

Regional Water Authority

PERSONNEL RULES

RWA Policy 400.1

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Successor policy document combining and replacing:
Policy 400.1.Employee Handbook dated November 13, 2008 and all prior revisions.

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

TABLE OF CONTENTS

Rule 1.	GENERAL PROVISIONS
101.	Authority
102.	Application of Personnel Rules
103.	Personnel Rules, and Laws
104.	Severability
Rule 2.	POLICIES GOVERNING EMPLOYMENT AND WORKING CONDITIONS
201.	Outside Employment
202.	Conflict of Interest
203.	Confidential Information
204.	Use of Authority Property
205.	Electronic Communications
206.	Political Activity
207.	Equal Employment Opportunity
208.	Policy and Complaint Procedure Against Harassment and Retaliation
209.	Reasonable Accommodation
210.	Employment of Relatives
211.	Drug Free Workplace
212.	Workplace Violence
213.	Professional Appearance
214.	Use of Personal Automobile
Rule 3.	JOB CLASSIFICATION
301.	General
302.	Classification Plan
303.	At-Will Employment
Rule 4.	RECRUITMENT AND SELECTION PROCESS
401.	Vacancies
402.	Recruitment Announcement
403.	Applications
404.	Disqualification of Applicants
405.	Examination of Applicants
406.	Selection Procedures
407.	Disposition of Recruitment Records
Rule 5.	APPOINTMENTS
501.	General
502.	Types of Appointments
503.	Conditions of Appointment

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

- Rule 6. RESIGNATION, NON-DISCIPLINARY SEPARATION, AND LAYOFF
 - 601. General
 - 602. Resignation
 - 603. Job Abandonment
 - 604. Layoff
 - 605. Procedures for Layoffs

- Rule 7. COMPENSATION ADMINISTRATION
 - 701. Compensation Plan
 - 702. Payroll Records
 - 703. Pay Date
 - 704. CalPERS Retirement

- Rule 8. TERMS OF EMPLOYMENT
 - 801. Employee Standard of Conduct
 - 802. Performance Evaluation
 - 803. Work Period
 - 804. Attendance
 - 805. Holidays
 - 806. Floating Holiday Hours
 - 807. Vacation Leave
 - 808. Sick Leave
 - 809. Medical, Dental and Vision Insurance Benefits
 - 810. Short and Long Term Disability Insurance Benefits
 - 811. Leave of Absence Without Pay
 - 812. Family Care Leave
 - 813. Pregnancy Disability Leave
 - 814. Military Leave
 - 815. Unauthorized Absence
 - 816. Jury Duty
 - 817. Court Appearances
 - 818. Time Off to Vote
 - 819. School-Related Leave
 - 820. Time Off for Victims of Violent Crimes or Domestic Abuse
 - 821. Bereavement Leave
 - 822. Workers' Compensation
 - 823. Modified Duty
 - 824. Fitness for Duty Exam
 - 825. Overtime and Compensatory Time Off
 - 826. Meal and Rest Periods
 - 827. Educational Assistance
 - 828. Business Expenses
 - 829. Deferred Compensation

- Rule 9. EMPLOYEE RECORDS AND RIGHT TO PRIVACY
 - 901. General

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

- 902. Notification of Change in Personal Information
- 903. Medical Information
- 904. Employee Access to Personnel File
- 905. Limitations on Access or Copying of Personnel File
- 906. Employment References

Rule 10. GRIEVANCE

- 1001. Purpose of Grievance
- 1002. Excluded from Scope of Grievance
- 1003. Representation
- 1004. Presentation of Grievance
- 1005. Appeal

Rule 11. DEFINITION OF TERMS

- 1101. Actual Service
- 1102. At-Will Employee
- 1103. Biweekly Pay Period
- 1104. Business Day
- 1105. CalPERS
- 1106. Continuous Service
- 1107. Demotion
- 1108. Eligible
- 1109. Emergency Appointment
- 1110. Exempt Employee
- 1111. Full-Time Employee
- 1112. Full-Time Work
- 1113. Hire Date
- 1114. Layoff List
- 1115. Non-Exempt Employee
- 1116. Part-Time Employee
- 1117. Pay Period
- 1118. Pay Status
- 1119. Resignation
- 1120. Temporary Appointment

Appendix A: Policy 200.4. Conflict of Interest Code incorporated by reference

Appendix B: Policy 300.5. Electronic Mail Management and Retention
incorporated by reference

Appendix C: Harassment and Retaliation Prevention

Appendix D: Drug Free Work Place

Appendix E: Workplace Violence

Appendix F: Policy 400.2. Employee Compensation incorporated by reference

Appendix G: Health Reimbursement

Appendix H: Family Care Leave

Appendix I: Whistleblower Policy

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

RULE 1. GENERAL PROVISIONS

101. AUTHORITY

The Regional Water Authority, hereafter “Authority”, establishes these Personnel Rules, hereafter “Rules”, to implement the following principles:

- (a) The Authority will institute equitable and uniform procedures for managing personnel matters.
- (b) The Authority will recruit, select and retain the most competent workforce available.
- (c) The Authority will provide equal opportunity for all persons at all levels of Authority employment in accordance with provisions of these Rules, policies and procedures, and pursuant to state and federal law.
- (d) The Authority will appoint, evaluate, transfer, promote, compensate, discipline, and dismiss employees on the basis of job-related qualifications, performance, merit, and equal employment opportunity.

The Executive Director is responsible for implementing, administering, and ensuring compliance with the provisions of the Rules, subject to the direction of the Board of Directors. In the event any provision of these Rules needs clarification, the Executive Director may issue administrative instructions clarifying the intent of said provision. The Executive Director may develop and issue procedures, consistent with these Rules in order to facilitate implementation. The Executive Director may delegate any personnel powers or duties to another employee of the Authority.

These Rules do not create any contract of employment, expressed or implied, or any rights in the nature of a contract.

Unless otherwise expressly specified herein, the Rules, policies and procedures contained herein supersede any and all previously issued Authority policies, procedures, or rules related to matters discussed herein.

Circumstances will require that Rules, policies, procedures, and benefits described herein change from time to time. Consequently, the Authority reserves the right to amend, supplement, or rescind any provisions of these Rules.

102. APPLICATION OF PERSONNEL RULES

The provisions of these Rules will apply to all regular employees. Except as described below, these Rules do not apply to the following employees or officials:

- 1. Elected or appointed members of the Board of Directors, hereinafter referred to as “officials.”
- 2. Persons engaged under a professional services agreement to supply expert professional, technical or other services, hereinafter referred to as “contractors.”

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

These Rules apply to all Authority employees, including those with an employment contract. If there is an irreconcilable conflict between a provision of these Rules and an employment contract, the contract will prevail.

Failure to adhere to these Rules may result in disciplinary action, up to and including termination.

103. PERSONNEL RULES, AND LAWS

If a provision of these Rules conflicts with any provision of an applicable state or federal law, the Authority will comply with the state or federal law.

104. SEVERABILITY

If any provision of these Rules, or the application of such provision to any person or circumstance, will be held invalid, the remainder of the Rules, or the application of such provision to persons or circumstances other than those as to which it is held invalid, will not be affected thereby.

105. ACKNOWLEDGEMENT

Employees must sign an acknowledgement that they have received these Rules and are responsible for reading and familiarizing themselves with the Rules.

Acknowledgement of Receipt Form

I have received my copy of the Regional Water Authority Personnel Rules, Policy 400.1 and appendices. I understand and agree that it is my responsibility to read, familiarize myself with, and comply with the policies and procedures contained in the Policy. I acknowledge that all employment with the Authority is “at will,” meaning that both the employee and the Authority have the right to terminate employment at any time with or without advance notice, and with or without cause. I also understand that the Authority reserves full discretion to add to, modify, or delete provisions of this Handbook and other employment policies, procedures, work rules or benefits, at any time and without advance notice. I understand that no individual other than the Authority Board of Directors has the authority to modify or amend this Handbook or to enter into any employment contract. Any such modification or amendment to my employee contract must be in writing and, for employment contracts, signed by me (employee) and the Authority Board Chair.

Dated: _____

Employee Signature

Print Name

RULE 2. POLICIES GOVERNING EMPLOYMENT AND WORKING CONDITIONS

201. OUTSIDE EMPLOYMENT

- A. An employee will not engage in any paid or self-employment, activity, or enterprise which is inconsistent, incompatible, or in conflict with the employee's duties, functions, responsibilities, or that of the department in which the employee is employed at the Authority. In order to avoid perceived or actual conflicts of interest that may arise from outside employment, all employees must obtain written approval from the Executive Director prior to undertaking any outside employment as described in this Policy. (Gov. Code § 1126(a).)
- B. Prohibited Outside Activities
An employee's outside employment, activity, or enterprise may be prohibited if it:
1. Involves the use for private gain or advantage of Authority time, facilities, equipment, and supplies, or prestige, or influence of the Authority or employment at the Authority;
 2. Involves receipt or acceptance by the employee of any money or other consideration from anyone other than the Authority for the performance of an act, which the employee would be required or expected to render in the regular course or hours of the employee's employment or as part of the employee's duties;
 3. Involves the performance of an act in other than the employee's capacity as an Authority employee which act may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by such employee or the department by which the employee is employed; or
 4. Involves time demands that would render the employee's performance of the employee's regular Authority employment less efficient, or otherwise conflicts with the employee's work schedule, duties and responsibilities.
- C. Self-employment is considered outside employment and must meet the same conditions as other outside employment, with the addition of the restriction that the employment does not involve ownership of a private business that is incompatible with the employee's position with the Authority.
- D. Any changes in outside employment, business activity or enterprise must be reported to the Executive Director or designee within ten (10) calendar days of the change.
- F. If the Executive Director determines that such employment, business activity or enterprise is inconsistent, incompatible, in conflict with or inimical to the proper discharge of the employee's official duties, the employee will be ordered to refrain from that employment, activity or enterprise.

202. CONFLICTS OF INTEREST

- A. Pursuant to the provisions of Gov. Code Section 87300, et seq. the Authority adopted a Conflict of Interest Code. No official or employee will accept a fee, compensation, gift, payment of expenses or any other thing of monetary value in any circumstances in which acceptance may result in or create the appearance of any one or more of the following:
1. Use of public office and/or employment for personal or private gain.
 2. Preferential treatment of any person.
 3. Loss of complete independence or impartiality.
 4. Making an Authority decision outside of official channels.
 5. Reduction of public confidence in the integrity of the Authority and/or its employees.
 6. Impeding government efficiency or economy.
- B. It is the employee's responsibility to disclose and report all potential conflict of interest situations to his/her supervisor or the Executive Director. Appendix A contains by reference the Authority's Conflict of Interest Code, Policy 200.4.
- C. An employee will not have a financial interest in a contract with the Authority, or be a purchaser at a sale by the Authority or a vendor at a purchase made by the Authority, unless the Director's participation is authorized under Government Code section 1090 et seq. or other provisions of law.

203. CONFIDENTIAL INFORMATION

No Authority official or employee will disclose to any third party or other employees information that is regarded as confidential (except as authorized or required by law), or otherwise use such information for personal gain or benefit. All personnel records will be confidential except when disclosure is required by law.

204. USE OF AUTHORITY PROPERTY

Authority property is to be used only for conducting Authority business unless otherwise authorized. Authority property includes, but is not limited to: telephones, mobile phones, desks, computers and tablets (including hardware and software), file cabinets, lockers, communications stored or transmitted on Authority property (such as emails and voicemails), vehicles, equipment, and any other Authority property used by Authority employees in their work. Employees are prohibited from using Authority-owned equipment, materials, or property for personal benefit or profit or for political purposes.

The Authority, at the sole discretion of the Executive Director, may issue to an employee a mobile phone, laptop computer, iPad, or other electronic equipment.

Personal use of Authority property should be kept to a de minimus level. Under the law, de minimus is defined as "trivial" and "not worthy of judicial scrutiny." For example, an employee asked to work longer on their regular work shift, might contact a family

member briefly to let them know they will be late but should not discuss other plans over a longer period of time.

Authority property may be monitored through electronic and/or video means and searched at any time and for any reason. Messages sent or received on Authority equipment, including mobile phones, may be saved and reviewed by others. Location services may be turned on in Authority equipment. Authority workplace facilities may be monitored at any time. Vehicle maintenance, location, and operational data may be collected at any time. Therefore, except as provided for by law, employees must have no expectation of privacy when on Authority property, at an Authority worksite, or when using Authority property or equipment.

All Authority property must be returned upon an employee leaving employment.

205. ELECTRONIC COMMUNICATIONS

The Authority's email system is an official communication tool for Authority business. An official email address is established and assigned by the Authority to each employee. All Authority communications sent via email will be sent to this address. Employees must use the official Authority email, instead of their private email address, when conducting or communicating Authority business via email.

Electronic communications resources must be used in compliance with applicable statutes, regulations, and Authority policies including those that require a work environment free from discrimination and harassment. Electronic communications should conform to the same standards of propriety and respect as any other verbal or written communication at the Authority.

Employees are expected to use common sense and judgment to avoid any communication that is disrespectful, offensive or illegal.

The Authority, as the provider of access to its electronic communications resources, reserves the right to specify how those resources will be used and administered to comply with this Rule. It is important to realize that the message content sent from the Authority's account reflects upon the Authority (positively or negatively) to those who receive the message. Employees may be subject to disciplinary action for using the electronic communications resources in a manner other than for their intended purposes, or in a manner that violates applicable laws, rules and policies.

The Authority owns the rights to all data and files in any computer, network, or other information system used in the Authority and to all data and files sent or received using any Authority system or using the Authority's access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property. The Authority also reserves the right to monitor electronic mail messages and their content, as well as any and all use by employees of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using Authority equipment or Internet access, including web-based messaging systems used with such systems or access, are not private, are in many instances public records, and are

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

subject to viewing, downloading, inspection, release, and archiving by Authority officials at all times. The Authority has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with Authority policies and State and Federal laws.

No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or the Executive Director.

In addition to the above provision, employees shall comply with Authority Policy 300.5, RWA Electronic Mail Management and Retention Policy, included by reference in Appendix B.

206. POLITICAL ACTIVITY

- A. Authority employees and officials are prohibited from engaging in political activity during working hours or on Authority property, with the exception of permitted political activities that may take place at Board of Directors meetings. (Gov. Code § 3207.)
- B. No Authority employee or official will participate in political activities of any kind while wearing clothing that identifies the employee as an Authority employee. (Gov. Code § 3206.)
- C. No Authority employee or official may use Authority funds or resources to advocate a partisan position or otherwise use Authority funds or resources to support his or her personal political activities. (Gov. Code §§ 8314, 54964.)

207. EQUAL EMPLOYMENT OPPORTUNITY

The Authority affords equal employment opportunity to all qualified employees, officers, officials, contractors, applicants, and unpaid interns and volunteers as to all terms and conditions of employment, including compensation, hiring, training, promotion, transfer, discipline, and termination. The Authority prohibits discrimination against employees, officers, officials, contractors, applicants for employment, unpaid interns, or volunteers on the basis of race, religious creed, color, sex (including gender, gender identity, gender expression, transgender, pregnancy, and breastfeeding), national origin, ancestry, disability (mental or physical), medical condition, genetic characteristics or information, marital status, age (40 or over), sexual orientation (including homosexuality, bisexuality, or heterosexuality), military and veteran status, or any other basis protected by law.

208. POLICY AND COMPLAINT PROCEDURE AGAINST HARASSMENT, AND RETALIATION

The Authority has adopted a policy and complaint procedure against harassment and retaliation. The purpose of this Policy is to establish a strong commitment to prohibit and prevent discrimination, harassment, and retaliation in employment; to define those terms; and to set forth a procedure for investigating and resolving internal complaints.

Employees, applicants, unpaid interns, volunteers, officers, officials or contractors who believe they have experienced any form of employment discrimination are encouraged to report this immediately, using the complaint procedure provided in Appendix C, Harassment and Retaliation Prevention, to the Executive Director, Board President or other member of the Board of Directors, or by contacting the U.S. Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

209. REASONABLE ACCOMMODATION

Any applicant or employee who requires an accommodation in order to test for a position or perform the essential functions of the job should notify the Executive Director orally or in writing. The Authority will engage in a timely, good faith interactive process with the applicant or employee to respond to requests for reasonable accommodations under applicable laws.

210. EMPLOYMENT OF RELATIVES

A. Policy

The Authority will not employ relatives, spouses, or domestic partners of current employees.

B. Definitions

1. "Relative" means child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.
2. "Spouse" means one of two persons to a marriage, or two people who are registered domestic partners, as defined by California law. (Fam. Code § 297 & 300.)

C. Marriage or Domestic Partnership After Employment

If two Authority employees who work in the same department later become spouses or domestic partners, the Executive Director, or designee, retains sole discretion to separate one employee from employment. Absent the resignation of one employee, the less senior employee will be separated. Any such separation is not considered to be disciplinary and is not subject to any grievance or appeal, or pre- or post-disciplinary appeal due process.

211. DRUG FREE WORKPLACE

Employees will not be at work under the influence of alcohol or drugs, will not use or possess alcohol or drugs while on duty or while on paid standby time and will not sell, manufacture, distribute or provide drugs to any person while on duty. The Authority has no intention of interfering with the private lives of its employees unless involvement with alcohol and other drugs on or off the job affects job performance or public safety. The Authority encourages employees to voluntarily seek help with drug and alcohol problems. Appendix D contains the Authority's Drug Free Workplace Policy.

212. WORKPLACE VIOLENCE

The goal of the Authority is to provide every employee a safe work environment. To this end it is the Authority's policy that violence, or the threat of violence, in the workplace will not be tolerated in any form. It is inappropriate to use violence or threats of violence for any reason or to in any way interfere with providing a safe workplace. Employees are expected to conduct themselves in accordance with the policies and regulations of the Authority. Appendix E contains the Authority's Workplace Violence policy.

213. PROFESSIONAL APPEARANCE

Employees are required to dress appropriately for the jobs they are performing, the work environment, and the level of employee's interaction with members and partners outside of the Authority. Dress code standards for professional and front office staff are designed to promote the Authority's legitimate and nondiscriminatory goals to promote workplace safety and a professional image that is consistent with the employee job duties and level of public contact. An employee who reports to work inappropriately dressed may be asked to leave and return in acceptable attire. Some general guidelines for dress code standards are discussed below.

Business Formal

When representing the Authority at hearings, outside legislative meetings, or panel discussions and presentations at conferences, business formal attire is required unless specified by the Executive Director. Some examples of business formal attire include, but not limited to, two or three-piece pant suits, dresses or skirts.

Business Casual

When working in the RWA office or meeting with RWA Board members and outside staff, business casual attire is required unless specified by the Executive Director. Business casual attire is less formal than business attire and some examples of business casual attire include, but not limited to, sport coat and slacks, button-downs, polo shirts, sweaters, and denim (no distressed jeans) pants. Business casual is appropriate for conferences where business casual is the norm.

Casual Attire

Authority staff may wear "everyday" clothes unless they are publicly representing the Authority and are therefore required to wear business formal or business casual attire depending on the circumstance. Examples of casual attire include, but not limited to all types of jeans, t-shirts or other appropriate attire of a casual nature.

Field Work

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

When Authority staff perform field work activities, appropriate personal protective equipment and attire is required. Field work attire should be neat and clean while allowing staff to perform their job safely and effectively. Fieldwork attire is dependent on the work, duration and weather conditions of the area where fieldwork is being conducted. Some examples of field work attire include, but not limited to, field pants (e.g., jeans, canvas pants, etc.), tank tops, t-shirts, long-sleeved shirts, sweatshirts, hats, hiking boots and rain gear.

An employee who reports to work inappropriately dressed may be asked to leave and return in acceptable attire.

214. USE OF PERSONAL AUTOMOBILE

Employees working in a position with a job description requiring the use of a personal automobile may be required to use their personal automobile on Authority business. Such employees periodically will be required to show proof of a valid California Driver's License and current insurance. They also will be required to have a good driving record, which may be checked on an annual basis. If the driving record shows the employee to be an "at-risk" driver, it may result in reclassification into a different position or termination of employment. Employees using their personal automobiles on Authority business shall be compensated for such use in accordance with Authority employee expense reimbursement policies.

RULE 3. JOB CLASSIFICATION

301. GENERAL

The Authority maintains the job classifications for all positions in the Authority's classification plan. The Executive Director or designee is responsible for classifying each position in the Authority service and developing classification specifications. Employees should familiarize themselves with the classification description for their job as certain personnel policies may or may not apply to a particular job.

302. CLASSIFICATION PLAN

The Executive Director will prepare and maintain a classification plan based on the needs of the Authority. The plan will assign all positions to a classification and develop specifications for each, which may include, but are not limited to, a list of examples of essential functions, knowledge, skills and abilities and a statement of qualifications required for appointment.

303. AT-WILL EMPLOYMENT

Unless otherwise provided by a written employment contract approved by the Board and signed by the Board Chairperson, all employment with the Authority is "at will," meaning that both the employee and the Authority, through action of the Executive Director, have the right to terminate employment at any time with or without advance notice, and with or without cause and have no rights to any of the pre- or post-disciplinary processes or procedures

No one other than the Board has the authority to alter this arrangement, to enter into an employment contract, or to make any contract contrary to this policy, and any such contract must be in writing and must be signed by the Board Chairperson.

RULE 4. RECRUITMENT AND SELECTION PROCESS

401. VACANCIES

When a vacancy occurs, the Executive Director may:

- A. Fill the vacant position with an existing Authority employee who is both qualified for the position and willing to accept the employment change;
- B. Leave the position vacant, or
- C. Fill the vacancy with a person who is not currently an Authority employee.

402. RECRUITMENT ANNOUNCEMENT

When recruiting to fill a vacancy or a new position, the Executive Director or designee will announce the position by posting a job announcement deemed appropriate for recruiting qualified applicants. The Executive Director or designee will determine and specify the minimum qualifications of education, experience and other criteria for the open position.

Announcements posted on the Authority website will include:

- A. The class title, or class title and working title;
- B. A basic description of the job duties;
- C. Minimum standards of education and experience required, and any additional desirable qualifications;
- D. Compensation range; and
- E. The method of filing applications and final filing date.

403. APPLICATIONS

Applicants must submit a complete application in the form and manner as specified by the Executive Director or designee, together with such other information as may be required by the Executive Director or designee.

It is the responsibility of the applicants to show that they meet the minimum requirements for the position. Failure to do so will be grounds for rejection of the application. All applicants will certify the truth and correctness of all information contained in the application.

The Executive Director or designee will not in any event waive the minimum qualifications (or equivalency) established for a classification in order to accept an application.

The Authority will not receive applications later than the final filing date, if any, shown on the job announcement.

404. DISQUALIFICATIONS OF APPLICANTS

The Executive Director may disqualify an applicant for any of the following reasons:

- A. Failure to demonstrate that the requirements or qualifications established for the authorized position have been met;

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

- B. False statement of fact or actual or attempted misrepresentation, deception, fraud, or misconduct on an application, or during an interview or examination;
- C. Interference with or attempt to interfere with the fair, equitable and orderly conduct of an interview or examination process;
- D. Being tardy or failing to appear for an interview or examination; or
- E. Any other reasonable grounds for disqualification as determined by the Executive Director or Board.

Whenever an application is rejected, written notice will be given to the applicant by electronic or U.S.P.S. mail. The Authority generally will not give any reasons for the rejection. Incomplete or deficient applications may be returned to the applicant for amendment.

405. EXAMINATION OF APPLICANTS

The Executive Director may provide for interviews and/or examinations of qualified applicants. Interviews and examinations, if any, will be scheduled by the Executive Director or designee as the need requires, and may be postponed, canceled or extended by the Executive Director. If the Authority conducts a background check of an applicant, the investigation will comply with applicable provisions of the Investigative Consumer Reporting Agencies Act (Civil Code Sections 1786-1786.53).

406. SELECTION PROCEDURES

The selection procedures may include one or any combination of the following: application evaluation, written tests, oral tests, performance tests, assessment centers, training and experience evaluations, or any other selection procedures. Selection procedures will be job related and constructed to sample the knowledge, skills, abilities and/or attributes deemed essential for successful job performance.

407. DISPOSITION OF RECRUITMENT AND SELECTION RECORDS

All recruitment records and backup documentation to those records are the property of the Authority, are confidential, and may be inspected or copied only under conditions specified by the Executive Director or competent judicial authority. All such records are official Authority records that will be maintained and disposed of in accordance with the Authority's record retention schedule and/or legal requirement.

RULE 5. APPOINTMENTS

501. GENERAL

An appointment is the offer and acceptance of a job made in accordance with these Rules and the laws governing these Rules. The offer must be made by the Executive Director and only to a person eligible under these Rules for the type of appointment offered.

The position of Executive Director will be filled by Board appointment.

502. TYPES OF APPOINTMENTS

502.1 Regular Appointment

Individuals accepting an offer of employment from the Authority will become regular at-will employees. Regular employees may be either full time or part time.

502.2 Temporary appointment

The Authority may hire temporary employees from time to time as needed. In cases of emergency, the Executive Director may hire a temporary employee or employees and without complying with the ordinary hiring process. The Executive Director will determine the terms and conditions of each temporary employee's employment. A temporary employee may serve on an on-call, as-needed basis, or may be hired for a specific project or period of time.

Temporary employees will:

- A. Have no right to, or expectation of, re-employment after the term of such temporary employment;
- B. Serve at will and may be terminated at any time;
- C. Cease their term of employment when the Executive Director determines there is no longer a need for such temporary employees;
- D. Receive no employee benefits other than wages and those proscribed by law; and

503. CONDITIONS OF APPOINTMENT

Candidates who have been offered regular full or part time appointments must meet the conditions of employment specified by the Executive Director for a particular position. Failure of such pre-employment tests or examinations may be cause for the Authority to withdraw an offer of employment. Conditions of employment may include:

503.1. Criminal Background Check

After the Authority has extended a conditional offer of employment, a candidate may be required to undergo a criminal background check.

502.2. Pre-employment Medical Screening

After the Authority has extended a conditional offer of employment, a candidate will undergo medical screening with a drug test and a physical examination by an Authority selected medical provider. The Executive Director may waive the pre-employment medical screening for short-term temporary employees.

503.3 Other Job-Related Examinations

For job-related reasons determined by the Executive Director, candidates may be required to submit to other examinations or tests prescribed by the Authority or required by applicable law.

503.4 Proof of Right to Work

Under federal law, all new hires must produce original documentation establishing their identity and right to work in the United States. Within three business days after commencing work with the Authority, all new hires must satisfactorily complete Immigration and Naturalization Service form I-9 with appropriate documentation showing that the applicant has the right to work in the United States.

RULE 6. RESIGNATION, NON-DISCIPLINARY SEPARATION, AND LAYOFF

601. GENERAL

The separation of any employee should comply with these Rules and should be reported to the Authority in the manner prescribed.

602. RESIGNATION

An employee's voluntary termination of service is a resignation. An employee who wishes to leave Authority employment in good standing should file a written notice of resignation indicating the effective date of resignation with the Authority, giving at least two weeks' notice of intention to leave the service when practicable. Written resignations will be given to the Executive Director immediately on receipt for inclusion in the employee's personnel file. The Authority will promptly accept all written resignations in writing. Oral resignations will be immediately confirmed by the Authority in writing to the employee indicating the effective date of resignation. The resignation will be placed in the employee's personnel file. This applies to all employees.

Upon request of the Executive Director, an employee who has resigned in good standing, and with a good record, may be permitted to be reinstated to his or her former position, if vacant, or another position for which the former employee is qualified.

603. JOB ABANDONMENT

A constructive resignation occurs and is effective when an employee has been absent from duty for three (3) or more consecutive working days without authorized leave. The Authority may consider that a constructive resignation has occurred due to the absence, or that the absence provides a reasonable basis for believing that the employee has abandoned the job.

At minimum, one phone call in an attempt to speak with the employee will occur. A voice message may be left for the employee.

After being absent for three consecutive working days, a written notice will be sent via U.S.P.S. Priority Mail to the employee. If known, a notice may also be sent to the employee's personal e-mail address. The employee will be given written notice, at employee's address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for employee's unauthorized absence. The employee will be provided five (5) calendar days to respond, in writing, why employee's employment with the Authority should not be terminated due to job abandonment or can arrange for an appointment with the Executive Director before final action is taken to explain the unauthorized absence and failure of timely notification. The decision of the Executive Director is final.

604. LAYOFF

The Authority may lay off employees in accordance with the provisions of this Rule for any of the following reasons:

- A. Necessity based on lack of funds or work;

- B. Advisable in the interest of economy to reduce the Authority staff; or
- C. Return of another employee with greater seniority from a leave of absence.

605. PROCEDURES FOR LAYOFFS

605.1. Order of Layoff

No regular employee will be laid off until all regular employees whose last recorded performance ratings are unacceptable, and all temporary employees have been laid off. Other regular employees will then be laid off in the inverse order of their seniority with the Authority. The order of layoff may be applied by classification depending on the needs of the Authority as determined by the Executive Director.

605.2 Types of Layoff

There will be two types of layoff: limited/short term or permanent.

- A. A limited/short term layoff is a situation where there is a lack of work because of weather, or breakdown of equipment, etc., which could last from one or two days, up to 30 calendar days. If the Authority requests an employee to take such limited/short term layoff, he or she will be able to use accrued vacation time and compensatory time off (CTO) for this purpose. The Authority will be reasonable and fair when imposing the limited/short term layoffs with reference to classifications of employees and seniority within classifications.
- B. A permanent layoff is a situation where the layoff is expected to last at least more than 30 days.

605.3. Notice of Layoff

At least 30 calendar days before the effective date of a permanent layoff, the Executive Director will file notice of the intended action with the reasons for the action. A copy of such notice will be provided to the affected employees.

605.4. Order of Re-employment

Regular employees laid off will be placed on a re-employment list for the classifications in which they were last employed.

605.5. No Appeal

Employees will not have the right to appeal or grieve the application of these layoff procedures. No employee will have the right to appeal or grieve the Authority's decision to layoff.

RULE 7. COMPENSATION ADMINISTRATION

701. COMPENSATION PLAN

A standard compensation range schedule consisting of ranges of hourly and monthly compensation rates for employment in paid positions will be established and amended by Board action. The schedule of monthly compensation rates established by the Board is for the purpose of convenience in quotation of monthly compensation. Computations for purposes of paying employees will be on the basis of hourly rates.

For details, refer to Authority Policy 400.2. Employee Compensation, which is included as Appendix F by reference.

702. PAYROLL RECORDS

The Authority will maintain payroll records as required by law, and by the Authority's document retention policy. Each employee is responsible for reviewing each payroll record for accuracy, and promptly notifying the payroll administrator of any errors. The employee will reimburse the Authority for any overpayment.

The Executive Director will appoint a payroll administrator to administer the payroll and maintain payroll and related records. The Authority will make proper payroll deductions and withholdings as required by law, for employee benefits or as requested by the employee and approved by the Authority. Any change of residence address or other payroll information should be reported immediately to the payroll administrator. Any questions on the Authority payroll should be directed to the payroll administrator.

703. PAY DATE

The date of payment will be per the Authority's published yearly pay date schedule. Under no circumstances may wages be paid in advance of earning.

Employees terminating employment with the Authority will receive their final paycheck at the next regularly scheduled payday, unless the resignation, layoff or termination occurs after the last cutoff date for the current payroll, in which case they will receive their final paycheck at the next regularly scheduled payday.

704. CalPERS RETIREMENT

The Authority participates in the CalPERS retirement system and will adhere to all rules, regulations and law related to CalPERS. Temporary employees may be enrolled in CalPERS where required by law. (Gov. Code, § 20305.)

RULE 8. TERMS OF EMPLOYMENT

801. EMPLOYEE STANDARD OF CONDUCT

The Authority reserves the right to terminate an employee at any time. All Authority employees are at-will employees who serve at the pleasure of the Authority.

Authority employees are expected to maintain a professional standard of conduct in the performance of their duties. The following list is not exhaustive.

- A. In the performance of your duties, be sensitive to circumstances that could be misconstrued as a special favor, something to be gained personally, acceptance of a favor or as an influence in the outcome of your duties.
- B. Be cognizant that private promises of any kind may conflict with one's public duty and responsibilities.
- C. Always perform your duties conscientiously.
- D. Always act responsibly with confidential information received in the performance of your duties.
- E. Outside activities should be compatible with the objective performance of your duties or delivery of Authority service.
- F. Treat all individuals encountered in the performance of your duties in a respectful, courteous and professional manner.
- G. Promote only decisions that benefit the public interest.
- H. Conduct and perform job duties diligently and promptly.
- I. Faithfully comply with all laws and regulations applicable to the Authority and impartially apply them to everyone.
- J. Promote the public interest through a responsive application of public duties.
- K. Demonstrate the highest standards of personal integrity, truthfulness and honesty in all public activities.
- L. Uphold these principles being ever conscious that public office is a public trust.

802. PERFORMANCE EVALUATION

An employee's supervisor may prepare an annual written performance evaluation for each regular employee. Performance evaluations may also be prepared at any other time the Executive Director or the employee's supervisor deems it appropriate. All performance evaluations become a permanent part of the employees' records. Upon completion of the performance evaluation, a meeting will be held between the employee and his or her supervisor to discuss the employee's performance and to assist in developing the employee's maximum potential within Authority service. The employee will have the right to attach his or her comments to the performance evaluation and will place it in his or her personnel file. The employee's written comments must be submitted within ten (10) calendar days after the employee receives the evaluation.

803. WORK PERIOD

The work period for all employees will be as defined by the Authority in accordance with state and federal laws. The Authority may establish work schedules that vary employees' workday and hours according to the best interests of the Authority.

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

The standard work week is defined as any consecutive seven-day period beginning at 12:01 a.m. on Sunday and end at 12:00 midnight on Saturday night each week.

804. ATTENDANCE

Attendance is an essential function of each position. Employees of the Authority are expected to report to their work site and perform their assigned duties on a sustained, regular and punctual basis. The only exceptions to this requirement will be those leaves authorized by these Rules and approved by the Authority.

805. HOLIDAYS

The Authority will designate specific days as Authority paid holidays. All regular Authority employees shall be entitled to the following paid holidays, which shall be credited or charged at the rate of eight (8) hours per holiday.

- January 1, New Year's Day
- Third Monday in January
- President's Day (3rd Monday in February)
- Last Monday in May, Memorial Day
- July 4, Independence Day
- First Monday in September, Labor Day
- November 11, Veterans' Day
- November, Thursday designated as Thanksgiving Day
- November, Day after Thanksgiving Day
- December 24, commonly called Christmas Eve
- December 25, commonly called Christmas

The following provisions for administration of paid holidays will apply to all regular employees:

- A. Holidays are considered eight (8) hours and four (4) hours as noted in this Section.
- B. A new employee whose first working day is the day after a paid holiday will not be paid for that holiday.
- C. An employee who is terminating his/her employment and whose last day as a paid employee is the day before a holiday will not be paid for that holiday.
- D. Holidays with pay will be provided for the first 30 consecutive calendar days of any leave with pay. An employee who is on leave of absence without pay, or after the first 30 consecutive days of any leave with pay, will not be paid for that holiday.
- E. In the event a holiday falls upon a Sunday, the following Monday will be deemed to be the legal holiday. In the event the legal holiday falls on a Saturday, the preceding Friday will be deemed to be the legal holiday.
- F. If a legal holiday occurs during a vacation period, the day will not be charged to vacation leave, but will be charged as a holiday.

- G. The Authority may, at its discretion, require an employee to work on a scheduled holiday and provide pay in lieu of time off. Any regular non-exempt employee who is required to work on an Authority holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay. Exempt employees required to work on an Authority holiday will not receive additional compensation.
- H. When a regular day off of any regular employee whose work schedule is other than Monday through Friday falls on a holiday, then, at the Executive Director's discretion, the employee will be provided with (1) a day off with pay on the day preceding or succeeding the holiday, or (2) eight hours of compensatory time off.

806. FLOATING HOLIDAY HOURS

Regular employees will receive 16 hours of floating holiday time per calendar year. This time will be credited to regular employees the first full pay period in January. Floating holidays must be used as 8-hour blocks of leave.

Newly hired employees will receive pro-rated floating holidays based on their start date:

- A. If the start date falls after the first full pay period in January but before July 31, the new employee will receive 16 hours of floating holiday time.
- B. If the start date falls after July 31 but before December 31, the new employee will receive 8 hours of floating holiday time. This time will be credited the first full pay period after employment.

Floating holidays may be taken at a time mutually agreeable to the employee and the Executive Director, whose approval will not be unreasonably withheld.

Floating holidays may not be accumulated or carried over into the next calendar year. Floating holiday time must be used by the last day of the calendar year pay period and is not subject to the payoff provision.

807. VACATION LEAVE

Vacation hours begin to accrue the first day of employment for regular full and part-time employees. Part-time regular employees are eligible to accrue leave on a pro rata basis. No temporary, extra help, or seasonal employee is entitled or eligible for vacation leave.

An employee may earn or accrue vacation leave only when in paid status. Regular employees will be entitled to use vacation leave after six (6) months of employment. In some circumstances, in order to permit greater flexibility in scheduling, the Executive Director may approve a vacation prior to six (6) months of continuous service; however, any approved vacation leave in which the employee does not have accrued leave, will be unpaid time.

Vacation leave usage must be noted on employee's time card for the pay period the vacation leave is used.

807.1 Vacation Accrual

A. Beginning of 1st year through end of 5th year of continuance service

Vacation leave will accrue at the rate of 0.0461 hours of vacation per hour worked with accrual equal to 96 hours (12 days) per year.

B. Beginning of 6th year through end of 10th year of continuance service

Vacation leave will accrue at the rate of 0.0654 hours of vacation per hour worked with accrual equal to 136 hours (17 days) per year.

C. Beginning the 11th year through the end of the 15th year of continuous service

Vacation leave will accrue at the rate of 0.0846 hours of vacation per hour worked with accrual equal to 176 hours (22 days) per year.

D. Beginning the 16th year through subsequent years

Vacation leave will accrue at the rate of 0.0962 hours of vacation per hour worked with accrual equal to 200 hours (25 days) per year.

The Executive Director may allocate a new employee to a higher vacation accrual rate if it is in the interest of the Authority in recruitment.

807.2 Maximum Vacation Accruals

Vacation leave accruals may not exceed 360 hours for regular full-time employees at the end of each calendar year, or a pro-rated maximum accrual for part-time employees. An employee who exceeds the maximum vacation accrual level will have their vacation leave balance reduced to 360 hours (or the pro-rated equivalent) on January 1 of the following year.

807.3 Vacation Approval

All vacation leaves must be approved by the Executive Director in advance. Scheduling of vacations is to be done in a manner consistent with the Authority's operational requirements. No employee will be allowed to take vacation leave in excess of that actually accrued at the time the vacation is taken.

If the Executive Director determines that the best interest of the Authority will be served by delaying all or part of the vacation leave and the employee exceeds the maximum vacation accrual level, the employee will be allowed to carry over the excess vacation leave for use during the first quarter of the following calendar year.

807.4. Payment for Unused Vacation Leave

Employees who separate from Authority service for any reason will be paid for unused accrued vacation hours.

808. SICK LEAVE

Paid sick leave provides time off without loss of pay for reasons, and under the conditions, specified in this policy or applicable law. Every employee should use sick

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

leave with respect for the intent of the policy and the impact on the work of the Authority and fellow employees. All employees are responsible for the proper administration of the sick leave provision.

Sick leave credits shall accrue only while an employee is in paid status with the Authority including during paid sick leave.

808.1 Sick Leave Accrual

Accrual of paid sick leave is set forth below.

- A. Sick leave begins accruing on the first day of the pay period following the date of hire. All regular full-time employees will accrue sick leave with pay at the rate of eight hours per calendar month. All part-time employees will accrue sick leave with pay on a pro-rated basis based on hours worked.
- B. Sick leave accrues on the first day of the pay period following the pay period in which the sick leave is earned. There are no partial accruals if employment is terminated before the last day of the pay period. Sick leave accruals will not exceed 480 hours for regular full-time employees or the pro-rated equivalent for part time employees.
- C. Sick leave will accrue during days actually worked and for the first 30 consecutive calendar days of any leave with pay. Sick leave will not accrue during any unpaid leave of absence or after the first 30 consecutive calendar days of any leave with pay. An employee is not permitted to borrow on future accrual of sick leave benefits.

808.2 Sick Leave Usage – Regular Full-Time Employees

Sick leave with pay may be taken as earned. Employees may utilize sick leave in increments of one-half (1/2) hour minimum. If absence from duty by reason of illness extends beyond a period of three working days, a doctor's certificate or a written statement from the employee that he or she was, in fact, ill or injured, may be required by the Executive Director. Sick leave pay may be withheld if a satisfactory verification is not received.

Sick leave may be used for the following reasons:

- A. For the diagnosis, care or treatment of an existing health condition, or preventive health care for the employee or a member of the employee's immediate family.
- B. Enforced quarantine of the employee in accordance with community health regulations.

- C. To allow a victim of domestic violence and/or a victim of sexual assault to obtain relief or attempt to obtain relief to help ensure his/her health, safety, or welfare, or that of his or her child(ren).
- D. To allow a victim of domestic violence and/or a victim of sexual assault to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning.
- E. Complication or disability resulting from or contributed to any pregnancy, termination of pregnancy, or recovery therefrom.

808.3. Exceptions to Use of Sick Leave

An employee shall not be entitled to sick leave when absent from duty for any of the following reasons:

- A. Disability arising from any sickness or injury purposely self-inflicted or caused by the employee's willful misconduct.
- B. Sickness or disability, while on leave of absence with or without pay, other than the employee's regular vacation or regular paid holidays.

808.4. Integration with Other Benefits

Workers' Compensation – An employee who is entitled to receive temporary disability indemnity under the California Labor Code (Workers' Compensation) may elect to take only that portion of the employee's accrued sick leave balances as when added to the employee's disability indemnity will total the employee's regular base rate of pay.

808.5. Administration of Sick Leave

Employees are required to notify their supervisor as soon as possible for their absence due to illness or injury.

- A. The Authority may request information in order to aid in the determination of whether the sick leave use is legitimate. The Authority may require a medical provider statement from an employee who applies for sick leave or make whatever reasonable investigation into the circumstance that appears warranted before taking action on a sick leave request.
- B. The Authority may require a prescribed affidavit or medical report form. When an employee is absent for longer than ten (10) consecutive working days, the employee will be required to submit a statement from the employee's medical provider releasing the employee for normal duty.

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

- C. Sick leave abuse is defined as follows:
1. If an employee who has taken sick leave is suspected of sick leave abuse, the Authority may institute an investigation. Based on the results of that investigation, appropriate action will be taken.
 2. The Authority may request that the employee provide a medical provider's statement, as authorized by law or acceptable substitute during an absence if the employee receives notice prior to returning and the absence is longer than three days. However, if an employee has a record of excessive sick leave use, or if the employee's leave is suspect, the Authority may require a medical provider's letter before authorizing future leave usage. Privacy laws restrict employers from requesting certain medical or health information. Therefore, if asking for a medical provider's certification or other verification of absence due to illness or injury, the Authority may ask when the employee is anticipated to return to work, with or without restrictions, but cannot ask for a diagnosis or prognosis.

Examples of excessive sick leave usage might include, but are not limited to:

- i. A pattern of sick leave use involving days adjacent to scheduled days off and holidays.
- ii. Refusal or inability to provide medical substantiation when requested.
- iii. Frequent absences with vague or questionable substantiation.
- iv. Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons).
- v. Other evidence of employee activity that is inconsistent with the legitimate use of sick leave, such as usage higher than the Authority average for the previous calendar year (deduct serious illness or injury) and two or more indicators above.

808.6. Accrued Sick Leave at Separation

Sick leave is a non-vested benefit, which carries no cash value at separation. The exception is retirement. Under the Authority's CalPERS contract, any unused sick leave accumulated at the time of retirement will be converted to credited service at a rate of 0.004 years of service for each day of sick leave.

808.7 RETURN TO WORK AFTER ILLNESS, INJURY OR DISABILITY

The Executive Director may require any employee who is absent due to illness, injury or disability to be examined by a physician selected by the Authority. The Executive Director will also have the discretion to require the employee to submit a certificate

from a licensed physician upon his or her return to duty stating that the employee has fully recuperated from the illness, injury and/or disability and that the employee may perform the essential duties of his or her required job responsibilities. Until such a certificate is presented, the Executive Director will have the right to disallow the employee's return to work.

809. MEDICAL, DENTAL, AND VISION INSURANCE BENEFITS

The Authority offers medical, dental, vision and life insurance benefits to eligible employees. The Authority reserves the right to eliminate or modify any of its benefits at any time.

The Authority's contribution to medical, dental and vision insurance benefits will be as set forth in Appendix G, Health Reimbursement. The Authority's contribution to medical, dental and vision insurance benefits will be communicated to the employee at the time of hire and may be subject to change.

For eligible employees, open enrollment to select health plans will be held once a year. Individuals with a qualifying event, as defined by federal law, may make a change within the individuals' medical plan by contacting the Authority's administrative office to obtain the required form.

Continuance of medical, dental, and vision benefits upon separation from the Authority will be provided under COBRA.

The Authority provides health benefits for qualifying retirees depending on the data of hiring, length of service, date of retirement and other factors as defined in Appendix G.

810. SHORT AND LONG TERM DISABILITY INSURANCE BENEFITS

The Authority provides short and long-term disability benefits. The details of the Authority disability plans are set forth in the Group Insurance Plan Coverage Guide.

811. LEAVE OF ABSENCE WITHOUT PAY

Unless authorized by law or a Authority policy, an employee is not entitled to a leave of absence without pay. An authorized leave of absence without pay is not a break in service for purposes of calculating seniority. Prior to taking a leave of absence under this section, the employee will have first exhausted all of his or her accrued vacation and compensatory time off. If the leave is requested because of medical reasons, then the employee also will have first exhausted all of his or her accrued sick leave.

Unless required by law, vacation and sick leave accruals, increases in salary, all other paid leaves, holidays and fringe benefits and other similar benefits do not accrue to an employee on unpaid leave. Unless required by law or Authority policy, the Authority will not maintain contributions toward group health insurance or retirement coverage for the employee on such leave. During a period of authorized unpaid leave, all service and leave credits will be retained at the levels existing as of the effective date of the leave.

The Executive Director may authorize a leave of absence without pay for 30 days for any purpose deemed by the Executive Director not to be detrimental to the Authority.

Failure of the employee to return to service at the end of the leave, except in extraordinary circumstances, will constitute a constructive resignation and automatic termination.

In cases where an employee is requesting additional unpaid leave as a reasonable accommodation, and the Authority determines that such leave is reasonable and that it would not pose an undue hardship upon the Authority or that it would not pose a threat to the health or safety of the employee or others, the Executive Director has discretion to grant the leave without seeking additional approval from the Board.

812. FAMILY CARE LEAVE

Although the Authority has fewer than 50 employees and is not required to provide family and medical leave under either the Family and Medical Leave Act (FMLA) or the California Family Rights Act (CFRA), it will grant eligible employees family care leave consistent with the benefit provisions of the FMLA and CFRA, and this Rule. If, at any time, the Authority employs 50 or more employees, this Rule will also govern leave procedures under the FMLA and CFRA. The Family Care Leave policy may be found at Appendix H.

813. PREGNANCY DISABILITY LEAVE

813.1 Temporary Disability

A pregnant employee will be allowed to be absent for the period during which, in the opinion of her attending physician and, where necessary, an Authority-designated physician, she is temporarily disabled because of pregnancy, childbirth or a related medical condition.

When an employee is disabled due to pregnancy, the employee will furnish the Authority a certification from her health care provider. The certification must include a statement that the employee is disabled due to pregnancy, the date on which the employee became disabled due to pregnancy, the probable duration of the period or periods of disability, and an explanatory statement that, due to disability, the employee is unable to work at all or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

813.2 Time of Request Leave

When an employee's leave is foreseeable and at least 30 days' notice has been provided, and if a medical certification is requested, the employee must provide it before the leave begins.

When this is not possible, the employee must provide the requested certification to the Authority within the time frame requested by the Authority (at least 15 calendar

days), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

An employee is eligible for Pregnancy Disability Leave upon commencement of employment. There is no length-of-service requirement for Pregnancy Disability Leave.

813.3 Compensation During Leave

Pregnancy Disability Leave is without pay. However, the employee may use accrued paid leave or any other accrued paid time. Pregnancy Disability Leave will be treated as any other disability leave and may entitle the employee to short-term / long-term disability benefits or additional unpaid leave requested by the employee and granted by the Executive Director.

813.4. Benefits During Leave

In accordance with the State of California's Pregnancy Disability Leave law, an employee on Pregnancy Disability Leave is entitled to up to four months (17 1/3 weeks) of job-protected leave for the time that the employee is disabled due to pregnancy and/or childbirth. Pregnancy Disability Leave does not need to be taken in one continuous period of time.

If the employee is disabled by pregnancy, coverage will continue for up to four months for each pregnancy (as opposed to each leave year).

While on Pregnancy Disability Leave, the employee is entitled to continued coverage in the Authority's group health insurance and supplemental policies to the same extent as when the employee was working. As such, in order to maintain such coverage, employees are required to pay timely the full employee contribution to maintain their group health plan coverage, either through payroll deduction or by paying the Authority directly. The Authority may recover premiums it paid to maintain health coverage, if an employee does not return to work following Pregnancy Disability Leave.

Vacation and sick leave do not accrue while an employee is on unpaid Pregnancy Disability Leave.

Whenever an employee is also receiving Family Care leave under Authority policy, Pregnancy Disability Leave and Family Care leave will run concurrently. When an employee is eligible for Family Care Leave under the Authority's policy, terms and conditions of the Family Care Leave policy also apply to the taking of Pregnancy Disability Leave.

Part-time employees are eligible for leave on a pro rata basis.

813.5. Reinstatement

Upon the expiration of Pregnancy Disability Leave and the Authority's receipt of a

written statement from the health care provider that the employee is fit to return to duty, the employee will be reinstated to her original or an equivalent position, so long as it was not eliminated for a legitimate business reason during the leave.

If the employee's original position is no longer available, the employee will be assigned to an open position that is substantially similar as the employee's original position in terms of job content, status, pay, promotional opportunities, and geographic location.

If upon return from leave an employee is unable to perform the essential functions of her job because of a physical or mental disability, the Authority will initiate an interactive process with the employee in order to identify a potential reasonable accommodation.

An employee who fails to return to work after the termination of her leave loses her reinstatement rights.

813.6. Lactation

In accordance with California Labor Code section 1030, the Authority will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child. The break time, if possible, will run concurrently with the employee's regular break time.

In accordance with California Labor Code section 1031, the Authority will make all reasonable efforts to provide the employee with the use of a room or other location, other than the restroom, in close proximity to the employee's work area, for the employee to express milk in private.

814. MILITARY LEAVE

Military leave will be granted in accordance with state and federal law. An employee requesting leave for this purpose will promptly provide the supervisor with a copy of the military orders specifying the dates, site and purpose of the activity or mission. Within the limits of such orders, the supervisor may determine when the leave is to be taken and may modify the employee's work schedule to accommodate the request for leave.

Employees who have one year of service are entitled to 30 days' pay when on military leave. A military leave is defined as time off when the employee is ordered to active military duty as a member of the reserve component of the armed forces of the United States, the National Guard or Naval Militia, or when an employee is inducted, enlists, enters, or is otherwise ordered or called into active duty as a member of the Armed Forces of the United States.

815. UNAUTHORIZED ABSENCE

An unauthorized absence from the work site or failure to report for duty after a leave request has been disapproved, revoked, or canceled by the Executive Director or

designee, or at the expiration of a leave, will be without pay. Such absence may also be grounds for disciplinary action. Job abandonment is addressed in Section 603.

816. JURY DUTY

All employees will be encouraged to serve on jury duty when summoned. Employees on jury duty will receive full regular base rate of pay, for up to two weeks, but any jury fees received will be paid to the Authority. The time spent on jury duty is not considered work time for purposes of calculating overtime. Employees who have the option to call in for juror status should exercise that option. The employee will provide to his/her supervisor evidence of jury service, such as notice for jury duty and any time cards or similar appearance documents issued by the court.

817. COURT APPEARANCES

817.1 On Duty Time

Any regular employee or regular at-will employee called as a witness arising out of and in the course of Authority employment will be deemed to be on duty and there will be no loss of salary, but any witness fees, not including mileage, received by the employee will be paid to the Authority. Employees released from witness duty during their normal duty hours will report back to their department unless employees contact their direct supervisors and receive authority not to return to work. Non-exempt employees may use vacation leave or compensatory time off (CTO) for the remaining hours. Exempt employees who serve less than four (4) hours of witness duty may use vacation leave for the remaining hours.

817.2. Private Litigation

Any employee called as a witness in a private or civil matter outside the course and scope of their Authority employment will not be compensated by the Authority. Earned vacation leave or compensatory time off (CTO) may be utilized. It is the employee's responsibility to make arrangements for payment of witness fees from the involved parties in accordance with the California Code of Civil Procedure.

818. TIME OFF TO VOTE

In accordance with state law, employees are eligible for paid time off for the purpose of voting only if they do not have sufficient time outside of working hours to vote. The intent of the law is to provide an opportunity to vote to workers who would not be able to do so because of their jobs.

Subject to the conditions above, an employee may take up to two (2) hours off of work to vote in a statewide election, without any loss of pay, if the employee is scheduled to work during voting hours (typically 7 am to 8 pm). In general, a "statewide election" is defined as one in which all voters in the state have an opportunity to vote on at least

one common race or issue. An employee is entitled to take as much time as actually needed to vote, but only up to two (2) hours of that time will be paid.

Time off for voting may be taken only at the beginning or end of the employee's regular work shift unless other arrangements are approved in advance by the Executive Director. If the employee needs time off to vote, the employee must notify his/her supervisor at least two working days prior to the election. The employee must note on the employee's time card the time approved for voting purposes.

819. SCHOOL-RELATED LEAVE

Pursuant to the Family School Partnership Act (Labor Code section 230.8), any Authority employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed day care facility will be allowed up to forty (40) hours each calendar year, not to exceed eight (8) hours in any calendar month, without pay, to participate in activities of the school of their child. The employee must provide reasonable advance notice of the planned absence. The employee may be required to use vacation leave and/or compensatory time off to cover the absence. The Authority may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date

820. TIME OFF FOR VICTIMS OF VIOLENT CRIMES OR DOMESTIC ABUSE

- A. In accordance with state law, any Authority employee who is a victim of domestic violence or sexual assault is entitled to take time off from work to seek relief (such as a temporary restraining order) or other assistance to help safeguard the health, safety, or welfare of the employee and/or his/her child. The employee must provide reasonable advance notice of the intent to take leave for this reason unless advance notice is not feasible.

- B. Leave for this purpose is unpaid, though an employee may choose to use any available accrued paid leave.

821. BEREAVEMENT LEAVE

The Authority will allow regular employees time off for Bereavement leave. Employees may request approval from the Executive Director for up to five (5) days of paid time off for each death in their immediate family for the purpose of bereavement and for the arranging or attendance at, the funeral or service. Immediate family means: spouse, parent, grandparent, step-parent, parent-in-law, child, step-child, grandchild, registered domestic partner, brother or sister.

Bereavement leave is not compensable when the employee is on a pre-approved (paid or unpaid) leave of absence, bona fide layoff, or for days falling outside the employee's regular work period.

822. WORKERS' COMPENSATION

All employees and volunteers will be covered by the workers' compensation laws of the state. Employees who are absent from work by reason of an injury or illness covered by workers' compensation, will continue in pay status under the following provisions.

The Authority will integrate sick leave, vacation, and then compensatory time, with temporary disability payments for an employee who is eligible for workers' compensation. The employee will continue in pay status and receive his or her pay until his/her accumulated paid leave and authorized compensatory time hours have been depleted to the nearest hour. Any employee who is eligible for temporary disability payments under the workers' compensation law will, for the duration of such payments, receive only that portion of the employee's regular salary that, together with said payments, will equal the employee's regular salary. Workers' compensation leave will run concurrently with Family Care Leave.

823. MODIFIED DUTY

Any employee may request modified duty as an accommodation when a temporary disability limits the employee's ability to perform the essential duties of his or her job. The Authority will consider the request consistent with federal and state laws including, but not limited to the Americans with Disabilities Act.

824. FITNESS FOR DUTY EXAM

The Authority may require an employee to undergo a fitness for duty examination to determine whether the employee can perform the essential functions of the job with or without reasonable accommodation. The Authority may also require that an Authority-approved physician conduct the examination.

825. OVERTIME AND COMPENSATORY TIME OFF

The Authority will compensate any non-exempt employees for overtime worked subject to provisions, requirements and limitations of applicable law. Paid vacation, holidays, floating holidays, bereavement leave, and sick leave will not be credited for hours worked in a work week. Employees may request compensatory time off in lieu of paid overtime. Paid overtime or compensatory time off will be at the sole discretion of the Executive Director. The following will apply to all non-exempt Authority employees:

825.1. Reporting

All work of a non-exempt employee required by the Authority beyond the regularly scheduled 40-hour work period will be designated as overtime and will be reported in increments of not less than one-tenth of an hour. All overtime must be expressly approved by the supervisor in advance. No non-exempt employee will engage in overtime work without authorization. Working overtime without advance approval is grounds for discipline.

825.2. Time Card

Total hours of overtime authorized and earned as well as all compensatory time off used will be reported on the prescribed form. Any overtime hours for which payment is to be made will be specified on the time card.

825.3. Compensatory Time

Compensatory Time Off (CTO) accruals will not exceed 120 hours for regular full-time employees or the pro-rata equivalent for regular part-time employees. All CTO

must be approved in advance by the Executive Director. Scheduling of CTO must be done in a manner consistent with the Authority's operational requirements. The Executive Director may require that an employee take CTO at a specific time without prior notice.

The use of CTO must be approved in advance.

825.4. Benefit Accumulations

Overtime will not be considered or be a basis for increasing leave accruals or completion of probationary periods or compensation step increases.

825.5. Exemption

Exempt employees are not entitled to overtime, and are therefore not subject to this section.

826. MEAL AND REST PERIODS

Full-time non-exempt regular employees will be allowed an uncompensated meal period of not less than thirty (30) minutes, scheduled approximately at the midpoint of a full work shift. Employees required to be at their work stations for eight (8) or more consecutive hours will have their meal period during the work period, consistent with the requirements of the Fair Labor Standards Act (FLSA). Employees who are directed by their supervisors to work during the meal period or who are not allowed to leave the Authority and must be available to immediately return to work, will be compensated consistent with the FLSA. Combining meal periods, "banking" meal periods from day to day, or saving meal periods to shorten work days is not permitted.

Employees are allowed to take a rest period up to 15-minutes for every four hours worked. The rest periods will be paid time and counted as hours worked.

827. EDUCATIONAL ASSISTANCE

With the prior authorization of the Executive Director, the Authority may partially or fully reimburse an employee for the costs of job-related training and education, including tuition, books, travel and fees. After approval, a grade of "C" (or the equivalent) or better must be maintained in order to remain eligible for reimbursement.

828. BUSINESS EXPENSES

Reasonable and legitimate business expenses incurred by an employee and approved by the Executive Director will be reimbursed by the Authority in accordance with its business expense reimbursement policy. For timely reimbursement, business expenses should be reported immediately after they are incurred to the Authority payroll administrator. Any incurred expenses not approved by the Executive Director will be the personal responsibility of the employee.

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

829. DEFERRED COMPENSATION

The Authority provides a deferred compensation plan pursuant to Internal Revenue Code section 457(b). The details of the Authority deferred compensation plan are set forth in the summary plan description provided to new employees and in the plan itself. No employer contribution is provided.

RULE 9 EMPLOYEE RECORDS AND RIGHT TO PRIVACY

901. GENERAL

The Authority maintains a personnel file on each employee. A personnel file will contain only material that the Authority deems necessary and relevant or that is required by law. Personnel files are the property of the Authority, and access to the information they contain is restricted to protect employee privacy interests.

902. NOTIFICATION OF CHANGE IN PERSONAL INFORMATION

Each employee is responsible to notify the Executive Director or designee of any changes in his or her contact and benefits information, including: residence and mailing address; telephone number; persons to contact in emergency; and number and names of dependents, no later than ten (10) calendar days following any such change.

903. MEDICAL INFORMATION

All medical information about an employee or applicant is kept in separate medical files and is treated as confidential. Access to employee or applicant medical information will be strictly limited to only those with a legitimate need to have such information for the Authority's business reasons, or if access is required by law, subpoena or court order. In the case of an employee with a disability, supervisors may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations.

904. EMPLOYEE ACCESS TO PERSONNEL FILE

- A. Inspection of File: A current employee may inspect his or her own personnel file, at reasonable times and at reasonable intervals, within 30 days of a written request. A former employee is entitled to inspect his or her personnel records one time per year. (Labor Code § 1198.5(d).) A current or former employee and/or his or her representative, who wishes to review his or her personnel file should make a written request to the Executive Director. (Labor Code § 1198.5(b)(2)(A).)

The inspection must occur in the presence of the Executive Director or designee and: a) at a location where the employee works and at a time other than the employee's work time (Labor Code § 1198.5(b)(1)); or b) at another agreed upon location without loss of compensation to the employee. (Labor Code § 1198.5(c)(2).)

- B. Copies: A current or former employee is entitled to receive a copy of his or her personnel records within 30 days after the employer receives a written request. (Labor Code § 1198.5(b)(1).) A current or former employee who wishes to receive such a copy should contact the Executive Director or designee in writing. The Authority may charge a fee for the actual cost of copying. (Labor Code § 1198.5(b)(1); 1198.5 (b)(2)(A).)

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

- C. Representative's Inspection: If the current or former employee wishes to have another person/representative inspect his or her personnel file, he or she must provide the person/representative with written authorization. (Labor Code § 1198.5(e).) The Executive Director or designee will notify the employee and/or representative of the date, time and place of the inspection in writing.
- D. No Removal of File Documents: No person inspecting a personnel file is permitted to add or remove any document or other item to/from the personnel file.

905. LIMITATIONS ON ACCESS OR COPYING OF PERSONNEL FILE

Prior to making a copy of personnel records or allowing inspection, the Authority may redact the names of nonsupervisory employees. (Labor Code § 1198.5(g).) Under no circumstances will the Authority provide access or copying of the following categories of personnel file documents: records relating to the investigation of a possible criminal offense; letters of reference; ratings, reports, or records that were obtained prior to employment, prepared by identifiable examination committee members, or obtained in connection with a promotional examination. (Labor Code § 1198.5(h).)

906. EMPLOYMENT REFERENCES

All requests from outside the Authority for reference checks or verification of employment concerning any current or former employee must be referred to the Executive Director or designee. Information will be released only if the employee signs an authorization for release of employment information in the form prescribed by the Authority, except that without such authorization the following limited information will be provided: dates of employment, classifications held, and salary upon hire and departure.

RULE 10 GRIEVANCE

1001. PURPOSE OF GRIEVANCE PROCEDURES

A grievance is an alleged violation of a specific provision of these Rules or other Authority policies that adversely affects the employee. The grievance procedures set forth are designed to resolve grievances informally and to provide an orderly procedure for such resolution. An employee must use this grievance procedure in order to present any grievance or complaint to the Board of Directors. An employee will not take any grievance or complaint directly to the Board of Directors without first having processed the grievance through this procedure.

Parties involved in a grievance will act quickly so that the grievance may be resolved promptly. Parties will make every effort possible to complete action within the time limits contained within these grievance procedures; however, by mutual written agreement (e-mail may serve as written agreement), the parties may extend the time limits.

1002. EXCLUDED FROM SCOPE OF GRIEVANCE

Specifically excluded from the scope of grievances are:

- A. Harassment and retaliation complaints that allege violations of equal employment opportunity laws or employment discrimination, which will be processed under the Authority's anti-harassment and retaliation complaint procedure.
- B. The Board's decision to proceed with a reduction in force.
- C. Disciplinary actions, whether or not appealable.
- D. Performance evaluation or a performance improvement plan.

1003. REPRESENTATION.

An employee may be represented by a representative of the employee's own choice at any step in the presentation of the employee's grievance.

1004. PRESENTATION OF GRIEVANCE

An employee or employees may present a grievance by submitting a written grievance to the Executive Director within seven (7) calendar days after the event or events that resulted in the grievance. The written grievance will state the date and nature of the grievance, the specific facts and/or omissions upon which the grievance is based and the other bases for the employee's complaint. The grievance will be personally discussed between the grievant and the Executive Director. Within seven (7) calendar days after meeting to discuss the grievance, the Executive Director will provide a written decision to the grievant.

1005. APPEAL

If the grievant is not satisfied with the decision rendered by the Executive Director, the grievant may appeal the decision in writing within seven (7) calendar days to the Executive Committee. The Executive Director shall serve as the agent of service to

REGIONAL WATER AUTHORITY
PERSONNEL RULES – POLICY 400.1

receive the employee(s)' appeal. If the grievant does not appeal the decision to the Executive Committee in writing within seven (7) calendar days from the date of the Executive Director's decision, the issue will be considered settled.

The appeal will state the date and nature of the grievance and will state all specific facts or omissions upon which the appeal is based. At its next available regular meeting following the filing of the appeal, the Executive Committee will have a meeting with the grievant and/or his or her representative. After considering the matter, the Executive Committee will issue a decision concerning the employee's appeal. The grievant will be notified in writing of the Committee's decision. The decision of the Executive Committee will be final.

Under state law, certain actions taken or considered by the Executive Committee, including materials pertinent to the decision may constitute public information.

RULE 11 DEFINITION OF TERMS

1101. ACTUAL SERVICE

For the purpose of determining the amount of paid leave earned by a regular employee, means the number of regular hours worked within a biweekly pay period and absence from work with pay due to sick leave, vacation, injury or illness incurred in Authority service, absence on protected leave, and compensatory time taken. Actual service does not include compensatory time earned or overtime.

1102. AT-WILL EMPLOYEE

An at-will employee (a) serves at the pleasure of the Authority, and (b) can be terminated at any time without cause and without the opportunity to appeal.

1103. BIWEEKLY PAY PERIOD

Unless otherwise indicated, the eighty (80) hour biweekly period utilized for payment of employees. The Authority pay day will be the Friday at the beginning of each pay period.

1104. BUSINESS DAY

A business day will mean day(s) in which the Authority main administration office is open for business and between the hours of 8:00 AM to 5:00 PM.

1105. CALPERS

California Public Employees Retirement System.

1106. CONTINUOUS SERVICE

That period of actual service commencing with the employee's hire date and continuing until broken by resignation or dismissal for the purpose of determining eligibility for paid leave and eligibility for performance step advancement.

1107. DEMOTION

The voluntary or involuntary change in status of a regular employee from a position in to another position having a lower maximum rate of pay.

1108. EMERGENCY APPOINTMENT

An at-will appointment for emergency purposes.

1109. EXEMPT EMPLOYEE

An employee who meets one or more of the duties test exemptions from overtime, who is paid on a salary basis, and who meets the salary level test under the Fair Labor Standards Act (FLSA). An exempt employee is not entitled to overtime compensation.

1110. FULL-TIME EMPLOYEE

A regular employee hired into a position that requires full-time work as specified by the Authority.

1111. FULL-TIME WORK

Eighty (80) hours per bi-weekly pay period.

1112. HIRE DATE

The beginning date of the employee's current period of continuous service.

1113. LAYOFF LIST

A list of persons who have occupied positions allocated to a class and who have been involuntarily separated by layoff.

1114. NON-EXEMPT EMPLOYEE

An employee who is eligible for FLSA overtime pay. A non-exempt employee assigned to an exempt position on an acting or temporary basis remains eligible for FLSA overtime pay.

1115. PART-TIME EMPLOYEE

An employee hired into a position that requires less than full-time work.

1116. PAY PERIOD

14 calendar days as designated by the Authority.

1117. PAID STATUS

Whenever an employee is at work, absent on a paid holiday, absent on leave with pay, or absent on authorized compensatory time off. This does not include leave while receiving worker's compensation benefits or other wage replacement benefits.

1118. RESIGNATION

The voluntary termination of employment with the Authority.

1119. TEMPORARY EMPLOYMENT

The Authority may hire temporary employees for a short term project lasting less than six (6) months.