the complaint. The investigation will afford all parties with appropriate due process and include interviews with 1) the complainant; 2) the accused harasser; and 3) other persons who have relevant knowledge concerning the allegations in the complaint.

- 3) Review the factual information gathered through the investigation to reach a reasonable conclusion as to whether the alleged conduct constitutes harassment, discrimination, or retaliation giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
 - 4) Timely report a summary of the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the supervisor, and the department head. If discipline is imposed, the level of discipline will not be communicated to the complainant.
 - 5) If conduct in violation of this policy occurred, take, or recommend to the appointing authority prompt and effective remedial action. The remedial action will be commensurate with the severity of the offense.
 - 6) Take reasonable steps to protect the complainant from further harassment, discrimination, or retaliation.
 - 7) Take reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- d) The Cambria Community Services District takes a proactive approach to potential policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that harassment, discrimination, or retaliation may be occurring, regardless of whether the recipient or third party reports a potential violation.
 - e) Option to report to outside administrative agencies: An individual has the option to report harassment, discrimination, or retaliation to the U.S. Equal Employment Opportunity Commission (EEOC) or the California Department of Fair Employment and Housing (DFEH). These administrative agencies offer legal remedies and a complaint process. The nearest offices are listed in the government section of the telephone book or employees can check the posters that are located on employer bulletin boards for office locations and telephone numbers.

22.5 CONFIDENTIALITY

Every possible effort will be made to assure the confidentiality of complaints made under this policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Human Resources Officer. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The employer will not disclose a completed investigation

report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

22.6 RESPONSIBILITIES

Managers and Supervisors are responsible for:

- a) Informing employees of this policy.
- b) Modeling appropriate behavior.
- c) Taking all steps necessary to prevent harassment, discrimination, or retaliation from occurring.
- d) Receiving complaints in a fair and serious manner, and documenting steps taken to resolve complaints.
- e) Monitoring the work environment and taking immediate appropriate action to stop potential violations, such as removing inappropriate pictures or correcting inappropriate language.
- f) Following up with those who have complained to ensure that the behavior has stopped and that there are no reprisals.
- g) Informing those who complain of harassment or discrimination of his or her option to contact the EEOC or DFEH regarding alleged policy violations.
- h) Assisting, advising, or consulting with employees and the Human Resources Officer regarding this Policy and Complaint Procedure.
- i) Assisting in the investigation of complaints involving employee(s) in their departments and, if the complaint is substantiated, recommending appropriate corrective or disciplinary action in accordance with employer Personnel Regulations, up to and including discharge.
- j) Implementing appropriate disciplinary and remedial actions.
- k) Reporting potential violations of this policy of which he or she becomes aware, regardless of whether a complaint has been submitted, to the Human Resources Officer or the department head.
- l) Participating in periodic training and scheduling employees for training.

Each employee or contractor is responsible for:

- a) Treating all employees and contractors with respect and consideration.
- b) Modeling appropriate behavior.
- c) Participating in periodic training.
- d) Fully cooperating with the employer's investigations by responding fully and truthfully to all questions posed during the investigation.
- e) Maintaining the confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview, except as directed by the department head or Human Resources Officer.
- f) Reporting any act, he or she believes in good faith constitutes harassment, discrimination, or retaliation as defined in this policy, to his or her immediate supervisor, or department head, or Human Resources Officer.

22.6 DISSEMINATION OF POLICY

All employees shall receive a copy of this policy when they are hired. The policy may be updated from time to time and redistributed with a form for the employee to sign and return acknowledging that the employee has received, read, and understands this policy.

ARTICLE 23 – TRAVEL POLICY

23.1 PURPOSE

- a) It is the policy of the Board of Directors for the Cambria Community Services District ("CCSD") to limit travel for only those purposes that enhance the efficient and effective operation of the CCSD. Employees traveling on CCSD business shall do so by the most economical means available. Employees are expected to travel together if they are attending the same function unless a business reason exists to do otherwise.
- b) Authority to travel, and reimbursements for incurred costs of travel, including meals, transportation, registration, lodging, parking, and other such direct costs, shall be in accordance with this policy.

23.2 TRAVEL AUTHORIZATION

- a) A completed Employee Travel Request form (T-1) reflecting estimated costs associated with a given trip shall be submitted for all employees on CCSD travel requiring overnight accommodations and/or incurring cost to the CCSD. Department Heads may authorize travel for their respective employees in cases involving in-County travel and out-of-County travel not requiring overnight accommodations. Out-of-county travel requiring overnight accommodations requires the approval of the General Manager as well as the Department Head.
- b) If applicable, a completed Employee Travel Request form shall be submitted to the General Manager as far in advance as possible of the anticipated date of travel, but in no case less than ten (10) days prior to the employee's anticipated travel. All Employee Travel Requests shall be approved by the Department Head or his/her designee, in advance of presentation to the General Manager.
- c) The Department Head or General Manager may approve, deny, or modify the Employee Travel Request.
- d) If an emergency condition exists requiring the authorization of travel, a Department Head shall immediately notify the General Manager. During their unavailability or in their absence, the Department Head may authorize such travel provided notification is given to the General Manager on the next available workday. A lack of planning shall not create an emergency.
- e) If an Employee Travel Request is approved and for some reason the travel arrangements are canceled, the Department Head should state the reason on the approved Employee Travel Request and return it to the Finance Manager, or his/her designee. The Department Head should seek recovery of any advance registration fees paid and cancel all related hotel/motel reservations. The Department Head should note any cancellation fees or charges to which the CCSD may be subject on the approved Employee Travel Request.
- f) The current Employee Travel Request form (T-1) may be redesigned, modified, or revised at the discretion of the General Manager or his/her designee, whenever conditions warrant.
- g) If the cost incurred exceeds the approved amount by the lesser of 20% or \$50, a revised Employee Travel Request with an accompanying explanation for the increase is required. All signatures required for the original Employee Travel Request are required for the revised Employee Travel Request. Reimbursement to the employee for the costs above the originally approved amount will not be made until the revised Employee Travel Request is completely processed.

23.3 TRAVEL REIMBURSEMENT

- a) Unless otherwise specifically stated or provided by law, mileage reimbursement for authorized travel, where an employee uses his/her own personal vehicle shall be at the current Internal Revenue Service (IRS) mileage rate. Reimbursement will only be made for actual miles driven. Trips should be planned so that the shortest distance possible is driven, although it is acceptable to take driving time into consideration. This may result in insignificant additional miles being driven so as to save time.
- b) Travel outside of the CCSD involving overnight lodging shall be reimbursed at actual lodging costs. To be eligible for the lodging reimbursement, the employee must be authorized to travel to the designated area and must furnish a commercial lodging receipt (indicating the location of the lodging) for the day(s) of travel.
- c) Meal reimbursement shall be for actual and reasonable costs provided detailed receipts are submitted, or at the following per diem rates:
 - 1) Breakfast-TEN AND NO/100 DOLLARS (\$10.00).
 - 2) Lunch - FIFTEEN AND NO/100 DOLLARS (\$15.00).
 - 3) Dinner - TWENTY-FIVE AND NO/100 DOLLARS (\$25.00); OR
 - 4) Daily Rate - FIFTY AND NO/100 DOLLARS (\$50.00).

The above rates apply to 24-hour periods. For less than 24-hour periods, breakfast will be reimbursed if travel began no later than 7:00 a.m.; lunch will be reimbursed if the travel began no later than 12:00 p.m.; and dinner will be reimbursed if the travel began no later than 6:00 p.m.

No reimbursement will be made for any meal that is included and paid for by the CCSD within a registration fee.

- d) All reasonable telephone calls made by CCSD employees while traveling or away on CCSD business to their home or office, or for extenuating circumstances (e.g., family emergency), or as approved by the General Manager, are permitted and reimbursable.
- e) The following items shall NOT be eligible for travel reimbursement:
 - 1) Alcohol that is not part of a meal.
 - 2) In-room services not covered under the general room rate (e.g., laundry and dry-cleaning services, liquor bar, snacks, video, and premium television services, etc.).
 - 3) Sport/fitness facility fees not covered by the room rate.
 - 4) Such other costs as determined by the General Manager not directly relating to the purpose of the travel.
 - 5) Any costs of individuals not on official CCSD business.

23.4 TRAVEL ADVANCE

- a) Employees requesting an advance for travel shall complete and sign the appropriate sections of the Employee Travel Request form and obtain the Department Head's and General Manager's signatures. The completed and approved Employee Travel Request form must be received by the Finance Department at least ten (10) days prior to the anticipated travel.
- b) Travel advance requests may include advance payment for registration, lodging, meals, and/or

transportation and shall not be less than FIFTY AND NO/100 DOLLARS (\$50.00).

- c) Employees requesting a travel advance may be made up to one hundred percent (100%) of the allowable costs associated with the travel, as approved by the General Manager.

23.5 TRAVEL EXPENSE CLAIM

- a) Within ten (10) days upon return from traveling, employees are required to complete a Travel Expense Claim (T-2) reflecting expenses of the travel. It must be signed by the employee and approved by his/her department head or designee.
- b) All receipts associated with travel MUST be turned in with the completed Travel Expense Claim.
- c) Return the completed Travel Expense Claim with attached receipts to the Finance Manager or his/her designee.
- d) The employee will receive a CCSD check for the balance due, if any, to him/her within ten (10) days of receipt by the Finance Department.
- e) The employee must submit any amount that may be due to the CCSD by personal check, cash, or money order with the completed Travel Expense Claim form.
- f) In situations where a travel advance has been issued, if the Travel Expense Claim form is not submitted to the Finance Department within ten (10) days from the last day of related travel, the amount of the travel advance will be deducted from the employee's next paycheck. Exemptions must be approved by the General Manager or his/her designee prior to the expiration of the 10-day period.
- g) No reimbursement for any travel expenses will be made if the Travel Expense Claim form is not submitted to the Finance Department within ninety (90) days from the last day of related travel. Exemptions must be approved by the General Manager or his/her designee prior to the expiration of the 90-day period.

23.6 VEHICLE USAGE

- a) All CCSD employees are required to have and maintain a valid California Driver's License, including the minimum insurance required by California law for any privately owned vehicle used during the course of official CCSD business. The employee's insurance represents the primary coverage for privately owned vehicles. Privately owned vehicles used on CCSD business shall be maintained in a manner to meet all applicable safety requirements. Employees shall follow all laws, rules, and regulations of all jurisdictions while operating a vehicle on CCSD business.
- b) Individuals not employed by the CCSD or working for the CCSD as a private contractor shall not travel in CCSD vehicles or privately owned vehicles being used on CCSD business unless approved by the General Manager. Individuals not employed by the CCSD shall never operate CCSD vehicles except for individuals performing approved maintenance/repair services on the vehicle.
- c) If a motor vehicle accident occurs while on CCSD business, regardless if in a CCSD vehicle or a privately owned vehicle being used for CCSD business, the appropriate law enforcement agency shall be contacted immediately and every attempt shall be made to have a report completed. If the law enforcement agency declines to prepare a report, the employee shall record the name of the party contacted at the law enforcement agency, the time that they were contacted, and a written report of the facts and circumstances surrounding the accident shall be completed by the employee at the earliest opportunity. The employee's report will include the contact information of all parties involved in the accident, including vehicle descriptions, and insurance coverage. The

employee's supervisor shall be notified of the accident at the earliest opportunity, but in any event no later than by the next business day.

ARTICLE 24 – EDUCATIONAL REIMBURSEMENT

24.1 REIMBURSEMENT FOR AUTHORIZED COURSES

- a) An employee enrolled in accredited classes or courses that are a benefit to the employee's position with the CCSD may be entitled to reimbursement of the cost of tuition and instructional materials.
- b) An employee must make a written request to the General Manager which includes the following: A course outline or description; an itemized listing of costs, including receipts; and proof of successful completion of the class or course, with a grade of "C" or better.
- c) The General Manager or Assistant General Manager may approve, deny, or modify the request based on the information provided.
- d) No reimbursement shall be made under this section for employee salary and benefits, travel time or transportation costs, meals, or any other costs not identified in subsection "a" hereinabove.

ARTICLE 25 – SUBSTANCE ABUSE POLICY

25.1. SUBSTANCE ABUSE POLICY

The purpose of this policy is to confirm District’s commitment to maintain a drug and alcohol-free workplace, insure the health and safety of all District employees, customers and the general public; to identify and discipline employees who use or abuse alcohol, marijuana or drugs while on-duty. The District recognizes that the use of alcohol, marijuana, or illegal drugs or the abuse of legal drugs in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy, and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol, marijuana, and drugs.

- a) This policy applies to all employees when they are on District property, when performing any District-related business, during off-site lunch periods and breaks when an employee is scheduled to return to work, and when employees are assigned to on-call duty (collectively “on-duty”).
- b) No District employee who is on-duty will:
 - 1) Use, possess, purchase, sell, distribute, transport, or be under the influence of an illegal drug.
 - 2) Use or be under the influence of alcohol.
 - 3) Use or be under the influence of marijuana.
 - 4) Be impaired by the use of a legal drug whenever such impairment might (i) endanger the safety of the employee or some other person, (ii) pose a risk of significant damage to District property or equipment; or (iii) adversely interfere with the employee's job performance or the efficient operation of the District's business or equipment. Any employee who feels his/her performance of work-related duties may be impaired by use of any legal drug that carries a warning label that includes that mental functioning, motor skills and/or judgement may be adversely affected, should report it to his/her supervisor and medical advice should be sought before performing work-related duties. In the above instance, an employee using a legal drug may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not affected by such use.
- c) Employees will be subject to drug and alcohol testing when there is reasonable suspicion that the employee has violated this policy. In addition, when such an employee has already been found in violation of this policy through any action or medical examination process under this policy, as a result of substance testing under this policy, or by the employee’s own admission, the employee will be required to submit to periodic substance testing, provided that he or she is not terminated, as a condition of remaining in or returning to District employment.
- d) The District has also adopted a Substance Abuse Policy for “safety-sensitive” positions that includes additional provisions relating to testing of such employees. As set forth in the Substance Abuse Policy, employees in classifications identified as safety-sensitive are subject to testing, including reasonable suspicion testing, post-accident testing, and random drug testing.

ARTICLE 26 – INTERNET AND E-MAIL USE

26.1 PURPOSE

The computer systems, including all hardware and software, are the exclusive property of the District and are provided for creating and transmitting business-related information. The District treats all computer files, including electronic mail (e-mail), whether sent or received, as business information. The purpose of this policy is to:

- Ensure that the computer systems are used for appropriate District business;
- Notify employees that they have no right to privacy in the use of the computer systems, including e-mail or Internet; and
- Notify employee that the District reserves the right, with or without notice, to access, monitor, review, copy and/or delete any computer files, including e-mail sent or received, and all website communications and transactions.

26.2 E-MAIL USE

- a) All e-mail business communications to non-District employees should use an appropriate professional tone, correct spelling, and proper grammar.
- b) The District reserves the rights to access, monitor, copy and/or delete any e-mail communications made on the District computer systems.
- c) There should be no expectation of privacy in the use of e-mail. Employee should not use District e-mail facilities to create or transmit information they wish to keep private.
- d) When transmitting messages via e-mail, employees should be aware that e-mail messages can be read by persons other than the addressee, and that messages may be later disclosed to outside parties. E-mail messages, including but not limited to, information relative to public projects or policy decisions may be subject to disclosure under the California Public Records Act (Government Code Section 6250 et seq.). E-mail messages may also be subject to disclosure in litigation or administrative proceedings in the same manner as other District records.
- e) E-mail messages sent to and received from attorneys representing the District are privileged communications. Such e-mail communications shall not be distributed or copied to unauthorized individuals.

26.3 INTERNET USE

- a) Employees may not access or otherwise use the Internet while on duty without the express permission of the District General Manager or his/her designated representative, except infrequent incidental personal use that does not adversely affect the ability to perform work duties. Internet access shall be limited to work related sites during workday hours.
- b) Employees have no right to privacy in the use of the Internet on District computer systems.
- c) The District reserves the right, with or without notice, to access, monitor, review, copy and/or delete any computer files, including any and all website communications and/or transactions by District employees. The District further reserves the right to monitor any employee's Internet use for the purposes of determining whether such use is appropriate or acceptable.

26.4 PROHIBITED USES OF E-MAIL AND THE INTERNET

Prohibited uses of e-mail and/or the Internet on District computer systems include, but are not limited to, the following:

- a) To access any obscene, pornographic, or materials that are in poor taste;
- b) To transmit sexually explicit images, messages, and/or cartoons; ethnic or racial slurs, or anything that may be construed as harassment or disparaging of others based on their race, national origin, ethnic group identification, religion, age, sex, sexual orientation, marital status, color or physical or mental disability, or any other protected classification;
- c) To conduct on-going personal business or family business;
- d) To play games;
- e) To conduct illegal activities, such as, but not limited to, gambling, or commit a crime or fraud, or violate any federal, state, or local law;
- f) To use the username or password of another person to gain access to his/her e-mail or any other computer file or account without that person's permission;
- g) To transmit sensitive or privileged information to unauthorized persons or organizations;
- h) To download or otherwise acquire software without prior consent of the District General Manager, or his/her designee; and
- i) To use the Internet in any manner that causes confidential or sensitive information to be subject to eavesdropping or interception by unauthorized individuals.

26.5 COMPUTER SYSTEMS - HARDWARE AND SOFTWARE

Prohibited activities with regard to employee use of District computer systems, hardware and software, include but are not limited to, the following:

- a) Installing programs on District computer systems without prior consent of the District General Manager, or his/her designee;
- b) Copying any District computer program for the purpose of using it on any other computer without the prior consent of the District General Manager, or his/her designee;
- c) Connecting computers, including laptops and personal computers not owned by the District, to the District's information systems network without prior written consent of the District General Manager, or his/her designee;
- d) Disclosing an employee's account or e-mail password, or otherwise making such account available to others;
- e) Infringing on other employee's access and use of District computer systems, including, but not limited to:
 - 1) Sending excessive messages, either locally or offsite;
 - 2) Unauthorized modification of system facilities, operating systems, or disk partitions;
 - 3) Attempting to crash or tie up a computer or network;
 - 4) Damaging or vandalizing District computing facilities, equipment, software, or computer files;
 - 5) Intentionally using or developing programs that disrupt other computer users or which access private or restricted portions of the system and/or damage the software or hardware components of the system; or
 - 6) Introducing or allowing the spread of any virus or destructive information, file, or other item.

26.6 REMOTE ACCESS & USE OF PERSONAL DEVICES

- a) The General Manager or his or her designee shall approve all remote access to the District's email or computer systems.
- b) Use of personal electronic devices during work hours shall be limited and infrequent, and incidental to the performance of an employees assigned duties. Such use of personal electronic devices shall not interfere with or adversely affect the employee's ability to perform their work duties.

ARTICLE 27 – WORKPLACE VIOLENCE PREVENTION POLICY

27.1 PURPOSE

The purpose of this policy is to maintain a zero-tolerance standard of violence in the workplace. This policy provides District employees with guidance that will maintain an environment at and within District premises and facilities as well as events that are free of violence and the threat of violence. This policy applies to all full-time and part-time employees and includes volunteers, temporary and provisional employees as well as contracted employee

27.2 POLICY

The District prohibits violent behavior of any kind or threats of violence, either implied or direct, in District premises and facilities as well as at District sponsored events. Such conduct by a District employee will not be tolerated. An employee who exhibits violent behavior shall be subject to disciplinary action up to and including termination and may be subject to criminal prosecution. Violent threats or actions by a non-employee may result in criminal prosecution. The District will investigate all complaints filed and will also investigate any possible violation of this policy of which District management are made aware. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

27.3 DEFINITIONS

- a) Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury, or death to others at the workplace.
- b) Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.
- c) District premises or District facilities means all property of the District including, but not limited to the offices, facilities and surrounding areas on District owned or leased property, parking lots, and storage areas. The term also includes District owned or leased vehicles and equipment wherever located, as well as, pump stations, sites, sewer lines, excavation sites.
- d) Intimidation: Making others afraid or fearful through threatening behavior.
- e) Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.
- f) Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

27.4 PROHIBITED BEHAVIOR

- a) Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor, or member of the public:
 - 1) Direct threats or physical intimidation.

- 2) Implications or suggestions of violence.
 - 3) Stalking, including following to and from work.
 - 4) Possession of weapons of any kind on District premises, including parking lots, other exterior premises or while engaged in activities for District in other locations, or at District sponsored event
 - 5) Assault of any form.
 - 6) Physical restraint or confinement.
 - 7) Loud, disruptive, or angry behavior or language that is clearly not part of the typical work environment.
 - 8) Blatant or intentional disregard for the safety or well-being of others.
 - 9) Commission of a violent felony or misdemeanor on District premises.
 - 10) Any other act that a reasonable person would perceive as constituting a threat of violence.
- Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program.

27.5 DOMESTIC VIOLENCE

Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this policy, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional or reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, making annoying phone calls or sending annoying emails or threats to a person who is in any of the following relationships:

- a) Spouse or former spouse;
- b) Domestic partner or former domestic partner;
- c) Cohabitant or former cohabitant and or other household members;
- d) A person with whom the victim is having, or has had, a dating or engagement relationship;
- e) A person with whom the victim has a child.

The District recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

27.6 REPORTING ACTS OR THREATS OF VIOLENCE.

- a) An employee who:
 - 1) is the victim of violence; or
 - 2) believes they have been threatened with violence; or
 - 3) witnesses an act or threat of violence towards anyone else shall take the following steps:
 - i. If an emergency exists and the situation is one of immediate danger, the employee shall contact the Sheriff's Department by dialing 911 or take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
 - ii. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the District's

Workplace Violence Incident Report Form.

- b) Procedures for Future Violence:
- 1) Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with the District, shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the General Manager and the local law enforcement officials.
 - 2) Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the General Manager and to the Sheriff's Department.

27.7 INCIDENT INVESTIGATION

- a) Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The General Manager will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the General Manager will refer the matter to local law enforcement authorities for their review of potential violation of civil and/or criminal law.
- b) Procedures for investigating incidents of workplace violence include:
 - Visiting the scene of an incident as soon as possible.
 - Interviewing injured and threatened employees and witnesses.
 - Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
 - Determining the cause of the incident.
 - Taking mitigating action to prevent the incident from recurring.
 - Recording the findings and mitigating actions taken.
- c) In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. To the extent possible, the District will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The District will not tolerate retaliation against any employee who reports workplace violence.

27.8 MITIGATION MEASURES AND ACTIONS

Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

- a) Notification of law enforcement authorities when a potential criminal act has occurred.
- b) Provision of emergency medical care in the event of any violent act upon an employee.
- c) Post-event trauma counseling for those employees desiring such assistance.
- d) Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.

- e) Requesting District Counsel file a restraining order as appropriate.

27.9 TRAINING

- a) The District shall be responsible for ensuring that all employees, including managers and supervisors, are provided training and instruction on general workplace security practices. Managers and supervisors shall be responsible for ensuring that all employees are provided training and instructions on job specific workplace security practices.
- b) Training and instruction shall be provided as follows:
 - To all current employees when the policy is first implemented. Employees will be required to sign a written acknowledgment that the policy has been received, read, and understood.
 - To all newly hired employees, supervisors and managers, or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided. Employees will be required to sign a written acknowledgment that the policy has been received, read, and understood.
 - To affected employees whenever management is made aware of a new or previously unrecognized hazard.
- c) Workplace security training and instruction includes, but is not limited to, the following:
 - Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
 - Methods to diffuse hostile or threatening situations.
 - Escape routes.
 - Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.