

VANDENBERG VILLAGE COMMUNITY SERVICES DISTRICT

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"Pride in Community Service"

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AMENDMENT 1 TO ORDINANCE NO. 27-07

November 6, 2007

ORDINANCE OF THE BOARD OF DIRECTORS OF THE
VANDENBERG VILLAGE COMMUNITY SERVICES DISTRICT
REPEALING AND REPLACING ORDINANCE NO. 27-07, THEREBY
ESTABLISHING POLICIES AND PROCEDURES PERTAINING TO
DISTRICT ORGANIZATION, ADMINISTRATION, PERSONNEL, AND
FINANCE

BE IT ORDAINED by the Board of Directors of the Vandenberg Village Community Services District that Ordinance 27-07, Article 3 Rule 1, adopted February 6, 2007, the Records Retention Policy adopted on March 6, 1997, and Ordinance No. 25-03 and Amendments 1 through 3 are hereby deleted in their entirety and replaced by Ordinance 27-07 Amendment 1 as attached hereto and made a part hereof.

Amendment No. 1 to Ordinance 27-07, shall take effect thirty (30) days after the date of adoption.

On the motion of Director _____, seconded by Director _____ Amendment No. 1 to Ordinance 27-07 is adopted as proposed.

Roll Call Vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Amendment 1 to Ordinance No. 27-07 is hereby adopted.

Donald Rowland, President
Board of Directors

ATTEST:

Stephanie Vlahos-Rivera, Secretary
Board of Directors

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ARTICLE NO. 1 DISTRICT ORGANIZATION

1. PURPOSE

The Vandenberg Village Community Services District (District) falls under the authority of the Community Services District Government Code Section 61000. Under the law, community services districts may perform a wide variety of municipal purposes if authorized to do so by the voters. Pursuant to §61100(a) and (b), the District has been authorized the power to provide water and wastewater services. The District also has the latent powers of public recreation by means of parks (§61100(e)) and street lighting (§61100(g)). Additional municipal services could be provided upon vote of the electorate and approval by the Local Agency Formation Commission (LAFCO).

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2. BOARD OF DIRECTORS

The governing body of the District is a Board of Directors comprised of five (5) Board members with individual directors elected by the registered voters in Vandenberg Village to serve four (4) year terms. During the November elections every two years, either two or three Directors are elected to serve the District for the next four years. For example, two are elected in 1994 and three in 1996, and so on.

Yearly, the Board of Directors elects a President, Vice-President, and Finance Officer. The President of the Board chairs the meeting, performs such duties as prescribed by State or Federal law and such other duties as prescribed by District policy. In the event of his or her absence, the Vice-President performs said duties.

Deleted: The Finance Officer may have designated alternates who act in his absence.¶

The Board meets its obligations to the electorate by performing as a legislative, administrative, and control body.

Deleted: The Board has standing committees and appoints ad hoc committees as the need arises. The General Manager may serve as a member of these committees.¶

The District Board appoints a General Manager to manage the day-to-day business and functions of the District and to implement the policies of the Board. The District Board will review his/her performance in accordance with Article 3 Rule 6, set compensation, negotiate contract terms, and discharge as necessary.

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3. RESPONSIBILITIES

A. Responsibilities of the Board Members

- (1) By motion, resolution, or ordinance conduct the business of the Board, taking those actions that ensure that satisfactory service is provided throughout the community.
- (2) Set policies, goals, and budgets for the organization. Provide the General Manager with the necessary personnel and resources. Attend Board meetings regularly, serve faithfully on committees and, when selected, faithfully perform the duties of an officer or committee chairperson.
- (3) Keep informed on agenda items and on-going business of the Board.
- (4) Be well-informed on the provisions of laws, ordinances, and resolutions as they affect conduct of the Board.
- (5) Attend meetings with promptness and regularity.
- (6) Elect officers and confirm standing and ad hoc committee members and District representatives to external agencies.
- (7) Serve faithfully on an appropriate share of committees.
- (8) Initiate, review, and approve plans that will satisfy future requirements, including a long range strategic plan.
- (9) Review and act upon plans and recommendations submitted by the Board committees and the General Manager. This action includes adoption, rejection, amendment or return to committee.
- (10) Provide the General Manager with specialized skills when requested and when determined to be required in the interest of the customers.
- (11) Provide to the Secretary of the Board agenda items no later than six days before the day of the meeting.
- (12) Provide brief report on meetings attended at District expense to the Board at the next regular meeting.
- (13) Attend ethics training pursuant to California Government Code 53235 within one year from first day of service and every two years thereafter.

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- (14) Attend sexual harassment training pursuant to California Government Code 12950.1 within one year from first day of service and every two years thereafter.

B. General Responsibilities of the Board President

- (1) Preside at all meetings of the Board.
- (2) Maintain order and decorum.
- (3) Appoint standing committee members and District representatives to external agencies, all subject to confirmation by the Board. Deleted: and ad hoc
- (4) Appoint ad hoc committee members as need arises.
- (5) Keeps the Board informed of communications affecting the District.
- (6) Communicate actions of the Board to affected persons and private or public entities.
- (7) Receive and reply to questions directed to the Board or refer to the appropriate officer or member.
- (8) Act as a spokesman for the Board when queries are received from the media, the public or other agencies.
- (9) Direct the preparation of the agenda.
- (10) Direct the preparation of the minutes.
- (11) Provide leadership as indicated under Leadership Responsibilities listed below.
- (12) Perform the duties of a Board member. Deleted: M

C. Leadership Responsibilities of the Board President

The Board President provides overall leadership of the organization. The tasks involved include, but are not limited to, providing for:

- (1) Long-range Planning - Leads the Board toward creation and implementation of a plan that meets the needs and requirements of customers and government agencies as well as meeting unique requirements when these arise.
- (2) Organizing - Recommends specific tasks or assignments for the Board committees to meet established goals and objectives, both short and long-term. Keeps the Board organized and moving.

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- (3) Monitoring - The performance and status of the organization relative to established goals and objectives and recommending changes or corrective action where required.
- (4) Presiding - Presides over meetings of the Board and maintains focus on the issue under discussion, directing the arguments toward a decision. Ensures that a quorum will be present and that a chairperson is designated in the event that both the President and Vice-President are absent.
- (5) ~~Staff Coordination - Serves as the principle point of contact and administrative interface with the General Manager and the Staff, through the General Manager, on behalf of the Board.~~

Deleted: <#>Agency Coordination - Maintains contact with neighboring and overlying Districts and with related agencies to keep abreast of actions that may affect the District operations. Advises the Board and the appropriate committee of any coordination required, recommending appropriate action.¶

D. Responsibilities of the Vice-President

- (1) Perform the duties of the President in his/her absence.
- (2) Be familiar with ordinances, resolutions, laws, and regulations as they apply to the Office of President.
- (3) Be prepared to assume the duties of President with or without prior notice. This includes keeping informed of current status by frequent consultations and discussions, and being aware of the tasks and projects underway, and their current status.
- (4) Perform the duties of a Board member.

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E. Responsibilities of the Finance Officer

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- (1) Serve as Chairperson of the Finance/Budget Committee.
- (2) Oversee the District's finances.
- (3) Participate with the General Manager and staff in the preparation of:
 - Annual Operating and Capital Budgets
 - Financial reports
 - Allocation and placement of financial resources
- (4) Advise and recommend financial plans and submit to the Board for review and approval.
- (5) Participate in a review of the annual audit.

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- (6) Recommend investment of reserve funds in accordance with the Investment Policy.
- (7) Oversee compliance with debt agreements and covenants.
- (8) Oversee compliance with Governmental Accounting Standards Board, Generally Accepted Accounting Principles, and other accounting standards as required.
- (9) Periodically audit Petty Cash and Cash Drawer per Article 4, Rule 2.
- (10) Perform the duties of a Board member.

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F. Responsibilities of a Committee Chairperson

- (1) Undertake the specific tasks or assignments as established by the Board or Board President together with the participation of the other members of the committee.
- (2) Plan and schedule the necessary activities and obtain commitment for the necessary resources to complete this assignment.
- (3) Present a report on status and progress at each regular meeting of the Board.
- (4) Insure recommendations and justification for any proposed action are prepared and submitted to the Board for decision and implementation when approved.
- (5) Provide overall leadership of the committee.
- (6) Perform the duties of a Board member.

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¶
Administer oath of office.¶
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Certify official documents and letters as required.¶
¶
Maintain the official files and records of the Board.¶
¶
Maintain custody of District Seal.¶
¶
Post notices of meetings and proposed action documents as required by Board and government regulations¶
¶
Prepare and distribute minutes of the meeting of the Board.¶
¶
Maintain historical records of the District and newspaper articles.¶
¶
Maintain disclosure statement files for seven years.

4. COMMUNICATIONS

No member of the Board or Officer of the District shall:

- (1) Represent his position as that of the Board unless the Board has acted upon that position.
- (2) Make unsolicited statements to anyone other than the Board during Board deliberations.
- (3) Issue any writings or statements to the press or public without clearly distinguishing which statements are his/her own and which are established Board positions.

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5. GENERAL MANAGER

The District Board appoints a General Manager, in accordance with California Government Code 61050 eq. seq., to manage the day-to-day business and functions of the District and to implement the policies of the Board. The General Manager is responsible for the oversight and management of the District Staff and the District's operations, and administrative and business functions.

The General Manager is the communication conduit between the Board and the Staff and the Staff and Board. The General Manager shall be the labor negotiator for the District and shall have the authority to employ, train, discipline, promote, demote and/or terminate all other District employees, or delegate the authority to subordinate management staff, within budgetary limits established by the Board.

The General Manager maintains contact with neighboring and overlying Districts and with related agencies to keep abreast of actions that may affect the District operations. Advises the Board and the appropriate committee of any coordination required, recommending appropriate action.

The General Manager may also be appointed as Board Secretary and/or Treasurer.

6. TREASURER

The District Board has appointed the General Manager as Treasurer, in accordance with California Government Code 61053, to oversee District finances. The Treasurer shall provide written reports to the Board of Directors at least quarterly. The Treasurer serves at the Board's pleasure.

7. SECRETARY TO THE BOARD OF DIRECTORS

The Secretary to the Board is directly responsible for the official recording of the minutes and documenting all actions taken by the Board. The Secretary serves at the Board's pleasure.

Responsibilities of the Secretary of the Board:

- (1) Administer oath of office.
- (2) Certify official documents and letters as required.
- (3) Maintain the official files and records of the Board.
- (4) Maintain custody of District Seal.

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- (5) Post notices of meetings and proposed action documents as required by Board and government regulations
- (6) Prepare and distribute minutes of the meeting of the Board.
- (7) Maintain historical records of the District and newspaper articles.
- (8) Maintain Board library and assist Board members in their use thereof.
- (9) Maintain disclosure statement files for seven years.

8. MANAGEMENT STAFF

The District employs management staff for the District office and field operations. The management staff performs the duties assigned by the General Manager on a daily basis in accordance with their position's job description.

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The management staff is responsible to perform research or to present certain facts to the Board as requested by the Board through the General Manager and to provide budgetary requirements relevant to their specific area of responsibility. Management staff shall be responsible to advise the General Manager of any irregularities or non-compliance with policies, codes, regulations, and policies.

9. OTHER PERSONNEL

The District employs other personnel consistent with the need to assist in the daily operations as agreed upon by the General Manager and the Board.

The District retains the services of other persons such as General Counsel and a Certified Public Accountant approved for use on District business as necessary.

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The organizational chart will be updated as the need arises. Specific duties of all employees, their authority and responsibility will be found in government codes, ordinances, resolutions, and various District policies and procedures.

10. BONDING

The District shall provide bonding for District employees and Directors and the cost of the bonding shall be paid for by the District.

ARTICLE NO. 2 ADMINISTRATION

RULE 1. AGREEMENTS

All agreements with external agencies and organizations shall be approved by the Board and signed by the President and the Secretary.

RULE 2. TRAVEL, TRAINING, CONFERENCE, AND MEETING EXPENSE REIMBURSEMENT

1. SCOPE

This rule applies to all employee and reimbursed Director travel.

2. DEFINITIONS

“**One-day travel**” - Travel which begins and ends within any twenty-four hour period and does not require lodging.

“**Extended travel**” - Travel involving overnight stay away from home.

3. DIRECTOR TRAVELER

If Directors desire reimbursement of expenses, they shall conform to this Policy and Procedure, with the following permitted exceptions:

- (1) Directors may use their own automobiles.
- (2) Directors may rent full size automobiles.
- (3) Further exceptions may be granted only by the Board of Directors.
- (4) Directors shall submit a completed expense reimbursement form with receipts for all actual and necessary expenses attached.
- (5) Directors shall provide a brief report of any meeting attended at District expense at the next regular Board meeting.

4. DISCLOSURE

California Government Code §53065.5 requires the annual disclosure to the public of reimbursements paid by the District to employees and Directors of at

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~~least one hundred dollars (\$100) for each individual charge.~~ The District publishes an annual report of reimbursements for all travel and training costs.

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5. QUALIFIED EXPENSES

The following activities shall qualify for reimbursement of actual and necessary expenses:

- o Communication with local, state, or federal government representatives regarding District business
- o Attendance at a conference or organized educational activity designed to improve employees' or Directors' skill and information levels, including but not limited to training required by Government Code.
- o Participation in local, state, or federal organizations whose activities affect the District's interests
- o Attendance at official events of other public agencies
- o Attendance at meetings of outside agencies, including but not limited to:
 - Association of California Water Agencies (ACWA)
 - ACWA/Joint Powers Insurance Authority (ACWA/JPIA)
 - California Special Districts Association (CSDA)
 - Lompoc Valley Committee
 - Santa Barbara County Special Districts Association (SBCSDA)
 - Santa Ynez River Water Conservation District (SYRWCD)
- o Other activities approved by the Board of Directors at a public meeting prior to incurring the expense.

6. PROCEDURES AND RESPONSIBILITIES

Employees shall not obligate District funds without prior authorization of District management.

Directors shall ensure that budgeted funds are available prior to commitment by verifying availability with the Finance Administrator, and ensure costs remain within budget.

Note: Reimbursements greater than the U.S. General Services Administration (GSA) per diem rate triggers an IRS withholding requirement and submission of a W-2 for the amount in excess of the rate, for employees and Directors alike (see IRS Instructions for Form W-2 "Code L-Substantiated employee business expense reimbursements").

A. Travelers' Responsibilities

- (1) Review and follow District travel regulations and guidelines.
- (2) Ensure that travel arrangements are made in accordance with this Ordinance.
- (3) Obtain a District credit card or, if needed, cash advance sufficient to cover anticipated allowable expenses of the trip from the Office Manager.
- (4) Obtain tickets and information on travel arrangements from the Board Secretary or Office Manager.

Travel arrangements and accommodations should, to the extent possible, be made by the District. However, Directors may make their own arrangements.

- (5) Obtain and use reimbursable expense form to record daily reimbursable expenses in each category during travel.
- (6) If using District Credit Card: Obtain and turn in original credit card receipts for meals, lodging, and miscellaneous expenses. Note that meal costs are limited to the GSA per diem rates for the area of travel.

If not using District Credit Card: Obtain original receipts for lodging and miscellaneous expenses, and complete reimbursable expense form. Directors must submit receipts for all actual and necessary expenses. Employees may obtain reimbursement for meals at the current GSA per diem meal rate(s) for the area(s) of travel.

- (7) Meals included in the seminar/conference registration package for which the traveler has no control over meal choices or costs will be paid for as part of the seminar/conference registration fees and the traveler may not claim reimbursement for them.
- (8) Submit completed reimbursable expense form with receipts and return all unexpended cash, unused tickets, and District credit cards (if applicable) to the Office Manager within five (5) working days of trip completion.
- (9) All rental or personal automobile mileage claims must be supported by auto mileage log on expense form.
- (10) Employees shall report the results of the trip to District management. Directors shall report to the Board of Directors at the next regular Board meeting.

B. Office Manager or Board Secretary Responsibilities

- (1) Ensure that employee travel is authorized by the General Manager prior to the trip.
- (2) Arrange for registration, transportation, and lodging, as requested.
- (3) Obtain tickets for travel from carrier, if applicable.
- (4) Provide, or make arrangements for, District funds for trip expenses when requested.
- (5) Brief traveler on arrangements and limits of reimbursement and travel regulations before departure.
- (6) Upon return of traveler, collect completed original expense form and receipts, and verify expenditures for compliance with travel reimbursement requirements and supplemental regulations. Obtain refunds for any unused tickets, travel advances, etc.
- (7) Notify the General Manager if an expense form has not been submitted within five (5) working days.

7. MODES AND CLASSES OF TRANSPORTATION

A. Aircraft travel (listed in preferred order of usage)

- (1) Commercial aircraft - Tourist class is provided for Employees/Directors traveling on District business.
- (2) Private aircraft - When an employee requests use of a private plane, the General Manager may approve if advantageous to the District and requirements for insurance coverage for use have been met. Employees will not be required to travel by private aircraft.

Directors are required to comply with insurance coverage provisions prior to using private aircraft on District business. The District will not reimburse for private aircraft travel in excess of commercial aircraft rates to the same destination (See A.(1) above).

B. Automobile (listed in preferred order of usage)

- (1) District vehicle - When available, employees are expected to use a District vehicle for District business. District vehicles may not be used to transport family members or other unofficial passengers unless authorized by the General Manager or Board President.

- (2) Rental vehicle - When a rental vehicle is authorized by the General Manager for employee travel, the rental companies providing discounts to the District will be used if possible. Compact cars or cars with equivalent rates should be used.
- (3) Private vehicle - When the General Manager approves an employee request, and requirements for insurance coverage for use of private vehicles for District business purposes have been met, only then can authorization and reimbursement be given. Directors are required to comply with insurance coverage provisions prior to using private vehicles on District business.

C. Rail

Coach or Business class type service class will be used.

D. County, State or Federal Transportation

When the travel is in direct support of listed agencies, transportation of that agency should be used if available.

E. Other

Bus or boat may be used. Employees must obtain authorization from the General Manager.

8. REIMBURSEMENT LIMITS

District management will review and approve expense forms. Receipts/claims for lodging and meals must be from establishments serving the general public.

A. Lodging and Meals

- (1) Accommodations - Reimburse for modest single-room or for accommodations in the hotel hosting the conferences, seminars or meetings not to exceed the maximum group rate published by the conference or activity sponsor, when possible. If the group rate is not available at the time of reservation, the employee or Director shall be reimbursed at the government rate, not to exceed the GSA per diem rate.

Accommodation expense for the evening before commencement and/or after completion of qualifying activity will be reimbursed only if the duty day, including travel, exceeds twelve (12) hours.

- (2) One-day travel (no lodging) - Reimburse for those meals during travel, and breakfast and/or dinner if precluded at home during normal hours (6:00 a.m., noon and 6:00 p.m.) Breakfast and dinner

will be reimbursed only if the duty day, including travel, exceeds ten (10) hours.

Individual meal rate - Reimbursement will be limited to the GSA per diem rate for the applicable meal(s).

- (3) Meals for extended travel - Reimburse at the GSA per diem rate for the locale of the destination(s) except for meals included in the registration fees for a conference, seminar, or training activity.

B. Transportation

- (1) District vehicles - No reimbursement.
- (2) Air (commercial) - Reimburse actual expenditures for tourist class.
- (3) Airplane, private - At the IRS approved reimbursement rate at the time of travel without incurring income tax consequences for equivalent highway miles, or the amount of commercial airfare to the same destination, whichever is approved in advance by the General Manager.
- (4) Auto, rental - Reimbursement limited to prevailing standard car rates for single travelers. Additional insurance above the rental company standards is not reimbursable.
- (5) Auto, private - At the standard IRS approved reimbursement mileage rate plus tolls and parking fees for the most direct highway route. Only the driver, regardless of passengers, is reimbursed.
- (6) Bus, street-car, taxi - Actual reasonable expenditures.

C. Incidental Expenses (e.g. telephone, postage, facsimile for District business)

- (1) Only actual business expenditures, such as telephone calls to the District office or one three minute station to station call to inform family members of a change in itinerary, will be authorized.
- (2) Claim payment will be limited to the Federal Government GSA rate per day or those accompanied by actual receipts.

9. NON-REIMBURSABLE EXPENDITURES (typical)

- (1) Personal entertainment

- (2) Personal phone calls (except for one call per itinerary change, as detailed under Incidental Expenses above)
- (3) Medicine and drugs
- (4) Clothing and personal items
- (5) Trip insurance premiums
- (6) Extra collision insurance
- (7) Safe arrival and/or departure telephone calls or telegrams
- (8) Funds transferred to, or expenses paid for, another employee
- (9) Alcoholic beverages
- (10) Parking and traffic fines
- (11) Use of District or rented automobiles for personal reasons
- (12) Cost of credit cards (Diner's Club, American Express, etc.)
- (13) Cost of travel, meals, and accommodations (including extra charges for double occupancy) for non-business companions

10. SPECIAL CIRCUMSTANCES

- (1) Reimbursement outside the limitations contained herein requires the approval of the Board of Directors.
- (2) When lodging or subsistence is provided by a government agency, seminar provider, etc., then reimbursement will be not be made for in-kind services.

RULE 3. USE OF PRIVATELY OWNED AUTOMOBILES ON DISTRICT BUSINESS

1. PURPOSE

To establish the requirements for approval and use of privately-owned automobiles on District business.

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2. GENERAL

- (1) Employees traveling on District business will use a District vehicle as a general rule. However, when District or public transportation are inadequate or unavailable, or when District management determines it is in the best interest of the District, the General Manager may authorize the use of either a privately-owned automobile or rental vehicle.
- (2) An employee must obtain prior authorization from the General Manager to use a privately-owned automobile on District business.
- (3) Privately-owned two-wheeled and three-wheeled vehicles are not approved for use on District business under any circumstance.
- (4) Employees and Directors must have a valid license or operating permit to operate a motor vehicle in the State of California and must be insured.

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3. INSURANCE

- (1) Employees and Directors using privately-owned automobiles on District business shall carry sufficient insurance to meet the minimum amounts of financial responsibility by the laws of the State of California.
- (2) Employees and Directors shall be insured for at least the minimum bodily injury liability per person, the bodily injury liability per accident and the property damage liability per accident as required by the State of California
- (3) The amount of liability coverage that will provide adequate protection is a matter of personal judgment and, therefore, must be decided by the individual in consideration of his/her own financial circumstances.
- (4) The minimum coverage required cannot be regarded as providing adequate protection of the insured under all circumstances.

The insurance coverage required shall not name the District as an insured. If the employee or Director has a policy which names the District as an insured, immediate notice must be given to the insurer to issue an endorsement deleting the name of the District.

- (5) Employees and Directors are liable for damages, including damages to their automobile used, injury to persons, or damages to property of others, which may occur while using a privately-owned automobile on District business. However with respect only to injury to other persons and damage to other's property, the District's automobile liability insurance does provide coverage in excess of an employee's or Director's personal

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automobile liability insurance while using a privately-owned automobile on District business.

4. RESPONSIBILITIES

(a) General Manager

- a. Ensure that the use of an employee's privately-owned automobile is authorized in compliance with this ~~ordinance~~.
- b. Ensure that the employee or Director carries sufficient personal liability and property damage insurance on the private automobile to meet the minimum requirements.
- c. Ensure that the employees or Directors using a privately owned automobile on District business are cognizant of their obligation to comply with this ~~ordinance~~.

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(b) Employees and Directors

- a. Assume sole responsibility for penalties from citations for traffic violations.
- b. Report all accidents occurring during travel on District business to the police department and the General Manager.

(c) District Insurer and Legal Counsel

Provide advice and guidance as requested to assist in the implementation of this procedure.

RULE 4. USE OF DISTRICT OWNED VEHICLES

1. PURPOSE

To establish guidelines for the use of District owned vehicles in compliance with current Internal Revenue Service Regulations.

2. POLICY

- (1) In order to carry out its mission the District owns several pieces of wheeled equipment. This equipment includes, but is not limited to, a sedan, dump truck, and several pick-up trucks.

- (2) All District vehicles are available to any employee with a valid driver's license or permit who needs it for District business, provided that the vehicles are not already in use.
- (3) Coordination and scheduling may be required to share a vehicle's use.
- (4) District equipment and vehicles shall be used only for District business and activities, except for de minimis personal use (such as a stop for lunch). District vehicles shall not be used for any other unauthorized purpose.

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3. ASSIGNED VEHICLES

- (1) For purposes of public health and safety the District must provide water and wastewater services on a round-the-clock basis. In order to meet emergency situations (broken mains, failed pumps and appurtenances, earthquake, etc.), the District requires the General Manager, Operations and Maintenance Manager and on-call key personnel to be provided with vehicles that are equipped with two-way communication capability and/or special purpose equipment.
- (2) These District vehicles carry a government license plate that is recognized by other emergency service personnel such as law enforcement officers, fire-fighters, National Guardsmen, paramedics, etc. This will allow the vehicle and driver through road-blocks, and into restricted access areas during fires, earthquakes, or other natural or man-made disasters. These privileges must be used with care.
- (3) Employees assigned a District vehicle on a permanent/semi-permanent basis may use the vehicle for commuting to and from work.

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Pursuant to Federal Tax Code requirements, the employee assigned a District vehicle for commuting use on a permanent/semi-permanent basis shall be taxed as additional income at a rate as federal regulations may require. This rate is the deemed value of using the vehicle to commute to and from work.

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Exception: Internal Revenue Service guidelines recognize certain specially modified pickup trucks or vans as "qualified non-personal use vehicles" and use of such vehicles by employees are excluded from the personal gross income charge. The District shall maintain a record of all pickup trucks or vans determined to be "qualified non-personal use vehicles". District management is required to periodically check that each vehicle is maintaining its exemption by verifying compliance with the guidelines set forth in Revenue Ruling 86-97.

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4. EMPLOYEE RESPONSIBILITIES

- (1) An employee assigned a District vehicle has prime responsibility for seeing that the vehicle is properly serviced and maintained. The employee is also responsible for taking reasonable measures to ensure the vehicle's security against theft and vandalism (remove keys, lock the vehicle, park in a lighted area, etc.).
- (2) Employees using District vehicles are expected to be responsible operators, defensive drivers, courteous, observe speed limits, use caution in crowded areas and/or other hazardous conditions, and pull off the road to use a cellular phone. Employees must consider safety a priority.
- (3) All mechanical deficiencies are to be reported to the District Operations & Maintenance Manager so that the condition of the vehicle can be corrected.
- (4) District vehicles are not to be operated in an unsafe manner or condition.
- (5) Smoking is prohibited in District vehicles.

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RULE 5. INSPECTION OF PUBLIC RECORDS

1. POLICY

Vandenberg Village Community Services District is a public agency. Access to information is a fundamental right of every citizen.

Public records are open to inspection at all times during the regular office hours of the District. All citizens (including members of the press and other media) have a right to inspect any District record with the exception of those records listed in Exceptions, below.

2. PROTECTION OF RECORDS

Original District records must be protected against theft and accidental or intentional mutilation. In general, a District employee or Director must be present while a member of the public inspects an original District record.

3. PROCEDURE

- (1) Requests to review public records will be met promptly and courteously. In general, such requests will be handled over-the-counter by the District administrative staff while the requester waits. A written request may be required.

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- (2) In the event that the requested records cannot be located or assembled within a "reasonable" period of time (ten minutes or less), The General Manager or Management Staff will:
 - (a) Make an on-the-spot assessment of how long it will take to locate or assemble the requested records.
 - (b) Arrange with the requester a mutually agreeable time at which the records may be inspected.
 - (c) Use common sense in meeting the request. That is, if the request involves a large number of documents, make a portion available quickly, and arrange to provide the balance later.
- (3) If the nature of the request is such that an immediate assessment cannot be made to determine whether the District will comply with the request, the General Manager or Management Staff will make a determination within ten (10) days after the receipt of the request, and shall notify in writing the person making the request of the determination and the reason therefore.
- (4) The member of the public is not required to recite the exact title of the record being requested. District staff will make an honest effort to locate records based upon the descriptive information presented.

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4. OBTAINING COPIES OF RECORDS

Members of the public can obtain machine-produced copies of District records. The price per page will be set by the Board of Directors.

5. EXCEPTIONS

- (1) California Government Code section 6254 lists the few records which may be held from public inspection. Personnel or medical files are not open to public inspection for this would constitute an unwarranted invasion of privacy of an individual. Records concerning impending litigation may be held from public inspection until the litigation is adjudicated or settled. Preliminary drafts, notes, and memos which are not retained in the ordinary course of business may be held from public inspection, provided that the public interest in withholding such records clearly outweighs the public interest in disclosure.
- (2) If a member of the public is denied access to a District record, a signed memorandum will be prepared by the General Manager. The memorandum will cite the record(s) and the reason(s) for denial. The original memorandum will be given to the requester. A copy will go to the Board President.

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6. DISPUTES

The Board President will resolve any dispute between a member of the public and the District staff concerning inspection of public records.

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7. RECORDS IN QUESTION

The benefit of the doubt should always be in favor of allowing public inspection of any District record.

RULE 6. RECORDS RETENTION

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¶

1. PURPOSE

To provide guidelines to staff regarding the retention or disposal of the District's records; to provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; to ensure prompt and accurate retrieval of records; and to ensure compliance with legal and regulatory requirements.

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2. GENERAL

A record is defined as any document consisting of a "writing" as defined in California Government Code 6252(g).

Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers, and documents that meet the qualifications governing the retention and disposal of records, specified below.

Pursuant to the provisions of California Government Code §§60200 through 60203, California Water Code §21403, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the Vandenberg Village Community Services District.

3. RETENTION

Annually, after the audited financial statements have been accepted, each staff member will place into a storage box for retention the reports they prepared for

the fiscal year audited or the fiscal year prior should the position require access to the historical data for a longer period.

The Records Retention Coordinator will label the storage boxes and maintain an inventory of documents generated by the District and selected for retention. The inventory will contain a description of the box contents, the destruction date (if applicable), and a category code.

4. DESTRUCTION OF RECORDS

The Records Retention Coordinator will maintain a schedule that details the earliest that each District document may be destroyed and whether or not a permanent copy must be maintained by hard copy or electronic media.

Annually, after the audited financial statements have been accepted, the Records Retention Coordinator will submit to the General Manager a list of records scheduled for destruction.

The records approved by the General Manager for destruction will be destroyed by an on-site document shredding firm.

5. ELECTRONIC MAIL

Generally, electronic mail (e-mail) correspondence is considered a temporary communication and may be discarded routinely. However, some e-mail correspondence is required to be declared public record. Therefore, the content of each e-mail must be considered individually, before deletion, to verify that it does not meet the public record standard of California Government Code §6252.

District-initiated e-mail messages and their attachments should be deleted monthly unless the sender would have retained a permanent copy of the correspondence had it been sent in any other format. E-mail messages and their attachments received from outside the District should be retained by the recipient only if it would have been saved had it been sent in any other format.

E-mail messages and their attachments will be retained either by printing the message and filing the hard copy or by archiving within the e-mail system. Both methods may be used simultaneously.

The retention period of e-mail messages is based on the content of the message itself.

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ARTICLE NO. 3 PERSONNEL

RULE 1. DISTRICT SPONSORED INSURANCE PROGRAM

1. PURPOSE

To establish a District insurance plan.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. POLICY

- (1) Accident insurance (Workers' Compensation) will be provided to all employees at date of employment in accordance with State regulations.
- (2) Health insurance will be provided to all full-time employees.
 - (1) The District pays all premiums for the employee.
 - (2) The employee may elect to waive District provided health insurance. The District will pay a cash payment of ~~75 percent~~ of the current Employee premium to those employees who waive coverage. Evidence of health insurance will be required to waive coverage.
 - (3) The employee may elect to enroll members of his/her immediate family in the plan. Immediate family is limited to the spouse and any unmarried children who qualify as dependents for federal income tax purposes. The dependent premium will be shared. The employee will pay one-half of the difference between the Core Employee premium and the Core Couple or Family premium. The District will pay the remainder.
- (3) Dental, Vision, Long Term Disability, and Life Insurance will be provided to all full-time employees. The District pays all premiums for the employee.

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RULE 2. QUALIFICATIONS FOR EMPLOYMENT

1. PURPOSE

To establish firm criteria for employment that will assure equal employment to all applicants.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District and to all applicants for employment with this District.

3. POLICY

Vandenberg Village Community Services District fills its job requirements by selecting from the available labor force those applicants best qualified to perform the work. The District does not discriminate against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability, mental disability, medical condition, age, marital status, sexual orientation, or membership in any lawful organization.

4. APPLICANTS

- (1) New employees will be selected on the basis of their qualifications for the job.
- (2) Preferential consideration is given to former employees with a good record of service with the District. Veterans will also receive special consideration.
- (3) After an offer has been made, applicants may be required to furnish one or more of the following:
 - (a) Satisfactory character and business references;
 - (b) Proof of physical qualifications (requires physical examination by District selected physician);
 - (c) Documents that prove ability to work in the United States, as required by current Department of Homeland Security regulations. Acceptable documents include, but are not limited to: U.S. Social Security Card, Driver's License or ID card, Certificate of birth or equivalent, Certificate of U.S. Citizenship or Naturalization, or U.S. passport. A complete

list of acceptable documents can be obtained from the District or the Department of Homeland Security.

Failure to furnish any of the above could be grounds for withdrawal of offer.

- (4) An applicant's employment is dependent upon the following conditions:
- (a) Techniques used in the selection process will be objective as well as impartial and may consist of interviews, and/or tests, and/or examinations. Where certification is required, it shall be provided.
 - (b) Qualified candidates will be interviewed by the General Manager, or person designated by him/her. The General Manager will have the final decision as to hiring and promotion and will advise the Board of the selection.

The Board of Directors will be involved in the interview process for the position of General Manager and will have the final decision as to the appointment of the General Manager.

5. RELATIVES

The District will not employ, in any capacity, a person who is related to another person presently in its employ. This policy extends to both blood relatives and relatives by marriage of either spouse through the level of first cousin and also extends to relatives of Board Members during their term of office.

6. PHYSICAL EXAMINATIONS

- (1) Candidates for initial employment and employees rehired after layoff or separation must successfully pass a physical examination prescribed by the District to determine ability to perform essential duties of the job. Failure to pass such examination is grounds for withdrawal of offer/dismissal. Pursuant to the provisions of the Americans with Disabilities Act of 1991, medical inquires of a candidate will not be made prior to extending a conditional offer of employment.
- (2) All physical examinations shall be performed by a licensed physician approved, and paid for, by the District. These examinations will include testing for drug levels. No applicant will be allowed to work until a drug free result is reported. Failure of the drug level test is limited to one retest. Failure of second test is grounds for withdrawal of offer/dismissal.

RULE 3. EQUAL OPPORTUNITY EMPLOYMENT

1. PURPOSE

To comply with Federal and State Equal Employment Opportunity legislation.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District and to all applicants for employment with this District.

3. POLICY

Vandenberg Village Community Services District will abide by State and Federal fair employment and equal opportunity legislation in order to protect and safeguard the rights and opportunities of all people who seek, obtain, and hold employment without being discriminated against because of sex, race, color, ancestry, religious creed, national origin, physical disability, mental disability, medical condition, age, marital status, sexual orientation, or membership in any lawful organization. Physical disability includes any impairment which requires special education or related services, including HIV and AIDS. Medical condition means any health impairments.

Additional emphasis will be placed upon the Vietnam Era Veterans Readjustment Act of 1974. The District will make best efforts to employ and advance in employment qualified disabled veterans and veterans of the Vietnam Era.

Support of the equal employment opportunity program extends to non-discriminatory practices in the use of recruitment sources and advertising. Hiring, upgrading, demotion, layoff, termination, compensation, training, and all practices entered into by the District will be governed by existing Federal and State legislation and policy.

4. RESPONSIBILITY FOR IMPLEMENTATION

- (1) It will be the responsibility of the Board of Directors and the General Manager to develop and coordinate the functions of the Equal Employment Opportunity Program.
- (2) Responsibility for the implementation of these programs rests with the General Manager. He/She must ensure that the District is free from discriminatory practices and that it affords each employee an equal opportunity for advancement.

5. REPORTING PROCEDURES

- 1) The General Manager is responsible for verifying that the following requirements are being met:
 - a) Maintaining updated information and reports as required by Federal and State regulations concerning equal employment opportunity.
 - b) Posting all job openings with the Employment Development Department (EDD) and through the local news media.
 - c) Encouraging employees to refer people for employment with the District, in accordance with above policy.
 - d) Maintaining contact with community groups in the area.
 - e) Maintaining an open door policy for anyone who feels that he/she has been discriminated against.
- 2) Each employee is responsible for:
 - a) Informing managers of any areas of noncompliance with the letter or spirit of equal employment opportunity legislation and policy.
 - b) Doing his/her part to eliminate any feeling of discrimination within the working environment.
 - c) Referring qualified personnel for employment in accordance with above policy.

RULE 4. HIRING, INTRODUCTORY PERIOD, AND ADVANCEMENT

1. PURPOSE

To establish an employment standard.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. POLICY

- 1) In hiring new employees, management shall select the most qualified person or persons from the job application list who meet the job specifications, meet the District's "Qualifications for Employment" (See Article 3 Rule 2) and also satisfy the District's Equal Opportunity Employment Program (See Article 3 Rule 3).
- 2) Employment with the District is not for a specified term and is at the mutual consent of the employee and the District. The employee has the right to terminate employment at any time without notice and without cause. The District maintains the same right. Employment with the District is at will and, accordingly, may be terminated by the employee or the District at any time without prior notice.
- 3) Newly hired persons, or existing personnel being promoted to a new job category without previous experience in this type of work, shall be compensated at the lowest bracket of the appropriate pay scale. At the end of a successful introductory period, he/she shall be advanced one step in the appropriate pay scale. Persons being promoted whose current pay is higher than the minimum step for the new job classification shall not be reduced in pay and will be advanced one step when they complete the introductory period. New employees are subject to dismissal or demotion without cause during the introductory period.
- 4) Upon recommendation of their immediate supervisor and approval of the General Manager, all personnel are eligible at any time for pay advancement for meritorious service within their pay scale.
- 5) New employees will be kept informed of their progress by means of periodic performance evaluations and will be advised of any deficiencies in performance or conduct. If there are substantial deficiencies, they may result in immediate termination. Three (3) weeks prior to the end of the introductory period, new employees will be evaluated by their supervisor. If it is determined that they are performing to District standards, and the District continues to need the position, they will be given a step increase. If the determination is made that their performance is not to District standards, their employment will be terminated, or the introductory period may be renewed, but no more than once.
- 6) Managers are to evaluate the performance and the General Manager will review such evaluations for all employees on the following schedules:
 - (a) For newly hired employees, at the completion of six (6) months of service.
 - (b) For newly promoted employees, at the completion of six (6) months of service.

- (c) For all employees, annually, on the anniversary date of the completion of their introductory period, and as often as the need indicates, but not less than annually thereafter.

RULE 5. EMPLOYMENT CLASSIFICATION

1. PURPOSE

To establish standard definitions of employment and eligibility for participation in District's benefit programs.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. DEFINITION OF EMPLOYEE

A. Regular Employee

- (1) A regular employee is one who is employed by the District in a full-time position, and who works the standard work week. (Reference: Article 3 Rule 7 Section 3A Hours of Work, Standard Work Week). This employee is eligible for benefits as provided in the policies that relate to the District's benefit programs. In all instances in which the factor in determining such eligibility is length of continuous employment, the latter is measured from the employee's most recent date of hire.
- (a) Continuous employment is broken by:
1. Quitting, either with or without notice;
 2. Discharge/release; or
 3. Layoff from which employee is not rehired within one (1) year from the date of layoff.
- (b) Continuous employment is not broken by:
1. Absence or layoff from which the employee is rehired within one (1) year from the date of layoff.

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2. Absence while an employee is on an approved leave of absence from which the employee returns to work.

B. Part-Time Employee

One who is employed by the District in a less than full-time position, but on a regular basis. This employee is eligible for benefits on a pro-rata basis, if benefits are calculated on an hours-worked basis. Otherwise, benefits will be provided when the specific benefit minimum hours requirement is met.

C. Temporary-Classified

One who is hired to work the standard work week or less for a limited period of time, not to exceed six (6) continuous months, to meet seasonal or other short-term labor needs.

D. Temporary-Unclassified Employee

One who is hired to work the standard work week or less for an extended period of time until the position is classified or is eliminated.

4. CATEGORIES OF EMPLOYEES

A. Exempt Employees

Exempt employees hold certain designated positions. These employees do not receive compensation at time and one-half for overtime and there may be different terms and conditions of employment than those of the non-exempt employees.

The following positions s are designated as exempt:

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- General Manager
- Operations and Maintenance Manager
- Office Manager

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B. Non-Exempt Employees

Non-exempt employees are those who are compensated for authorized hours of work performed in excess of forty (40) hours in a standard work week. All positions except those listed in paragraph A above are non-exempt.

RULE 6. PERFORMANCE EVALUATIONS AND PROMOTIONS

1. PURPOSE

To provide a method for the recognition of employees through a program of performance analysis review, merit, and promotional increases in salary.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. POLICY

The performance of each employee will be periodically reviewed in order to evaluate the employee's competence in fulfilling the scope, duties, and requirements of the position. Performance evaluations enable the District managers to evaluate employees who should be considered for promotion, transfer, job changes and salary adjustments, and to appraise areas where training and other development programs may be necessary.

4. MERIT REVIEW SCHEDULE

The review will be conducted prior to the end of the introductory period - six (6) months for new hires and six (6) months for new position classification. This review is for the purpose of evaluating the employee's performance during the phase-in period as well as clearing up any problems the employee is having regarding a particular function(s).

Employees will receive, as a minimum, an annual review. Performance, as well as monetary compensation, will be considered on the anniversary date of the completion of the employee's introductory period and annually thereafter.

If a promotion or a rate or classification change occurs, the employee's review date will be re-established as of the effective date of the change.

5. ADMINISTRATION

The manager will evaluate the employee objectively and will make appropriate comments on the performance evaluation form. The manager will then forward the proposed evaluation to the General Manager for review of its adequacy and consistency with District-wide evaluation standards. The General Manager will evaluate all management employees.

The General Manager will review the performance evaluation to assure adequacy of preparation and to discuss the recommendations of the manager.

The evaluation is then discussed with the employee. Sufficient time should be allowed to give the employee recognition for good job performance, point out steps the employee can take to improve any weak areas, clarify job requirements, and logically resolve all questions the employee may ask. The employee will sign the form acknowledging that the evaluation discussion was held. No additional comments may be added to the form after the employee has signed it.

The Board of Directors will objectively evaluate the performance of the General Manager and will make appropriate comments on the performance evaluation form or in memo form.

6. PROMOTIONS/TRANSFERS

When an employee is eligible for promotion or change in job classification to higher classification, a personnel evaluation must be completed by the manager and forwarded to the General Manager.

If a promotion results in a monetary increase, the employee's review date will be reestablished as of the effective date of the promotion.

The promotional increase shall be recommended by the manager and approved by the General Manager.

RULE 7. HOURS OF WORK

1. PURPOSE

To establish a standard work schedule.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. HOURS OF WORK (Regular Employees)

A. STANDARD WORK WEEK

- (1) The standard work week is a period of seven (7) consecutive twenty-four (24) hour days, beginning with the start of the work day

on Sunday, 12:01 a.m. and ending at the same time the following Sunday.

- (2) The normal hours of work in the work week are forty (40), which consist of five (5) days in which the employee routinely works eight (8) hours each day, with the exception of on-call personnel, and any other positions so determined by the General Manager as necessary to meet District needs.

B. THE WORK DAY

Regular work day (unless modified in accordance with paragraph (3) of this section):

- (1) For field personnel, the regular work day normally begins at 8:00 a.m. and ends at 4:30 p.m., Monday through Friday with one half hour lunch period for a total of 40 hours per week.
- (2) For office personnel, the regular work day normally begins at 8:00 a.m. and ends at 5:00 p.m., Monday through Friday with one hour lunch period for a total of 40 hours per week.
- (3) Due to changing hours of daylight, for safety, or due to other considerations, the General Manager may alter the work day in any manner he deems advisable for the operation of the District.

C. LUNCH PERIODS

Lunch Periods will be scheduled by the General Manager and/or manager and are not counted as time worked.

D. REST PERIODS

Rest periods will be scheduled by the General Manager and/or manager, are counted as time worked, and may not be "saved" to be taken at a later time.

RULE 8. VACATIONS

1. PURPOSE

To define vacation procedures.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. POLICY

- (1) All regular employees are entitled to the following paid vacations per year:

Years of Continuous Service:

One through five years	10 days
Six through fifteen years	15 days
Sixteen or more years	20 days

Vacation time is accrued from the date of employment.

- (2) Employees must take at least five (5) days of vacation per year. Employees may accumulate up to forty (40) working days as a maximum.
- (3) Employees suffering prolonged illness or taking a leave of absence will have their vacation for the year prorated in accordance with Article 3 Rule 10.
- (4) Vacation durations in excess of the annual accrual are subject to prior approval by the General Manager.
- (5) All employees upon termination of service, for whatever reason, are entitled to be paid for any unused accumulated vacation time, to the date of termination.
- (6) Should an employee voluntarily select his vacation period and that period contains a regular paid holiday (i.e., Labor Day), the holiday shall not count as one of the vacation days.

RULE 9. PAID HOLIDAYS

1. PURPOSE

To establish specific paid holidays.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. POLICY

- (1) The following days will be observed as Holidays:
 - New Year's Day
 - Martin Luther King Day
 - President's Day
 - Memorial Day
 - Fourth of July
 - Labor Day
 - Veterans Day
 - Thanksgiving Day
 - The Friday after Thanksgiving (in lieu of Columbus Day)
 - Christmas Day
 - Any day government offices are closed by Proclamation or Executive Order of the President of the United States.
- (2) All regular and part-time employees will be granted a holiday on the above dates and will be paid their normal straight time rates for each such holiday.
- (3) Any regular employee having to work on a paid holiday will be compensated by receiving 1-1/2 times his normal rate for hours worked in addition to the paid holiday.
- (4) Exact dates for these holidays will be those published by the Federal Government and are subject to change from year to year.
- (5) The District will close at 1:00 p.m. the day before Christmas and 1:00 p.m. the day before New Year's Day.
- (6) Employees shall be entitled annually each calendar year to one eight-hour, paid "Floating Holiday", that can be taken in not less than four hour blocks during any normal workday of the employee's choosing, subject to the prior coordination with, and approval of, the employee's supervisor not later than the close of business the last workday before the desired Floating Holiday. Any Floating Holiday not taken at the end of the calendar year will not be carried forward.

RULE 10. LEAVE OF ABSENCE

1. PURPOSE

To establish the criteria for the use of paid and unpaid leaves of absence.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. POLICY

- (1) The District shall comply with the Family and Medical Leave Act (FMLA) as applicable with all State and Federal laws.
- (2) To be eligible for a leave of absence other than military leave, FMLA and the California Family Rights Act (CFRA), the employee must have completed six (6) months of satisfactory service.
- (3) Any absence of five (5) days or more must be approved by the General Manager as a formal leave of absence. An approved copy of the Leave of Absence form will be furnished to the employee.
- (4) An employee on an approved extended leave of thirty (30) days or more must notify the District at least five (5) days in advance of the intent to return to work.
- (5) Failure to report for work at the expiration of a leave of absence may result in termination unless the employee has requested and received an extension.
- (6) An employee on a leave of absence will not be permitted to work for another employer or to work in self-employment without the written request by the employee and written approval by the General Manager.

4. TYPES OF LEAVES UNPAID

A. Personal Leaves

Leaves of absence for personal reasons will not be granted for periods of more than thirty (30) days unless approved by the Board of Directors.

Approval of such leaves will be dependent upon the individual circumstances and the existing work schedule. Wherever possible, an individual's position will not be filled during a personal leave of absence.

B. Military Leave

Any employee enlisting for military duty or called to active duty by official orders of State or Federal military departments shall be granted a leave of absence, without pay, for such period of time as may be required. An

employee is eligible for re-employment as required by State and Federal laws.

C. Medical Leave

Upon acceptable proof from a licensed physician, a medical leave may be granted without pay for no more than twelve (12) months, or, not to exceed the length of District employment. The District reserves the right to require the employee to furnish proof of eligibility to return to work. The employee should contact the payroll department before requesting leave under the California Family Rights Act (CFRA) or Family and Medical Leave Act (FMLA).

A physical examination by a physician may be required at the discretion of the District on absences exceeding three (3) workdays.

D. Maternity Leave of Absence

An employee who becomes pregnant may continue to work until the date recommended by her physician.

The District will require an initial statement of pregnancy showing the estimated date of delivery with follow-up statements concerning the advisability of the employee remaining at work on a bi-weekly basis following the seventh month of pregnancy.

Maternity leaves of absence will be granted in accordance with the provisions of the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA), and Pregnancy Disability Leave (PDL) under the Fair Employment and Housing Act (FEHA).

Employees should contact the payroll department before requesting Maternity Leaves of Absence in order to receive a thorough briefing on rights, responsibilities, and duties under both State and Federal Laws covering maternity leaves.

5. LEAVE OF ABSENCE - PAID

A. Death in the Immediate Family

- (1) An employee will be extended a leave of absence, as determined by the General Manager, of up to three (3) days with pay for lost time due to death in the employee's immediate family. Additional days of sick leave will be granted when unusual circumstances occur or round trip travel in excess of two (2) days is required.

Immediate family shall be defined as spouse, registered domestic partner, children, spouse's children, mother, father, mother-in-law, father-in-law, brother-in-law, sister-in-law, foster mother, foster father, sister, brother, grandparents, and spouse's grandparents. This policy shall also include spouse, registered domestic partner, children, spouse's children, and grandparents of the employee's children.

- (2) It is the responsibility of the employee to notify the General Manager of such absence prior to the work day if possible.
- (3) Upon request, the employee may be required to furnish proof acceptable to the General Manager that such a death occurred and that the employee attended services.

B. Jury Duty

Any employee who must be absent from work because of jury duty or a subpoena to appear as a witness in court for a work-related issue (not for personal or non-work related case), shall receive up to eight (8) hours pay per day at the regular basic rate. If possible, the employee must give forty-eight (48) hours notice to their manager of required jury duty service in order to be eligible for payment.

Any compensation received from the Court, except for mileage reimbursement, will be refunded to the District.

C. Military Leave

Any employee who is a member of a military reserve component and has a mandatory training obligation shall be granted a maximum of fifteen (15) days leave each calendar year when ordered to short tours of active duty. In such an event, the District will pay the employee the difference between military compensation and the employee's District base pay if the District base pay is higher than military pay and allowances.

6. BENEFIT CONSIDERATIONS

The following pertain to unpaid leaves of any type over thirty (30) days:

A. Vacation and Sick Leave Accrual

The employee will not accrue vacation or sick leave credits during the leave. Upon return, the employee will begin accruing vacation and sick leave credits at the same rate of accrual that was in effect prior to leaving.

B. Holidays

The employee will not be paid for holidays which occur during the leave.

C. Insurance

- (1) In the event of a personal unpaid leave of absence, insurance benefits will terminate at the end of thirty (30) days after the employee goes on leave, unless the employee pays the full cost of the plan.
- (2) For the duration of leaves covered by Family Medical Leave Act (FMLA), the District will maintain the employee's medical insurance coverage under the conditions coverage would have been provided if the employee had continued working.

In some cases, the District may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work from FMLA leave.

RULE 11. SICK LEAVE OR PERSONAL TIME OFF - NON-EXEMPT CLASSIFICATION

1. PURPOSE

To define sick leave and personal time off for non-exempt employees.

2. SCOPE

This policy applies to all non-exempt employees of Vandenberg Village Community Services District. .

3. SICK LEAVE

- (1) Each employee will be granted a total of ten (10) days sick leave/personal time off each annually dating from his/her date of employment, even though eligibility does not commence until satisfactory completion of the introductory period. Said sick leave is to be accrued at the rate of one day for each 36.5 calendar days of employment.
- (2) Said leave is interpreted to cover any doctor's visit, illness, contagious condition, or injury (other than a job related injury). Additionally, employees infected with a contagious condition may be directed to remain at home.

- (3) In absences exceeding three (3) days, the District may also ask the employee to be examined by a physician selected by the District to determine fitness for duty. Shorter absences, taken frequently, may also prompt a request to submit a physician's release. The employee may be suspended without pay if employee fails to comply with this procedure.
- (4) Upon termination of employment, the employee will not be paid for sick leave earned but not taken.
- (5) All employees shall report anticipated medical absences to a manager by telephone on or before the normal starting hour or at the earliest practical time and provide approximate duration of absenteeism. Failure to so report may result in loss of compensation.

4. PERSONAL TIME OFF

- (1) Personal time off shall be subject to the manager's approval and scheduling, and will be deducted from the employee's accrued sick days.
- (2) Employees seeking personal time off shall receive prior approval from their supervisor.
- (3) Time off may be taken for a minimum of one (1) hour or more at a time. If the employee does not stipulate at the time of seeking permission from his/her supervisor that he/she wishes to take this time off without pay, it will automatically come out of his/her unused sick leave days.
- (4) Personal time off with pay will not be granted for purposes of extending vacations.

5. CATASTROPHIC LEAVE

A. Definition

Catastrophic illness or injury is defined as any injury or prolonged illness which incapacitates the employee and creates a financial hardship due to the exhaustion of sick leave or other paid time off. The illness of family members may also be covered per FMLA or CFRA regulations.

B. Advance Sick Leave Credit

In the event that long-term employees who have accumulated more than 40 hours of sick leave credit by the commencement of the catastrophic illness or injury, require the use of more sick leave than the sum of the accumulated sick leave and vacation time combined, thereby entering into a "no pay" status because of the extended illness or injury, then the

General Manager is authorized to advance sick leave pay to such employee in an amount not to exceed the amount of sick leave accumulated on the individual's account at the commencement of the catastrophic illness or injury.

C. Donations

Other employees may donate Sick Leave, Vacation, Personal Time, or Compensatory Time Off to the impacted employee up to 40 hours per donor per year. Upon employment termination of the donation recipient, any unused donations will be returned to the donor(s).

D. Medical Release

A physician's release may be required before employee is allowed to return to duty.

RULE 12. COMPENSATION

1. PURPOSE

To establish a sound compensation policy throughout the District.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. POLICY

As a public entity, the District is committed to rendering the highest level of service possible at a fair and reasonable cost. The District's ability to achieve this objective is affected by a number of factors, one of which is the quality and performance of District employees. In order to attract and retain highly competent employees, promote continuous superior performance, and give full recognition to District financial constraints, the following will be considered in establishing employee compensation:

- (1) The impact of compensation on the cost of services, financial position of the District, and overall operational costs.
- (2) Compensation paid for similar work in other public and private jurisdictions.
- (3) The general and specific performance of employees.

- (4) Status of the labor force, economic condition, recruitment and retention experience, and other factors influencing the maintenance of a stable and efficient work force.
- (5) The Board will set the range of pay for all positions based on the economic conditions and the ability of the District to pay. Merit increases and salary adjustments will not be automatic.
- (6) Range will mean the starting salary to the upper limits based on experience, length of service, etc. as determined by the Board.
- (7) Step increases, five percent (5%) within the above range will be approved by the General Manager, based on merit.

4. BASIC SALARY

Employees shall be paid a basic monthly salary which shall be payment for the straight time portion of work performed each month. The basic hourly rate is the basic annual salary divided by 2080 hours (average work hours per year).

A. Time of Payment

- (1) Regular pay periods

Pay periods are two (2) weeks in duration, terminating each alternate Saturday. Payment will be made on the Friday following the end of the pay period. If payday falls on a holiday, the check will be issued the day before.

- (2) Overtime

Payment for overtime hours performed during one pay period may be made on the pay period immediately following.

- (3) Final Pay

Final pay is made up of unpaid salary for work performed and accrued, unused vacation to date of termination.

5. SALARY DEDUCTION

- (1) Those required by law: Federal and State income taxes, F.I.C.A. (Medicare portion), and State Disability Insurance.
- (2) Contributions due from participants in the retirement plan(s) (if any).

- (3) If authorized in writing by employees:
- (a) Voluntary deductions such as the cost of dependent coverage for medical or other insurance;
 - (b) Other salary deduction approved by District Ordinance, and;
 - (c) Deductions required by court order.

6. **REGULAR HOURS, OVERTIME PAY, AND COMPENSATORY TIME OFF**

A. **Regular Hours**

The normal daily hours of work shall be eight (8) consecutive hours, including rest periods, but excluding lunch periods.

The normal week shall be forty hours, consisting of five (5) work days within a period of seven (7) consecutive days, starting at the beginning of an employee's first shift on the employee's first work day in the designated work week.

B. **Overtime hours**

For purposes of overtime hours determination, paid holidays and sick leave shall be considered as hours worked in counting up to forty (40) hours per week. Vacations and personal time off will not count toward forty (40) hours per week for overtime. Paid compensatory time off used in lieu of vacation or personal time off will not count toward forty hours (40) per week for overtime.

Overtime worked by non-exempt field and office employees shall be compensated either by utilizing compensatory time or by pay at the rate of one and one-half times their regular rate providing that the employee has worked in excess of forty (40) hours the week in which overtime is incurred.

The rate of one and one-half hours will be applied as follows:

- (1) For the hourly overtime pay rate for hours worked in excess of forty (40) in any work week;
- (2) All hours worked on any District designated holiday;
- (3) For the number of hours of compensatory time in lieu of overtime pay.

C. Compensatory time off

Non-exempt field and office employees may accrue up to 240 hours of compensating time off in lieu of overtime pay at a rate not less than one and one-half hours for each hour worked where overtime compensation is required by law.

Compensatory time off can be taken during any normal workday of the employee's choosing, subject to the prior coordination with, and approval of, the employee's supervisor not later than the close of business the last workday before the desired time off.

7. ON-CALL OR STAND-BY DUTY

A. General Regulations

On call - standby duty is an assignment of responsibility to respond rapidly to emergency calls after regular work hours, on holidays and on weekends.

Stand-by duty assignments normally will be of one week duration. The District will establish the duty standby schedule on a rotating basis among qualified District employees. Employees assigned to duty may be granted exchanges of duty for justifiable reasons. Notification of change must be provided in advance to accommodate such changes.

Employees assigned to stand-by duty will be those that have been specifically trained and have demonstrated their ability to perform tasks required. Duty employees are required to reside within thirty (30) minutes response time to make the normal check rounds on Saturdays, Sundays, and Holidays, and to respond to emergency call-outs.

B. Pay Regulations

(1) Standby Pay:

When a regular full-time employee is required and assigned to be available for emergency call-back at times other than performing regular duty, the employee shall be compensated at the weekly "standby rate" established by the Board from time to time.

(2) Operations Checks:

When a full time regular employee on standby performs routine operations checks on a weekend or holiday, the employee will be paid a minimum of two hours at the applicable straight time or overtime rate per day. When a full time regular employee on

standby is called during the two hour operation check period on a weekend or holiday, additional compensation beyond the two hours shall be at the applicable straight time or overtime rate. If the caller can be assisted via the telephone, or remotely using the SCADA to respond, identify, and correct the situation, the time spent is included in the weekly Standby Pay amount.

(3) Report to Work Allowance:

When a full time regular employee on standby is called and reports to work following completion of his/her regular shift, or outside of the two hour operation check period, he/she shall be paid a minimum of two hours at the applicable straight time or overtime rate if the assignment required two hours or less. Additional compensation for more than two hours shall be at the applicable straight time or overtime rate.

When a full time regular employee not on standby is called and reports to work following completion of his/her regular shift, he/she shall be paid a minimum of two hours at the applicable straight time or overtime rate if the assignment required two hours or less. Additional compensation for more than two hours shall be at the applicable straight time or overtime rate.

8. ESTABLISHMENT OF RATES OF PAY

A. New Hires, Full-time employees

The starting rate for a newly hired employee shall normally be set by the General Manager and the Board within the salary range of the classification to which the position is allocated.

If exceptional qualifications of the candidate indicate that a higher initial hiring rate would be in the District's best interest, appointment at a higher salary step within the range may be recommended by the General Manager.

B. Regular, Part-Time, Temporary Classified, and Temporary Unclassified

These employees shall be paid on an hourly basis at a rate to be determined in each instance in accordance with the level of duties to be performed, but not less than minimum wage.

Effective upon classification to "Regular" employment status, employees may receive an increase in basic salary to be recommended by their supervisor and approved by the General Manager.

The basic salary of employees who successfully complete the introductory period will be advanced one step based on the manager's recommendations.

9. POSITION CLASSIFICATION

- (1) A job description has been prepared which defines typical duties that an employee is expected to perform in each classification. They are not intended to limit the work which may be performed since other tasks may be assigned that are similar in nature.
- (2) All positions are evaluated according to their job descriptions. Positions that are similar in type of work, level of difficulty, and level of responsibility are grouped together in the same classification. All positions in the same classification are treated alike in such matters as salary and minimum qualifications.
- (3) The General Manager will periodically review the work performed by employees to determine whether they are correctly classified. If the duties of a position are found to have changed substantially, he may recommend that the position be re-evaluated and reclassified. Similarly, job descriptions will be prepared for any new positions which will then be evaluated and classified according to their relative worth.

10. MERIT INCREASES

- (1) Consideration for a merit increase in salary within the range for the position will be given to employees upon successful completion of the introductory period and annually thereafter. Merit increases may advance the employee to the next level within the payroll schedule for the position. Managers will review the performance of the District's employees on each occasion, pointing out areas in which their performance is good and those in which improvement is needed.
- (2) Merit advancement shall be based upon the following:
 - (1) Determination by the manager that the employee's performance is deserving and efficient. This relates to the totality of the job performance including these factors (not necessarily in the following order): quality of work, level of work output, job attitude, cooperation, desire to learn, willingness and ability to accept responsibility, punctuality, regularity of attendance, and an obvious desire to excel;
 - (2) Recommendation of a merit increase by the manager.

- (3) Upon approval by the General Manager, a salary increase may be granted in the affected salary range within each service year for meritorious and efficient service. No employee's salary shall exceed the salary range for the position.
- (4) In exceptional cases of outstanding merit, the General Manager may recommend a larger merit increase. Any such exceptional cases shall be brought to the attention of the Board of Directors for approval and recognition of the exemplary employee.
- (5) Merit increases shall not be automatic, but shall depend upon excellent and efficient performance. The manager will discuss the performance appraisal with the employee during their review.

11. EMERGENCY APPOINTMENTS

Employees who are given emergency appointments at a higher classification shall be compensated as follows:

- (1) Their rate of pay shall remain unchanged during the first twenty (20) working days of such an assignment.
- (2) After twenty (20) continuous days of a temporary assignment, they shall be paid at a rate of five percent (5%) greater than their current rate, but not to exceed the range for the position.
- (3) If the starting rate for the temporary position is greater than the individual current pay rate plus five percent (5%), then the starting rate shall be paid.

12. DEMOTIONS

A supervisor may demote or reassign an employee to a position where he/she will be able to meet performance requirements, to apply disciplinary action for misconduct, or for other reasons. Providing a position is available, an employee may request a demotion to start training in another occupation, to continue employment when a layoff is imminent, or for other reasons.

A. During the Introductory Period

If it is determined at any time during the six (6)-month introductory period that a new or promoted employee cannot satisfactorily perform the duties of the position, the employee will be demoted to a lower ranking position with a lower salary range or returned to the position and salary range from which he/she was promoted. For promoted employees, the District will hold the former position as temporary during the introductory period (See Article 3 Rule 4).

B. Disciplinary Demotion

In some disciplinary situations, a demotion may be the appropriate action. When it is determined by the supervisor that demotion is necessary, the manager and General Manager will determine the appropriate rank and salary range.

C. Voluntary Demotion

The basic salary of employees demoted at their own request to a position in a lower salary range shall be within the current salary range for the new position, at the same step.

13. LATERAL TRANSFERS

The basic salary of employees transferred to another position will be determined by the General Manager.

14. RECALL FROM LAYOFF

The basic salary of employees recalled to another position will be determined by the General Manager.

15. ECONOMIC ADJUSTMENTS

All employees may receive an economic adjustment effective with the first pay period in July. This adjustment will be based upon an appropriate index approved by the Board of Directors. The Board reserves the right to adjust or not adjust pay and benefits on an annual basis.

RULE 13. RETIREMENT

1. PURPOSE

To establish a criteria for retirement.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District.

Deleted: February

3. POLICY

- (1) In lieu of participation in Social Security, the District shall provide retirement benefits through California Public Employees' Retirement System (CalPERS).
- (2) Mandatory retirement age, if any, will conform to State and Federal laws, and the District's retirement plan in effect at the time of retirement.

Deleted: <#>Normal retirement age will be the fifty-fifth (55th) anniversary of the individual's birthday. Actual retirement will conform to the requirements of the District's Retirement Plan in effect at the time of retirement.¶
¶ Individuals may continue to work past their normal retirement date.

RULE 14. TERMINATION

1. PURPOSE

To establish a policy and procedure for processing employment terminations.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. POLICY

It is the policy of the District to treat all employees who leave the employ of the District fairly and equitably, and to provide for the effective processing of all termination actions. Employees shall be terminated in accordance with the provisions of this policy and the District's equal opportunity policy (See Article 3 Rule 3).

4. DEFINITIONS

A. Resignation

A resignation is a voluntary permanent separation initiated by the employee for such reasons as: other employment, returning to school, relocation, health, dissatisfaction with pay or working conditions, etc. An employee who resigns is eligible to receive consideration for rehire. If, after being granted a leave of absence, the employee either fails to return to work or is denied an extension of the leave, the employee will submit a resignation. The termination date will be the last day of pay prior to the leave.

- (1) With Notice - Notification of intent to resign is given in advance of the last day of work. The District recommends a two (2) weeks notice. A written notice is preferable.

- (2) Without Notice - No notification of intent to resign is given. An employee absent without notification to, or prior approval by, the General Manager for two (2) consecutive days on which the employee was scheduled to work is considered a voluntary resignation without notice unless extenuating circumstances warrant a waiver of this provision. Such absences without notification may result in termination by the District on day three (3).

B. Release

A release is a permanent separation initiated by the District due to the employee being medically or technically unqualified, unable to perform the present work satisfactorily, unable to adapt to work conditions and unsuitable for other available work. A released employee shall not be eligible for rehire.

C. Discharge

A discharge is a permanent separation initiated by the District. The discharged employee shall not be eligible for rehire.

D. Reduction in Work Force

A reduction in work force (layoff) is an involuntary termination of employees due to the end of a contract, reduction in work levels, and/or economic necessity. It is the intent of the District to recall and rehire laid-off employees when and if a position is available for which the employee is qualified. (Layoffs for temporary periods are not considered as terminations.)

E. Expiration of Temporary Employment

This classification refers to the termination of temporary employees who have completed the temporary job for which employed. Such employee will be eligible to receive consideration for rehire.

F. Administrative

Administrative termination covers terminations caused by retirement, death, or disability.

5. TERMINATION PROCEDURE

A. Employee Responsibility

The District recommends that an employee who intends to resign notify the General Manager at least two (2) weeks in advance of such resignation in order to allow for the replacement in a timely manner. A written notice is advisable.

B. General Manager

Procedures outlined in this section must be followed by the General Manager on a fair and equitable basis. It is important that the General Manager fairly classify the reason for termination and report it correctly. This is important in regard to future requests for references, eligibility for rehire, and unemployment benefits.

- (1) It is the responsibility of the General Manager to forward the termination notice to the Board:
 1. On the date that notice of intent to resign is given by an employee;
 2. On the date that an employee is notified of discharge or release; or
 3. On the third day of absence without notice from work or when an employee has not returned from a scheduled leave.
- (2) The General Manager shall schedule an exit interview.
- (3) The General Manager shall meet with the terminating employee to discuss details of the termination process, including termination pay, insurance benefits, return of District property, final performance appraisal, and exit interview.
- (4) The General Manager shall prepare a final time sheet for the departing employee or review final time sheet prepared by departing employee's supervisor. The time sheet shall reflect time for pay purposes through the last day worked. The final time sheet will be delivered to the payroll department, with or without employee signature. If possible, signature will be obtained at the time of exit processing.

C. Finance Administrator

The Finance Administrator, under supervision of management, is responsible for computing final pay and monetary benefits due to the terminating employee and issuing the final check within the time limits specified under the Termination Pay section of this policy.

6. TERMINATION BENEFITS

A. Termination Pay

Payment will be made for wages earned through the last day worked less required legal deductions. The cost of District property not returned shall be invoiced separately. All reimbursable expenses associated with employment matters (such as travel, personal auto, business conferences, etc.) are to be cleared prior to separation.

- (1) If an employee not having a written contract for a definite period quits his/her employment, his/her wages shall become due and payable not later than seventy-two (72) hours thereafter, unless the employee has given seventy-two (72) hours' previous notice of his intention to quit, in which case the employee is entitled to his wages per the Fair Labor Standards Act requirements.
- (2) Discharged employees shall be paid immediately for wages earned and unpaid at the time of discharge.
- (3) Upon the death of an employee, any wages earned shall be paid to the rightful beneficiary. As soon as all pertinent information is obtained, the deceased employee's family shall be informed by the General Manager, both verbally and in writing, of the compensation, benefits, and conversion rights due to the family. Any money due to the rightful beneficiary shall be forwarded as soon as practical.

B. Vacation

The employee will be paid for vacation earned but not taken.

C. Sick Leave

The employee will not be paid for sick leave earned but not taken. However, an employee whose effective date of PERS retirement is within four months of separation from District employment may be able to obtain credit for the unused sick leave as allowed by the appropriate section of the California Public Employees' Retirement Law.

RULE 15. UNIFORMS, ASSIGNED TOOLS IN VEHICLES, AND COMMON-USE TOOLS

1. PURPOSE

To define uniform and tools regulations.

2. SCOPE

This policy applies to all field employees of Vandenberg Village Community Services District.

3. UNIFORM

- (1) All employees, other than those whose principal job is supervisory or those who perform their work in the general office, shall dress in uniform.
 - (a) The District will bear all of the cost of furnishing uniforms which includes shirts, vests, and jackets; and will provide an allowance for pants. Uniforms will be provided under the current Memorandum of Understanding signed by the employee.
 - (b) All uniform shirts will display both the employee's name and the District emblem.
- (2) Replacement of garments worn or damaged as a result of District work will be the responsibility of the District. The cost of replacement or repair will be charged to the employee for:
 - (a) Loss of garments while in the possession of the employee;
 - (b) Failure of the employee to return the garments upon termination of service; or
 - (c) Damage to the garments at times other than when the employee is engaged in District business.
- (3) Upon issuance of the initial supply of garments, the receiving employee shall acknowledge in writing the receipt of the same, his understanding of the charges for which he may be liable for misuse or loss, and the conditions under which the garments are to be used and returned.
- (4) While in uniform, employees shall maintain a professional demeanor at all times. Except for de minimis personal stops, uniforms should be exchanged for personal wear before commencing personal activities.

4. ASSIGNED TOOLS IN VEHICLE

Field employees may be furnished a standard set of tools necessary to perform daily assigned tasks, and a vehicle with lockable means to secure said tools. The Operations and Maintenance Manager, with the concurrence of the General Manager shall determine which tools are appropriate for issue to the individual use of field employees. When issued, the Operations and Maintenance Manager and individual employee shall jointly inventory the assigned tools, the employee shall sign the inventory as a receipt for the tools and shall become accountable, responsible, and liable for the proper use, care, and security of the assigned tools. A standardized list of tools among all field employees is expected to eliminate the need to borrow tools from one another. Security of the assigned tools from borrowing, theft, and loss is a personal job responsibility of field employees.

The General Manager is authorized to establish performance criteria for the use, care, and security of individually assigned tools, to establish recurring inventories of assigned tools, and to collect the replacement cost of tools lost or broken through other than normal wear and tear. Field employees' job duties require the knowledge and skills necessary to use, care, and protect tools used in their duties. District management is expected to use performance evaluations and/or disciplinary action to insure District procured tools are cared for properly. When individually assigned tools are lost or broken through other than normal wear and tear, the General Manager is expected to collect their replacement value from the responsible employee. The options available to the General Manager shall include but not be limited to payroll deduction.

5. COMMON-USE TOOLS

In addition to individually assigned tools, the Operations and Maintenance Manager shall maintain common-use tools and equipment to meet other than daily job use requirements. All field employees are expected to care for these common-use tools and equipment when in their possession as if they were individually assigned to avoid loss, breakage, theft, or other than normal wear and tear. The negligent loss, damage, or abuse of common-use tools will not be tolerated, and the General Manager shall take appropriate action to preclude or correct such negligence.

RULE 16. SAFETY FOOTWEAR

1. PURPOSE

To establish a policy for protective footwear.

2. SCOPE

This applies to all Field (vice Office) employees of the Vandenberg Village Community Services District.

3. CRITERIA

The General Manager has determined from the California Code of Regulations, Title 8, Section 3385 Foot Protection, or its equivalent, that the District's Field employees are required to wear foot protection. The District will provide a reasonable reimbursement for protective footwear, as outlined below.

4. REQUIREMENT FOR WEAR

District Field employees operate or work around heavy equipment, lift heavy objects, and work where there is a possibility of foot injury from falling, dropped, or rolling objects. They are required to wear protective footwear as a job requirement.

5. TYPE

Protective footwear shall meet the requirements and specifications in American National Standard for Personal Protection-Protective Footwear (ANSI Z41-1999), or its replacement, which is hereby incorporated by reference, and shall be 6" or higher lace-up or slip-on steel-toe leather work boots.

6. REIMBURSEMENT PROCEDURE

The District will reimburse the Field employee up to \$150 every 18 months for purchasing protective footwear from a District-designated vendor. The manager may adjust this 18-month requirement in cases of extraordinary or minimal wear.

RULE 17. EDUCATIONAL REIMBURSEMENT PROGRAM

1. PURPOSE

To establish procedures for educational reimbursement.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. ELIGIBILITY

The first day of the month following the completion of a successful introductory period.

4. REQUIREMENTS FOR REIMBURSEMENT

A. District Required Education

Educational program must be provided by an accredited school. The training must be required by and beneficial to the District, and must have the prior approval of the General Manager.

B. Job Related Education

For approved courses that are directly related to employees present or expected promotional position, where such courses are not required by District. For reimbursement, the training must be beneficial to the District and must have the prior approval of the General Manager.

5. REIMBURSEMENT

A. For District Required Education

Upon successful completion of the course, the District will reimburse the employee one hundred percent (100%) of all the costs, including books and supplies.

B. For District Approved Job Related Education

The District will reimburse the employee fifty percent (50%) of all tuition, registration, books, and supplies for course work completed, provided the course work was approved by the General Manager in advance of the enrollment. Expenses shall be paid in advance by the employee and the approved courses shall be taken outside of regular scheduled working hours of the employee. Proof of successful course completion shall be required along with a written request for reimbursement.

RULE 18. EXEMPT EMPLOYEES

1. PURPOSE

To establish guidelines for classification of employees who are exempt from minimum wage and overtime pay provisions of the Fair Labor Standards Act.

To define sick and disability benefits for exempt employees, and;

To establish procedures for overtime pay for exempt employees.

2. POLICY

Those employees engaged in a managerial or professional capacity are exempt from the minimum wages and overtime pay provisions of the Fair Labor Standards Act and, as such, will normally be classified as exempt employees. In no case shall a non-exempt employee supervise an exempt employee.

3. ELIGIBILITY FOR EXEMPT CLASSIFICATION

Employees eligible for exempt status are:

- General Manager
- Office Manager
- Operations and Maintenance Manager

His/Her primary duties consist of the management of the District. He/She customarily directs the work of two or more employees. Exempt status is to be in accordance with published U.S. Department of Labor federal employment regulations.

4. PRE-EMPLOYMENT PERSONAL HISTORY INVESTIGATION

Prior to extending a conditional offer of employment, a personal history investigation may be conducted on the exempt employee candidate pursuant to the Investigative Consumer Reporting Agencies Act and the Fair Credit Reporting Act, where applicable, after receipt of a signed release. Upon the candidate's request, or upon denial of employment, a copy of the report shall be provided to the candidate within the required time period at no charge.

5. SICK AND DISABILITY BENEFITS FOR EXEMPT EMPLOYEES

Exempt employees will accrue hourly sick pay, vacation benefits, and disability identical to those of non-exempt employees in accordance with Article 3 Rule 1, Rule 8, and Rule 11, unless modified by an employment agreement.

Exempt employees with absences of less than a full day will receive a full day's salary without sick leave deduction.

6. OVERTIME PAY FOR EXEMPT EMPLOYEES

It is expected that from time to time exempt employees will be required to work additional hours for which they will not be compensated, either by cash or compensatory time off, by virtue of their exempt status.

RULE 19. EMPLOYEE SUGGESTION AND AWARDS PROGRAM

1. PURPOSE

To establish an Employee Suggestion and Awards Program rewarding employees for suggestions and ideas which improve operations, procedures, methods, increase efficiency, service, and result in reduced costs.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District unless specified by a separate agreement.

3. DEFINITIONS

"Employee" is a person occupying a regular position authorized by the Board of Directors.

"Extra Help Employee" is a person temporarily performing duties for the District but is not occupying a regular position.

"Part-time Employee" is a person who is a regular employee of the District but who works less than the standard forty-hour week.

"Volunteer" is a person who performs work for the District without compensation, or who may receive only a token stipend.

4. ELIGIBILITY

Any non-exempt employee or group of employees, extra help, part-time employee, or volunteer is eligible to participate in the Employee Suggestion and Awards Program.

Directors are not eligible to participate in the program.

5. SUGGESTION ELIGIBILITY

All suggestions submitted in accordance with this policy and the procedures listed below, which accomplish any of the following objectives, shall be eligible for consideration of an award and/or recognition.

- (1) The improvement of procedures or methods resulting in savings to the District by increased efficiency or output, or both.
- (2) The improvement of customer service.
- (3) The elimination of unnecessary procedures, records, or paperwork.
- (4) The saving of labor, materials, and supplies or time to provide services.
- (5) The improvement of safety.

Suggestions NOT considered eligible for award or recognition shall include:

- (1) Suggestions that correct conditions that exist only because current established policies and procedures and practices are not being followed.
- (2) Suggestions which merely call attention to a problem but do not offer specific methods to resolve the problem.
- (3) Suggestions solely calling attention to need for routine maintenance operations, UNLESS such suggestions provide improvement in methods, equipment, or materials that result in savings to the District.
- (4) Suggestions concerning matters which are currently and actively being considered for adoption by management. (Active consideration means an investigation, research, or study is being conducted when the proposal is made).
- (5) Suggestions which are within the normal scope of the suggestor's job duties and responsibilities.
- (6) Suggestions which are implemented as a result of an informal suggestion by an employee, if the suggestion is not submitted in writing to the General Manager within sixty (60) calendar days following such implementation.
- (7) Suggestions concerning matters substantially similar to matters already adopted or in effect anywhere within the District.

- (8) Suggestions dealing with salaries and other terms of employment which are set by the Board of Directors.

6. SUGGESTIONS

A. Submission of Suggestions for Awards/Recognition

Suggestions recommended for award shall include sufficient details to permit a review of the estimated net savings. Each suggestion will be accompanied by a statement indicating when the suggestion was, or will be, implemented.

B. Ownership of Suggestions

All suggestions adopted shall become the property of Vandenberg Village Community Services District.

C. Suggestion Active Period

Suggestions shall be considered active for two years from the date of submission and receipt by the General Manager. After two years, the suggestion may again be submitted and considered as a new suggestion.

7. AWARDS/RECOGNITION: MONETARY AWARDS

A. Reviewed by Suggestion Review Committee

- (1) Suggestions resulting in an ongoing, measurable savings of at least \$500.00 per year will be eligible for an award of ten percent (10%) of the estimated first year, or second year net savings, whichever is greater up to a maximum award of \$2,000.00.
- (2) Suggestions resulting in a one-time measurable savings of at least \$1,000.00 will be eligible for an award of five percent (5%) of the net savings up to a maximum award of \$2,000.00.

B. Suggestions Reviewed and Approved by General Manager

- (1) Suggestions which result in an ongoing, or one-time saving of staff time will be eligible for an award of 5% of the value of staff time saved, provided that the total net savings is at least \$1,000.00 in the first, or second year after implementation.
- (2) Suggestions resulting in substantial intangible savings (improvement in methods, safety, employee morale, or services)

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which cannot be given a dollar amount may be considered for an award of ~~\$50.00 to \$250.00.~~

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C. General Considerations for Monetary Awards

- (1) Employees can request job-related training, paid by the District, in lieu of a cash award beyond the fifty percent reimbursement (See Article 3 Rule 17).
- (2) All Suggestion Review Committee monetary awards must be approved by the Board of Directors prior to payment being made.
- (3) All General Manager approved awards shall be authorized for payment under a budget line item, otherwise, Board approval is necessary.
- (4) All monetary awards will be made through the District payroll system. Cash awards are gross amounts, before taxes.
- (5) Vandenberg Village Community Services District is not liable to the suggestor for any sum of money other than that which the Suggestion Review Committee, General Manager and/or the Board of Directors shall, at their sole discretion, see fit to award in accordance with the program.

8. NON-MONETARY AWARDS

If a suggestion (or suggestor) does not qualify for a monetary award, the employee still may be recognized by non-monetary means as the Board and/or General Manager deem appropriate.

9. INCENTIVE AWARDS

Policy for employee incentive awards can be found in District Resolution 136-98.

10. PROCEDURES

- (1) An ad-hoc Suggestion Review Committee will be appointed by the Board of Directors. This ad-hoc Committee shall consist of two Directors appointed by the Board as necessary to review submitted suggestions.
- (2) The Suggestion Review Committee will meet as needed to review submitted suggestions. The Committee will respond to submissions within thirty (30) days of their appointment and will recommend for Board approval the amount of monetary awards resulting from net cost savings, if applicable.

- (3) The General Manager shall recommend an annual budget line item amount for Board approval, and upon approval with funds remaining in said line item, shall make awards as he deems appropriate.

RULE 20. EMPLOYEE HARASSMENT POLICY

1. PURPOSE

To provide a work environment that is free of unlawful discrimination and harassment by prohibiting unlawful harassment on the basis of an employee's race, sex (including sexual harassment), religious creed, color, national origin, ancestry, age (over 40), marital status, sexual orientation, or physical or mental disability.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District.

3. POLICY

Harassment of anyone in or from the District on the basis of an employee's race, sex (including sexual harassment), religious creed, color, national origin, ancestry, age (over 40), marital status, sexual orientation, or physical or mental disability is strictly prohibited. Any individual who believes that he or she has been subjected to such harassment should immediately report that harassment to their immediate supervisor. Supervisors are required to inform the General Manager within twenty-four (24) hours of a reported harassment allegation.

This policy prohibits harassment in any form, including:

- (1) Verbal harassment such as epithets, jokes, derogatory comments or slurs based on the person's race, sex, religious creed, color, national origin, ancestry, age (over 40), marital status, sexual orientation, or physical or mental disability;
- (2) Physical harassment such as assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on one of the categories above; and
- (3) Visual harassment such as derogatory posters, cartoons or drawings, based on one of the categories above.

If you believe you have been or are being subjected to this kind of harassment, and are unable to resolve (or uncomfortable attempting to address) the problem

with the individual, you should promptly report it to your manager, any other manager, or the General Manager. All such claims will be investigated in a manner designed to protect the privacy and confidentiality of all involved, and appropriate action will be taken. When appropriate, the District may seek to resolve the matter informally. Any employee found to have harassed anyone in or from the agency, based on one of the categories above will be disciplined, from verbal reprimand to dismissal, based on the circumstances.

If you have any questions about this policy, or want more information about it, please contact the General Manager.

4. **SEXUAL HARASSMENT**

Sexual harassment of District employees, by any person in or from the work environment is strictly prohibited. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either expressly or by implication a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance; creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the employee's performance, evaluation, assigned duties, or any other condition of employment or career development.

Sexual harassment also includes any act of retaliation against an employee for reports of violation of this policy or for participating in the investigation of a sexual harassment complaint.

Other examples of sexual harassment include unwelcome sexual flirtations or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; and the display in the work environment of sexually suggestive objects or pictures, posters, jokes, cartoons, or calendar illustrations. (THE MEASUREMENT FOR OFFENSIVENESS IS PRIMARILY BASED ON THE VIEWS OF THE VICTIM.)

The District will fully and effectively investigate any such report and will take whatever corrective action is deemed necessary, including disciplining or discharging any individual who is believed to have violated this prohibition against harassment. The complaining employee will be informed of the action taken. The District will also take action to protect the complaining employee and to prevent further harassment or retaliation. Finally, the complainant will be made whole, to the extent possible for his or her losses.

The District clearly does not tolerate harassment on the basis of any of the categories discussed in this policy and will take appropriate disciplinary action whenever such harassment is demonstrated. Any individuals engaging in such conduct contrary to District policy may be personally liable in any legal action brought against them.

The District encourages all employees to report any incidents of harassment forbidden by this policy so that complaints can be quickly and fairly resolved. You should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment in employment. If you think you have been harassed or that you have been retaliated against for resisting or complaining, you may file a complaint with the appropriate agency. The nearest office is listed in the telephone book.

5. GUIDELINES FOR THE EMPLOYEE

If you think you are being sexually harassed:

- (1) Say NO! Make clear to the offender that the behavior is unacceptable to you;
- (2) Don't let confusion and self-doubt stop you from speaking out;
- (3) Keep a record of dates, times, places, witnesses, and nature of harassment. Such records will be helpful if you find it necessary to pursue a formal grievance;
- (4) If you feel that you have been or are being sexually harassed or are aware of or suspect the occurrence of sexual harassment, or you desire counseling on coping with sexual harassment, you should immediately contact your manager, any other manager, or the General Manager; and
- (5) Maintain strict confidentiality ensuring the privacy of all parties concerned.

6. GUIDELINES FOR THE SUPERVISOR OR MANAGER

- (1) Be aware of the intimidating effects of power;
- (2) Don't offend intentionally. Be aware that you may be offending unintentionally;
- (3) Take NO as NO;
- (4) Don't use your position to coerce others;

- (5) Treat every person with respect. Ask yourself if your behavior could be interpreted as sexual harassment;
- (6) Discuss this Policy with the employees reporting to you and assure them that they are not required to endure sexually insulting, degrading, or exploitative treatment or any other form of sexual harassment; and
- (7) Notify the General Manager of any and all sexual harassment complaints or incidents, unless the complaint or incident involves the General Manager in which case, notify your manager or the Chairperson of the Personnel Committee.

7. GUIDELINES FOR THE DISTRICT GENERAL MANAGER

- (1) Maintain strict confidentiality ensuring the privacy of all parties concerned;
- (2) Investigate each complaint quickly and confidentially; and
- (3) Take appropriate action. When appropriate, seek to resolve the matter informally.

8. DISCIPLINARY AND/OR CORRECTIVE ACTION

An employee who is found to have sexually harassed anyone in or from the District will be disciplined, from verbal reprimand to dismissal, based on the circumstances.

RULE 21. EMPLOYEE DRUG AND ALCOHOL POLICY

1. PURPOSE

It is the policy of the District to maintain a workplace that is free from the effects of drug and alcohol abuse. Substance abuse can affect job performance and employee and public safety. The District has a significant interest in ensuring the health and safety of its employees. It has an obligation to ensure that its employees do not present a safety risk to the public at large. For these reasons, the District will be firm in identifying and disciplining those employees who do not voluntarily seek assistance and who continue to use drugs and abuse alcohol in violation of the District's rules.

2. SCOPE

This policy applies to all exempt and non-exempt employees of Vandenberg Village Community Services District.

3. POLICY

- (1) No District employee who is on duty or on standby for duty shall:
 - (a) Use, possess, or be under the influence of illegal or unauthorized drugs or other illegal mind-altering substances; or
 - (b) Use or be under the influence of alcohol to any extent that would impede the employee's ability to perform his or her duties safely and effectively.
- (2) No employee shall perform duties which, because of drugs taken under a legal prescription, the employee cannot perform without posing a threat to the health or safety of the employee or others. Employees whose job performance is so restricted may be subject to reassignment, medical examination or other actions specified by applicable statutes and regulations.
- (3) Employees shall be subject to drug and alcohol testing when there is reasonable suspicion that the employee has violated the rules expressed in section 1.A. and/or 1.B. In addition, when such an employee has already been found in violation of sections 1.A. and/or 1.B. through the adverse 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 may be required to submit to periodic substance testing as a condition of remaining in or returning to District employment.
- (4) The policy stated herein shall be in addition to and shall not be construed as a required prerequisite to or as replacing, limiting or setting standards for any other types of provisions available under law to serve this purpose, including employee assistance, adverse action and medical examination.
- (5) Employees shall refer any questions regarding their rights and obligations under this policy to the human resources contact.

4. PROHIBITIONS

A. Prohibited substances include:

- (1) Controlled substances (drugs) that include but are not limited to marijuana, amphetamines, opiates, phencyclidine (PCP), and cocaine; and
- (2) Alcohol, which is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl and isopropyl alcohol.

B. Prohibited conduct includes:

- (1) Unlawfully manufacturing, distributing, dispensing, possessing, or consuming any controlled substance at anytime while conducting or performing District business, regardless of location. This includes while operating or being responsible for the operation, custody or care of District equipment or property, on District property, or while subject to duty (i.e., standby duty);
- (2) Reporting to work or being on call for work while an employee's ability to perform job duties is impaired due to on- or off-duty alcohol use or drug abuse; or
- (3) Possessing or selling (directly or through a third party) illegal drugs or providing illegal drugs to anyone (including employees), while on duty.

5. PRESCRIPTION AND NON-PRESCRIPTION DRUGS

Using or being under the influence of any legally obtained drug by an employee while performing District business, while on District property, or while on standby is prohibited to the extent that such use or influence may affect the safety of the employee, co-workers, members of the public, the employee's job performance, or the safe or efficient operation of the District's business. An employee may continue to work, even though under the influence of a legal drug, if District management has determined, after consulting with a competent medical authority, that the employee does not pose a threat to their own safety or their co-workers and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be reassigned to an alternative position, if available, or be required to take a leave of absence or comply with other appropriate action as determined by the District.

6. CONSEQUENCES OF A POSITIVE ALCOHOL AND/OR DRUG TEST

A rehabilitation program is available for those employees having a positive controlled substance and/or alcohol test on a one-time basis only. A second verified positive test under any circumstances shall constitute cause for immediate termination. Failure to complete a treatment program provided by the Substance Abuse Professional (SAP) will be treated as a second positive test.

Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation in and completion of the rehabilitation program is mandatory. Prior to return to duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to sign a return to duty agreement. The duration and frequency of

follow up testing will be determined by the SAP but will not be shorter than one year or longer than five years.

7. VOLUNTARY ADMITTANCE

Employees who believe they may have a substance abuse problem are encouraged to take the initiative in voluntarily seeking assistance. Those voluntarily seeking help can make a confidential request for assistance to their supervisor. The employee will be referred to a SAP for evaluation and rehabilitation recommendations. Employees may use accumulated sick leave, vacation time, or compensatory time to participate in a rehabilitation program, and program costs will be paid by the employee. After approval from the SAP, the employee may return to work and may be subject to unannounced follow up testing, based on the SAP's recommendations. Any employee failing to complete the program will be subject to termination.

NOTE: Health insurance plans may provide coverage for rehabilitation costs. Health benefits information can be obtained from the District's human resources contact.

8. REFUSAL TO SUBMIT

Any employee who refuses to submit to a drug or alcohol test immediately when requested by a manager or law enforcement personnel will be treated in the same manner as an employee who has failed an alcohol or controlled substance test, as defined herein.

9. EMPLOYEE CONVICTION REPORTING RESPONSIBILITY

All employees must, as a condition of employment, abide by the terms of this policy and report any conviction under a criminal drug statute for violations occurring on or off District premises while conducting District business. A report of conviction must be made to the human resources contact within five days after conviction, as mandated by the Federal Drug-Free Workplace Act of 1988 and the California Drug-Free Workplace Act of 1990. Failure to report such convictions will subject the employee to discipline, up to and including dismissal, in accordance with the District's rules and regulations.

10. SEARCHES

The District reserves the right to search all places under the common control of the District and employees and to enlist the assistance of law enforcement personnel in connection with the enforcement of this policy.

11. DEFINITIONS

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

Alcohol Concentration - the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this regulation. For example, 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air. Blood tests shall not be used to determine alcohol concentration, unless administered by on-site police or public safety officials in a post accident situation.

Breath Alcohol Technician (BAT) - a person trained to operate the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BATs are the only qualified personnel to administer the EBT tests.

Chain of Custody - the procedures to account for the integrity of each urine specimen by tracing its handling and storage from point of collection to final disposition.

Collection Site - a place designated by the District where individuals present themselves for the purpose of providing a specimen of either urine and/or breath.

Confirmation Test for alcohol - a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration.

Confirmation Test for controlled substances - a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test, in order to ensure reliability and accuracy. Gas Chromatography/Mass Spectrometry (GC/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.

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

- (1) Controlled substances will be tested under the Department of Health and Human Service guidelines. The primary (initial or screening) controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:

Marijuana Metabolites (THC)	(nanograms per milliliter) 50 ng/ml
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Cocaine Metabolites	300 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates Metabolites	300 ng/ml
Amphetamines	1000 ng/ml

- (2) A confirmation drug test is a second analytical procedure to detect the presence of a specific drug or its metabolite. The confirmation procedure is conducted independent of the initial test and uses a different technique and chemical principal in order to confirm reliability and accuracy. The confirmatory controlled substance test thresholds for a verified positive test result are those that are equal to or greater than:

	(nanograms per milliliter)
Marijuana Metabolites (THC)	15 ng/ml
Cocaine Metabolites	150 ng/ml
Phencyclidine (PCP)	25 ng/ml
Opiates:	
Morphine	300 ng/ml
Codeine	300 ng/ml
Amphetamines:	
Amphetamines	500 ng/ml
Methamphetamine	500 ng/ml

Department of Transportation (DOT) Guidelines - the controlled substances and alcohol testing rules (49 CFR Part 199 ORSPA-Pipeline), Part 219 (FRA-Railroad), Part 382 (FHWA-Commercial Motor Vehicle), Part 654 (FTA-Mass Transit and 14 CFR 61 (FAA-Aviation) setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all transportation industries.

Evidential Breath Testing Device (EBT) - the device to be used for breath alcohol testing.

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

Performing Safety Sensitive Function - an employee is considered to be performing a safety sensitive function in any period in which they are actually performing, ready to perform, or immediately available to perform such functions.

Post Accident Alcohol and/or Controlled Substance Testing - testing performed on safety sensitive employees following an accident. An "accident" is an occurrence involving a vehicle where:

- (1) The accident involved a fatality; or
- (2) The driver receives a citation under state or local law for a moving traffic violation arising from an accident that involved:
 - (a) injury requiring medical treatment away from the scene; or
 - (b) one or more vehicles having to be towed from the scene.

Pre-Employment Controlled Substance Testing - testing conducted before applicants begin work, but after an offer to hire. It is also conducted when existing employees are transferred to a safety sensitive position.

Random Alcohol and/or Controlled Substance Testing - testing conducted on a random, unannounced basis for safety sensitive employees just before, during, or after performing a safety sensitive function.

Reasonable Suspicion Alcohol and/or Controlled Substance Testing - testing conducted when a trained supervisor has a good faith belief based on specific articulable facts or evidence that an employee may have violated the prohibitions set forth in this policy.

Refusal to Submit - failing to provide an adequate breath or urine sample for testing without a valid medical explanation or engaging in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior, or physical absence resulting in the inability to conduct the test).

Safety Sensitive Employee - a driver that operates any of the following vehicles:

- (1) A vehicle with a gross vehicle weight rating (GVWR) of at least 26,001 pounds;
- (2) A vehicle with a gross combination weight of at least 26,001 pounds inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 10,000 pounds;
- (3) A vehicle designed to transport 16 or more passengers, including the driver; or
- (4) A vehicle used to transport hazardous materials that requires placards.

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

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

12. EMPLOYEE RIGHTS

An employee suspected of violating the rules prescribed herein shall be entitled to representation during any interrogative interviews with the affected employee that could lead to a decision by the District to take adverse action against the employee, regardless of whether these interviews occur before or after the sample is taken.

The sample collection process shall include the opportunity for the employee to provide information about factors other than illegal drug use, such as taking prescribed medication that could cause a positive test result. At the employee's option, this information may be submitted in a sealed envelope to be opened only by the Medical Review Office if the test result is positive.

The employee shall receive a full copy of any test results and related documentation of the testing process.

All confirmed positive samples shall be retained by the testing laboratory in secure frozen storage for one year following the test or until the sample is no longer needed for appeal proceedings or litigation, whichever is longer.

13. CONFIDENTIALITY

The District shall maintain records of the circumstances and results of any employee testing under this policy. These records, and any other information pertaining to an employee's drug or alcohol test, shall be considered confidential and shall be released only to:

- (1) The employee who was tested or other individuals designated in writing by that employee;
- (2) The Medical Review Officer; or
- (3) Individuals who need the records or information to:
 1. Properly supervise or assign the employee;
 2. Determine, or assist in determining, what action the District should take in response to the test results; or
 3. Respond to appeals or litigation arising from the drug or alcohol test or related actions.

14. APPLICATION

A. Pre-Placement/Post Offer Controlled Substance (Drug) Testing

An applicant for a position with the District shall be required to undergo a drug screening analysis. Any offer of employment will be conditioned upon compliance with this policy. The applicant will be requested to execute a consent form which includes a waiver and release (See Appendix A of this policy). The "Consent and Release Form" will be completed by the applicant and collection center at the time of collection. A positive test indicating the presence of controlled substances as defined in this policy will constitute disqualification of the applicant for the position for a period of six months.

B. Reasonable Suspicion Testing

The District reserves the right to require any existing employee to undergo drug or alcohol testing if there is a reasonable suspicion that the employee has engaged in prohibited conduct as defined in this policy. Reasonable suspicion shall, whenever possible, be evaluated based on personal observations by the department manager and/or supervisor who is familiar with the employee's typical behavior.

Only a manager or higher authority with the concurrence of another manager or General Manager may request a drug or alcohol test based on reasonable suspicion after they have considered the facts and/or evidence in the particular case and agree that they constitute a finding of reasonable suspicion. The manager requesting an employee to submit to a drug or alcohol test based on reasonable suspicion must document facts constituting reasonable suspicion in writing.

Employees reasonably believed to be under the influence of drugs or alcohol shall not be permitted to engage in further work. In addition, such employees shall not be permitted to drive themselves from the worksite. A manager will see that the employee is transported to the designated collection center

A controlled substance test is considered positive when a verified confirmation test indicates specimens have concentrations of a particular class of drug above the specified concentration levels. Drug classes and threshold concentration levels are listed in the "Controlled Substance (Drug) Test" Definition Section of this policy.

An alcohol test is considered positive when a verified confirmation test indicates a breath alcohol content greater than 0.04. "Alcohol Concentration Level" is defined in the Definition Section of this policy.

In the event of a positive drug or alcohol test confirmation, the employee will be suspended from employment without pay, pending agreement on rehabilitation procedures described in the Rehabilitation Section of this policy.

C. Post Accident Testing

As soon as practicable following an accident involving a District employee, that employee shall be tested for alcohol and controlled substances if:

- (1) The accident involved a fatality; or
- (2) The driver receives a citation under state or local law for a moving traffic violation arising from an accident that involved:
 1. injury requiring medical treatment away from the scene; or
 2. one or more vehicles having to be towed from the scene.
- (3) The manager has reasonable suspicion that the accident was the result of the use of illegal or unauthorized drugs or other illegal mind-altering substances; or alcohol.

An alcohol test should be administered within two hours following an accident, but no later than eight hours following the accident. A controlled substance test shall be administered within 32 hours following an accident.

A manager should be notified immediately following an accident to ensure proper post accident instructions. The manager will determine if a test is necessary, based on the criteria above. If a test is necessary, the manager will see that the driver is transported to the appropriate collection center. An employee who knowingly, willingly, and purposely evades a post accident alcohol or controlled substance test will be subject to termination under "Refusal to Submit" guidelines as outlined under definitions in this policy.

In lieu of administering a post accident test, the District may substitute a test administered by on-site police or public safety officials under separate authority. The District may substitute a blood or breath alcohol test and a urine drug test performed by such local officials, using procedures required by their jurisdictions. The District will obtain a copy of these test results and keep them on file.

If the employee has not submitted to an alcohol test within two hours, the District shall prepare and maintain on file a record stating the reasons. An employee who is subject to post accident testing must remain available, or he/she may be subject to termination under "Refusal to Submit" guidelines outlined in this policy. In addition, he/she must also refrain from

consuming alcohol for eight hours following the accident, or until submitting to an alcohol test, whichever comes first.

A controlled substance test is considered positive when a verified confirmation test indicates specimens having concentrations of a particular class of drug above the specified concentration levels. Drug classes and threshold concentration levels are listed in the "Controlled Substance (Drug) Test" Definition Section of this policy.

An alcohol test is considered positive when a verified confirmation test indicates a breath alcohol content greater than 0.04. "Alcohol Concentration Level" is defined in the Definition Section of this policy. An alcohol concentration level of 0.02 or greater but less than 0.04 will result in removal from a safety sensitive position for at least 24 hours, and disciplinary action may be taken.

In the event of a positive drug or alcohol test confirmation, the employee will be suspended from employment without pay, pending agreement on rehabilitation procedures described in the Rehabilitation Section of this policy.

NOTE: Nothing in this section shall be interpreted to require the delay of necessary medical attention for injured people following an accident. In addition, the driver is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

15. REHABILITATION

Within the first five working days of the suspension period after a verified positive test result, a conference will be conducted between the employee, the General Manager, their supervisor and a human resources contact. If warranted, the employee will be requested to participate in a substance abuse rehabilitation program approved by the District. After completing a program, the employee may be subject to return-to-duty and unannounced follow up testing for a period of 12 to 60 months. Details will be outlined in a Return-to-Duty or Last Chance Agreement.

Employees may use accumulated sick leave, vacation time, or compensatory time to participate in a rehabilitation program. Program costs and subsequent controlled substance and/or alcohol-testing costs will be paid by the employee. Failure to participate in and complete such a program will result in employment termination.

16. RETURN-TO-DUTY

Employees who have violated the prohibition set forth in this policy shall submit to a return-to-duty test before returning to their position. The test result must

indicate an alcohol concentration of less than 0.02 and/or a verified negative result on a controlled substance test.

17. FOLLOW UP TESTING

After the return-to-duty test, employees will also be subject to unannounced follow up testing. The number and frequency of tests shall be determined by a SAP, but at least six tests shall be performed during the first 12 months following the employee's return to duty. Follow up testing may be done for up to 60 months, but the General Manager may terminate the requirement after the first six tests, if he/she determines that testing is no longer necessary.

ARTICLE NO. 4 FINANCE

RULE 1. PURCHASING, ACCOUNTING, AND DISPOSAL PROCEDURES

1. POLICY

The following policies implement the requirements of Government Code Section 54204 and Public Contract Code Section 20685 which govern purchases by local government agencies.

2. CONSTRUCTION WORK

All contracts for construction will be carried out in accordance with the Public Contract Code Section 20680 et. seq.

3. MAINTENANCE, REPAIR, AND OPERATIONS WORK

The General Manager is authorized to purchase materials, supplies, and services in the open market without competitive bid in an amount up to \$3,000 for the purpose of maintaining, repairing, operating, or administering the District, provided funds have been budgeted and are available to pay for the purchases.

Purchase orders shall be used for purchases in excess of ~~\$1,500~~ and at least two vendor prices are to be obtained. The General Manager shall approve sole source requests where sufficient cause has been made.

Purchases in excess of \$3,000 for maintenance, repair, operations, or administration of the District shall be accomplished only after informal competitive pricing has been done or by negotiated purchase procedures to ensure the greatest value is obtained for the public funds to be spent.

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The General Manager shall document competitive pricing, availability of funds and approve purchases in excess of \$3,000.

4. EMERGENCY PROCUREMENT

In accordance with Public Contract Code Section 22050, the General Manager is authorized to procure emergency services, materials, supplies, or equipment for the protection of life, health or property in an amount up to the threshold set by the State of California without budget authority or Board approval.

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For emergency actions that may require expenditure of more than the threshold set by the State of California, the General Manager shall request a Special or Emergency Meeting to consider the procurement. The continued operation of the Water and Wastewater Systems shall be included in the emergency authority of the General Manager to procure on an emergency basis.

5. PROFESSIONAL SERVICES

The General Manager is authorized to solicit proposals and negotiate the procurement of professional services. Professional services can be procured, without Board approval, by the General Manager by purchase order, provided funds have been budgeted and are available for the service.

6. SMALL COST PURCHASES

The General Manager is authorized to use a petty cash fund of \$200, a District credit card, or running accounts at local vendors to procure small cost (under \$500) materials and supplies necessary for the ordinary and customary conduct of District business in order to minimize the cost of procuring and accounting for small cost purchases that are not budgeted by line item.

Employees must obtain prior approval for each small cost purchase from District Management.

7. ACCOUNTING FOR PURCHASES

Non-consumable, durable goods that meet the capitalization threshold (see policy Article 4 Rule 5 Capitalization of Assets) shall be capitalized, added to inventory of plant and depreciated for the reservation of replacement funds.

The General Manager shall ensure that an annual inventory of accountable property is conducted and shall recommend for Board approval, items to be declared surplus for disposal or items that are lost or missing and should be dropped from accountability.

8. DISPOSAL OF SURPLUS PROPERTY

The General Manager is authorized, in his sole discretion, to determine the manner and method of disposal of District property that has been determined by the Board of Directors to be surplus to the needs of the District. Disposal methods may include negotiated sale, auction, consignment, scrap or salvage, or donation to non-profit charitable or government entities. Disposal must be done to maximize the overall dollar return to the District if a buyer can be found. If no buyer can be found, the list of items to be donated should be brought for Board approval. In the event the General Manager determines there is no salvage value, no buyers, or no donee to benefit from donation, the surplus items can be discarded. Documentation of disposal shall be made in order to drop accountability of District property.

RULE 2. CASH HANDLING PROCEDURES

1. PETTY CASH - "WORKING FUND"

- (1) Petty cash shall be limited to a maximum amount of two hundred dollars (\$200).
- (2) Petty cash shall be disbursed to cover incidental expenses that cannot be accommodated through the regular accounts payable process or purchased on the District credit card.
- (3) The use of petty cash should be encouraged if the amount to be purchased is less than five dollars (\$5).
- (4) The petty cash fund will be maintained by the District staff, and will be kept in the District vault, in a locked file cabinet.
- (5) The petty cash fund may be audited at least twice annually by the District Finance/Budget Committee.
- (6) The petty cash fund receipts will be approved by the General Manager or the Office Manager.
- (7) The petty cash fund will be replenished by an accounts payable check.

2. CASH DRAWER - "CUSTOMER COUNTER"

- (1) Cash held in this drawer at the customer counter is nominally two hundred dollars (\$200).

- (2) During the day, any large bills received, or an excessive amount of small bills that have accumulated, will be "drawn down" to the vault to reduce the potential losses resulting from robbery.
- (3) Daily, the cash will be "drawn down" to two hundred dollars (\$200), with the surplus cash being deposited in the bank.
- (4) At the end of the business day, this drawer will be locked in a file cabinet in the vault, with the vault being locked.
- (5) This drawer may be audited at least twice annually by the District Finance/Budget Committee.

RULE 3. CHECK HANDLING PROCEDURES

1. GENERAL

The authorized check signers for accounts payable and payroll checks will be one Board Member and one staff member, or two Board Members. The staff members authorized to sign are the General Manager, Office Manager, and Board Secretary.

The authorized signers for investments will be the Board President, Finance Officer, General Manager/Treasurer, and Office Manager.

Unsigned checks will be stored in the District vault, in a locked file cabinet. Blank checks will not be signed under any circumstances.

2. PAYROLL

- (1) Payroll checks will have two authorized signatures prior to issuance.
- (2) Direct deposits may be utilized in lieu of processing checks. Since only one authorized approval is required in the electronic banking system, the staff members authorized to approve payment in the electronic banking system will be the same members authorized to sign checks (see Article 4 Rule 6).
- (3) The payroll bank account will not be reconciled by the same employee assigned to prepare the payroll.
- (4) A transfer from the operations bank account to the payroll bank account will be made for the net amount of the payroll and payroll taxes only, on the day pay checks are issued or the day before.

- (5) The payroll will be approved by the General Manager or the Office Manager prior to the preparation of the checks.

3. ACCOUNTS PAYABLE

- (1) Accounts payable checks will have two authorized signatures prior to disbursement.
- (2) The operations bank account will not be reconciled by the same employee assigned to produce accounts payable checks.
- (3) All accounts payable vouchers will be approved by the General Manager, Operations & Maintenance Manager, or the Office Manager prior to the preparation of the checks.

RULE 4. CHARGE CARD HANDLING PROCEDURE

1. BANK CHARGE CARD

- (1) The General Manager shall obtain and be responsible for custody of a District general purpose credit card for travel expense or other business expense purposes.
- (2) The District credit card may be issued temporarily to a Board Member or employee for travel or business purposes.
- (3) Employees and Board Members must sign acknowledgment of receipt and return of the credit card.

2. FUEL CHARGE CARD

- (1) The General Manager shall obtain and be responsible for custody of fuel company charge card.
- (2) Fuel charge cards may be assigned to each vehicle and must remain with the employee all times.
- (3) The fuel company charge card may be temporarily issued to Board members and employees upon authorization.
- (4) Employees and Board members must sign acknowledgment of receipt and return of fuel charge cards.

3. OTHER RETAIL CHARGE CARDS

Retail charge cards may be used for purchases as prescribed in Article 4 Rule 1 entitled Small Cost Purchases under finance policies and procedures entitled Purchasing, Accounting, and Disposal Procedures.

RULE 5. CAPITALIZATION OF ASSETS

1. GENERAL

- (1) The term "capital asset" is used to describe assets that are used in the operations of the District and have an estimated useful life greater than one year. Capital assets may be either intangible (e.g. water rights, sewer capacity rights) or tangible (e.g. land, buildings and equipment).
- (2) Assets that are not capitalized are of small monetary value and have a short useful life, therefore, are reported as an expense.

2. CAPITALIZATION THRESHOLD

The dollar threshold used as a basis for recording an asset as a capital asset and subject to depreciation shall be \$1,000.

3. SOFTWARE

Regarding computer software, only the major software used in the operations of the District and meeting the capitalization threshold shall be capitalized.

4. DEPRECIATION

The useful life of a capital asset may vary depending upon several factors such as its intended use and difference in quality. The General Manager shall periodically review the useful life of the District's capital assets to ensure appropriateness and make adjustments, if necessary.

5. INVENTORY

Even though assets less than \$1,000 are not capitalized, the General Manager shall establish and maintain an adequate inventory system to maintain control over the non-capitalized assets to minimize the risk of loss or misuse.

6. EXCEPTIONS

Groups of assets where individual items are less than the capitalization threshold, but when all items added together exceeds the threshold, the group shall be capitalized and depreciated. (For example, telephone system, computer system).

RULE 6. ELECTRONIC BANKING AND TRANSACTIONS

1. GENERAL

- (1) The District will obtain written authorization from any person, including employees, choosing to utilize direct payment from their bank account or direct deposit to their bank account. Likewise, written notification will be received to terminate such authorization.
- (2) Type of transactions will be established for each user of the electronic banking system in order to comply with check handling procedures. Any office employee may prepare and approve ACH for incoming funds.
- (3) Dollar limits will be established for each user and may be raised upon approval by the General Manager or Office Manager.

2. DIRECT DEPOSITS

Direct deposits may be used in lieu of processing checks. Since only one authorized approval is required in the electronic banking system, the staff members authorized to approve payment in the electronic banking system will be the same members authorized to sign checks as specified in Article 4 Rule 3 Check Handling Procedures.

If no authorized staff signers are available, checks are to be prepared for issuance instead of direct deposit.

3. WIRE AND FUND TRANSFER

Electronic fund transfers and wire transfers will be approved only by those staff members with authorized signature on the bank accounts and/or authorized to process inter-account transfers.

Electronic fund transfers will be carried out only between the operations bank account and bank accounts designated in District policy.

Wire transfers will be carried out only for investments where requested by banking institution.