

**RESOLUTION 2021-432**

**A RESOLUTION OF THE BOARD OF SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT ADOPTING REVISIONS TO THE DISTRICT PERSONNEL POLICY MANUAL**

**WHEREAS**, the Board of Directors of the South San Luis Obispo County Sanitation District previously adopted a Personnel Policy Manual by Resolution 2018-401; and

**WHEREAS**, the Board of Directors desire to ensure that said Personnel Policy Manual accurately reflects the current practices of the District; and

**WHEREAS**, District staff has prepared a revision of the District Personnel Policy Manual; and

**WHEREAS**, the Board of Directors desires to adopt the revised Personnel Policy Manual in its entirety, which reflects up to date District practices.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Board of South San Luis Obispo County Sanitation District hereby approves the following:

1. The 2021 Personnel Policy Manual update attached as Exhibit "A" is hereby adopted:  
and
2. The District Administrator, or his/her designee, is hereby further authorized and directed to take all steps necessary to implement this resolution.

**PASSED AND ADOPTED** at a regular meeting of the South San Luis County Sanitation District Board of Directors held this 7th day of July 2021.

On the motion of Director Lee seconded by Director Ray Russom, and after the following roll call vote:

**AYES:** Directors Lee, Ray Russom and Austin

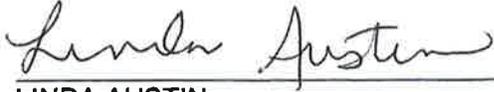
**NOES:**

**ABSENT:**

**CONFLICTS:**

**CERTIFICATION**

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the South San Luis Obispo County Sanitation District held this 7th day of July 2021.



LINDA AUSTIN,  
CHAIR OF BOARD OF DIRECTORS  
SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

ATTEST:

BY:   
DISTRICT SECRETARY

APPROVED AS TO FORM:

BY:   
DISTRICT COUNSEL

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BY:   
DISTRICT ADMINISTRATOR

SOUTH SAN LUIS OBISPO COUNTY  
SANITATION DISTRICT

PERSONNEL POLICY MANUAL

JULY 2021

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## **1000 - PURPOSE OF PERSONNEL POLICIES**

It is the intent of the Board of Directors of the South San Luis Obispo County Sanitation District to maintain a Personnel Policy Manual. Contained therein shall be a comprehensive listing of the Board's current policies, being the rules and regulations enacted by the Board from time to time. The Personnel Policy Manual will serve as a resource for Directors, staff, and members of the public in determining the manner in which matters of District business are to be conducted. The information contained in this manual constitutes the District's personnel rules and policies. It is not to be interpreted as a contract between the District and any of its employees.

Except as provided herein, this manual applies to all employees. Except as herein provided these rules do not apply to members of the Board of Directors, contract employees, volunteer personnel, such as advisory committees; persons engaged under contract to provide expert, professional, technical, or other services; or to temporary employees.

If any policy or portion of a policy contained within this Personnel Policy Manual is in conflict with rules, regulations or legislation having authority over the South San Luis Obispo County Sanitation District, said rules, regulations, or legislation shall prevail.

## **1010 – POLICY AMENDMENTS**

1. The District reserves the right to modify or delete any of these policies when, in the opinion of its management and the Board of Directors, it becomes advisable to do so on those provisions of these policies that do not require the District to meet and confer. The District may also deviate from these policies in emergency situations provided that the Board conducts an emergency meeting and votes to take appropriate action regarding said deviation from policies.
2. Announcement of changes will be made through standard communication channels (for example, employee meetings and District Administrator communications), but advance notice to every employee may not always be possible. The amendment will become effective even though personal notice was not provided to one or more of the District's employees.
3. No oral statements or representations can, in any way, change or alter the provisions of this manual.
4. Except in emergency situations, proposed modifications or deletions to these policies shall first be introduced at one meeting of the Board of Directors, at which meeting the Board may provide direction to staff on the proposed modifications or deletions after receiving public comment. The proposed modifications or deletions shall then, at a second meeting of the Board of Directors, be presented for final adoption.

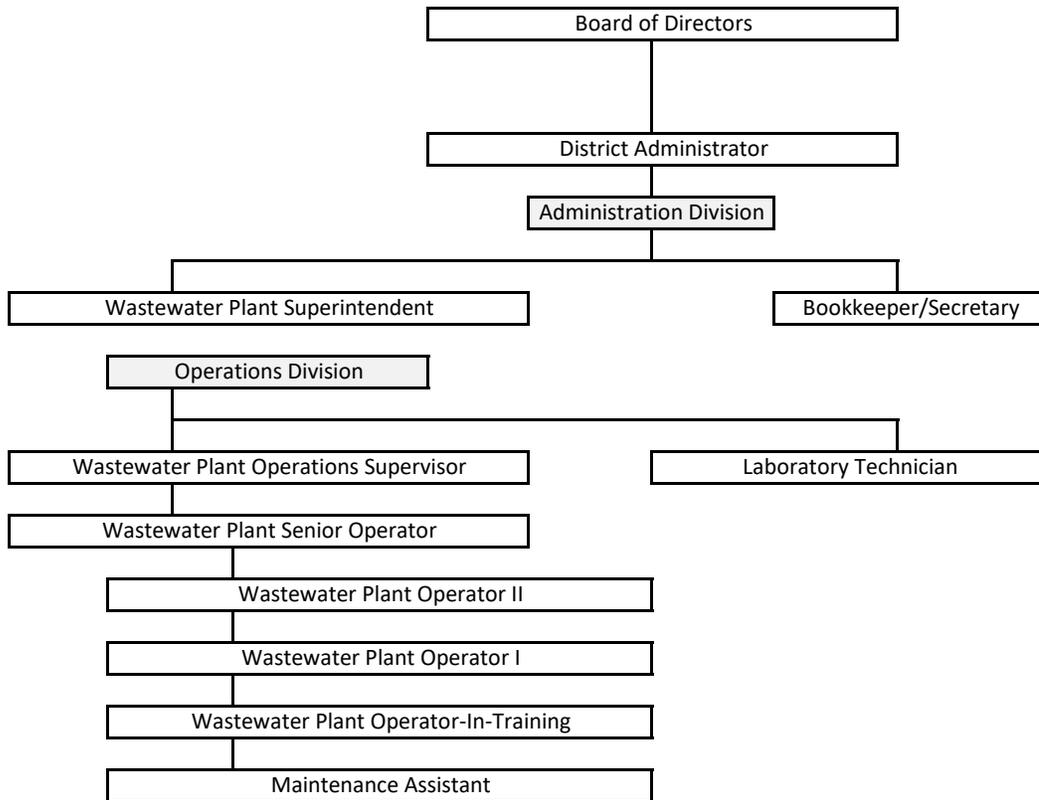
## 2000 – DEFINITIONS

1. **At-Will Employee:** An individual appointed as either a probationary employee, a contract employee, or an hourly employee who has no property rights in his/her position, or an individual who holds employment with the District under contract which defines the terms and conditions of employment.
2. **Contract Employee:** Employee hired as specified in an employment contract, and typically serves at-will.
3. **Division(s)" is/are defined as:**
  - A. Administration Division of South San Luis Obispo County Sanitation District;
  - B. Operations Division of South San Luis Obispo County Sanitation District
3. **Exempt Employee:** Employees designated as exempt employees as defined by the Fair Labor Standards Act, including administrative employees and division heads. Exempt employees are expected to complete their assigned duties rather than adhere to a strict workday schedule. Consequently, no overtime, standby time, or compensatory time will be provided for working beyond a forty-hour work week, unless prior approval is given by the District Administrator.
4. **Full-time Employee:** An individual appointed to an allocated position in the District service normally scheduled for at least forty (40) hours per week.
5. **Hourly Employee:** An individual appointed to an allocated position in the District service scheduled to work less than thirty (30) hours per week on a temporary, or seasonal basis, which is designated by hourly compensation on the regular salary schedule.
6. **Regular Employee:** A regular employee is one who has been hired to fill a vacant allocated position in any job classification, has successfully completed his/her probationary period and works 30 to 40 hours per week on a consistent basis.
7. **Part-time Employee:** A part-time employee is one who has been hired to fill a vacant allocated part-time position in job classification and has successfully completed his/her probationary period and works thirty (30) hours per week.
8. **Probationary Employee:** A probationary period is regarded as part of the examination process, which provides the District Administrator the opportunity to observe and evaluate an employee's competence, performance, and ability to perform assigned duties. A new and returning employee shall be regarded as a probationary employee for the first year of employment. In addition, this probationary period may be extended an additional 6 months at the discretion of the District Administrator. Probationary employees serve entirely at the will and pleasure of the District Administrator and may be terminated by the District Administrator without cause and without right of appeal.

9. Re-employed Individuals: Those who are in good standing before they were separated from District employment as a result of a lay-off, and subsequently re-employed, pursuant to Section 2050 (2) of these policies. Re-employed individuals are not subject to a probationary period.
  
10. Retired Annuitant: A retired annuitant is one who has retired from CalPERS and is eligible for hire on an hourly basis, for a limited duration of time and may work no more than 960 hours in a fiscal year. The rate of pay for a retired annuitant cannot be less than the minimum nor exceed the maximum monthly base salary of the full-time equivalent position being filled, divided by 173.333 hours to equal an hourly pay rate. A retired annuitant is paid only for hours worked. No other benefit, incentive, compensation in lieu of benefits, or other form of compensation can be paid in addition to this hourly pay rate. A retired annuitant may not be appointed to a full-time or part-time classification on the regular salary schedule.
  
11. Returning Employees: Individuals who meet all of the following conditions shall be considered returning and probationary employees.
  - A. Previously employed in good standing by the District.
  - B. Separated from the District other than by layoff.
  - C. Re-hired by the District.
  - D. Does not meet the definition of a re-employed individual.

2010 - CHAIN OF COMMAND

SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT



## **2015 – NEPOTISM AND FRATERNIZATION POLICY**

### **1. Purpose**

The purpose of this policy is to establish the nepotism and fraternization policy for the South San Luis Obispo County Sanitation District. This policy is intended to avoid conflicts of interest between work-related and personal/family obligations; reduce favoritism or even the appearance of favoritism; prevent personal/family conflicts from affecting the workplace; and decrease the likelihood of sexual harassment and/or gender discrimination in the workplace.

### **2. Definitions**

As used in this Policy.

- A. "Cohabitation" applies to those employees who live together, share room and board or sire children, without being married to one another.
- B. The term "dating" includes but is not limited to one or more social meetings under circumstances that may lead to exchange of personal affection, and sexual or physical intimacy.
- C. "Division(s)" is defined as:
  - Administration Division of South San Luis Obispo County Sanitation District;
  - Operations Division of South San Luis Obispo County Sanitation District
- D. "Employee" means any person who receives a District payroll check for services, full or part time, rendered to the District.
- E. "Marital status" means an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state for purpose of this policy, pursuant to Section 2.F.
- F. "Marriage" includes the relationships described in California Family Code §297-300.
- G. "Relative" means spouse, child, step-child, parent, step-parent, grandparent, grandchild, brother, sister, step-brother, step-sister, aunt, uncle, cousin, niece, nephew, parent-in-law, brother-in-law, sister-in-law, legal guardian and/or significant other as defined herein and in the fraternization policy, and/or any other individual related by blood or marriage living in the same household as the District employee.
- H. A "romantic and/or sexual relationship" exists when two District employees become personally involved with each other to the point that there is dating, exchange of personal affection, sexual or physical intimacy and/or cohabitation.

- I. A "significant other" means a relationship between an employee of the District and another individual as defined herein in (a), (b), (c) and/or (d) and elsewhere in the policy.
- J. A "social meeting" occurs when co-employees gather for purposes not related to work for the District.
- K. Spouse" means a partner in marriage, pursuant to Section 2.F.

### **3. Policy/Procedure**

#### Nepotism

It is an express finding of the District that the situation specified in this section, the employment of relatives as that term is defined herein, is contrary to appropriate District goals of safety and efficiency. The purpose of this section is to define those specific circumstances and to delineate the manner in which such employment issues will be addressed.

Close family relatives of elected officials appointed to serve on the Board of Directors of the District are not eligible for initial hire during the District member's term on the Board.

A. Relatives of employees shall not be employed in the same division of such a relative at any time by the District as further proscribed below.

1. It is found by the District that a business purpose exists and dictates that a prohibition on employment of relatives within District divisions is essential to safety and efficiency when such employment result in any of the following:

- a supervisor-subordinate relationship;
- the employees having job duties, which authorize performance of shared duties on the same or related work assignment;
- both employees being under the jurisdiction of the same immediate supervisor; or
- an adverse impact on supervision, safety, security and/or morale.

B. Effect of Post-Employment Marriage or Creation of Other "Relative" Status of District Employees

In determining rules and regulations governing the employment of District employees who become related, as defined herein, after commencement of District employ, the District is guided by the principles enunciated in the California Fair Employment and Housing Act (FEHA) which prohibits discrimination on the grounds of marital status. However, FEHA and its Regulations defining the same do authorize restrictions being placed upon married District employees (or upon people deemed related as a result of marriage [i.e., in-laws]) where for business

reasons of supervision, safety, security or morale, the employer may refuse to place one spouse or other relative under the direct supervision of another spouse or other relative and refuse to place both spouses or other relatives in the same division or facility if the work involves potential conflicts of interest or other hazards greater for married couples or other relatives than for other persons. (2 Cal. Code Regs., Section 11057; Government Code section 12940(a)(3)(A)).

1. The District retains the right to refuse to place one spouse or other relative under the direct supervision of the other spouse where there is a potential for creating adverse impact on supervision, safety, security or morale.

The District retains the right to refuse to place both spouses or other relatives in the same division where doing so has the potential for creating adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.

2. In order to implement these policies, and where the above circumstances exist and mandate that two spouses or other relatives shall not work in a prohibited relationship, the District will attempt to do any of the following:

- Attempt to redefine the job responsibilities of the related employees within the division to minimize the conflict,
- If the redefinition of job status is not feasible, will attempt to transfer one spouse or other relative to a similar classified position in another District division.

3. Although the wishes of the involved parties as to which spouse or other relative is to be transferred will be given consideration by the District, the controlling factor in determining who is to be transferred shall be operation and efficiency of the District. If any such transfer results in a reduction in salary or compensation, the transfer shall not be considered disciplinary in nature and shall not be the subject of any form of administrative appeal.

4. In lieu of a transfer from one division to another, or in situations where no similar counterpart classification exists to which a spouse or other relative can be transferred, the District may request the voluntary resignation of one of the employees. If one of the employees does not voluntarily resign, the employee with the least employment experience/service with the District may be discharged by the District Administrator. Married or other related employees may continue to be employed within the same District division subject to approval by the District Administrator. However, any such continuing employment is predicated upon both spouses or other similarly situated relatives as defined in this Policy: not reporting to the same immediate supervisor; one not being supervised by the other; not working the same shift at the same work site; or, otherwise not becoming involved in a work environment having the potential for adverse impact on supervision, safety, security or morale.

## Fraternization

### A. Romantic Relationships Between Supervisors and Subordinate Employees Are Prohibited

Public trust, safety and District morale require that employees avoid the appearance of a conflict between their professional responsibilities and any involvement that they may have in a romantic or sexual relationship with other District employees. In order to promote efficient operation of the District and to avoid misunderstandings, complaints of favoritism, other problems of supervision, security, morale, and possible claims of sexual harassment and/or gender-based discrimination, romantic and/or sexual relations between supervisors and subordinate employees are prohibited.

### B. Romantic Relationships Between Co-Employees In The Same Division Are Prohibited

Public trust, safety and District morale require that employees avoid relations that may negatively impact the efficient operation of the District. In order to promote efficient operation of the District and to avoid formation of cliques and factions, claims of sexual harassment and gender-based discrimination, and the blurring of professional and personal responsibilities and relationships in the workplace, romantic and/or sexual relationships between co-employees in the same division are prohibited.

### C. Enforcement

The District reserves the right to reasonably investigate situations in the workplace to determine whether a romantic and/or sexual relationship exists and therefore presents a possible violation of this Policy. If the District determines that a proscribed relationship (as described by this policy) exists, remedial and/or disciplinary measures, including but not limited to a transfer, reassignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this policy.

1. The District retains the right to refuse to place employees engaged in relationships prohibited by this policy in the same division where it has the potential for creating adverse impact on supervision, safety, security or morale or involves potential conflicts of interest.

2. In order to implement such policies, and where the above circumstances exist and mandate that employees shall not work in a prohibited relationship, the District will attempt to transfer one party to the proscribed relationship to a similarly classified position in another District division, should such a position exist, be available, and should the employee possess the skills and qualifications necessary to perform the essential

duties of the position. Although the wishes of the involved parties as to which individual will be transferred will be given consideration by the District, the controlling factor in determining who is to be transferred shall be the positive operation and efficiency of the District. If any such transfer results in a reduction in salary or compensation, applicable and legally required due process procedures shall be applied.

3. In lieu of a transfer from one division to another, or in situations where no similar counterpart classification exists to which an employee in a proscribed relationship can be transferred, that employee may continue to be employed within the same District division subject to approval by the District Administrator. However, any such continuing employment is predicated upon both subject employees not reporting to the same immediate supervisor; one not being supervised by the other; not working the same shift at the same work site; or, otherwise becoming involved in a work environment having the potential for adverse impact on supervision, safety, security or morale.

4. If continuing employment of employees in a relationship prohibited by this Policy cannot be accommodated consistent with the District's interest in promotion of safety, security, morale and efficiency, then the District retains sole discretion to separate one of the parties from District employ. Absent resignation by one affected employee, the less senior, in terms of overall District service, of the involved employees shall be subject to separation. In the event of separation, applicable and governing due process procedures shall be applied.

The provisions of this fraternization policy are not applicable to individuals employed by the District on or before the date of initial adoption of this policy in their current state of marriage or non-marriage. As such, a change in marital status/cohabitation, etc., of any current employee, will result in the applicability of this policy. Furthermore, those employees are subject to any and all employment-related actions by the District, that are permissible pursuant to existing District policies and procedures to address conduct that may negatively impact the work environment.

#### **4. Employee Duty**

It is the duty of all involved employees who are in a situation prohibited under this policy to immediately notify their supervisor either in person or through the chain of command that a situation exists in which the involved employee may be in violation of this policy. The District reserves the right to reasonably investigate the situation and determine whether the employee has violated this policy.

## **2020 – RECRUITMENT**

### **1. Employment – Appointments**

A recruitment is an open or promotional competitive examination process. Applicants for employment shall be evaluated on the basis of their completed employment application (Appendix F), submitted material(s), personal interview(s), and demonstrated ability. This District shall retain all employment applications and related materials for a period of three years, whereupon they shall be destroyed pursuant to the District Records Management System.

The District will only solicit applications when position openings exist, when letters of resignation or retirement have been tendered by employees, or when vacancies occur or after new position openings are approved by the Board of Directors, and the District Administrator, as the appointing authority, has determined it is in the best interest of the District to open a recruitment. Upon completion of such evaluation, the Board will be notified of final applicants for exempt employees, and the District Administrator or his/her designee shall select the candidate to be employed to fill the position opening and shall promptly notify the Board of Directors of the name of the person selected.

If two people are hired on the same day for jobs that have the same rate of pay, it must be determined who was hired first based on the date the employment letter is issued. If two people are hired on the same day for different rates of pay, the employee with the higher pay rate will be deemed the employee hired first.

### **2. District Philosophy for Advancement**

It is the philosophy of the District to promote from within the District, unless it would be in the District's best interest to hire from the outside. For this reason, most employment openings as they occur will be announced to all departments. All interested employees will be considered for the announced employment opening through a recruitment examination process.

### **3. Employment of Relatives**

Close family relatives of elected officials appointed to serve on the Board of Directors of the District are not eligible for initial hire during the District member's term on the Board.

The District Administrator may disqualify from competition any applicant for employment or transfer request where the result of a positive hiring or transfer decision would put an employee in direct supervision of (or under the direct supervision of) a close family relative: spouses, co-habitants, parents, children and siblings.

### **4. Pre-Employment Physical Examination**

A. All offers of employment shall be made contingent upon the respective

applicant's successfully passing a physician's examination and drug test, to be provided at District expense.

B. An applicant shall not be employed until a negative drug screen result is obtained and a qualified physician has certified the applicant is qualified to do the type of work required by the position being applied for.

C. Prior to conducting the exam, the physician will be supplied with a specification/description of the position for which the applicant is applying, which shall include the description of the physical requirements and working environment of the position.

D. When the applicant reports to the medical facility for the scheduled examination and drug testing, identification shall be provided to said facility in the form of a photograph and verifiable signature (e.g. valid vehicle operator's license).

E. Applicants who refuse to cooperate in the examination and testing shall not be considered for employment. A diluted result or any other non-negative result shall be considered a positive drug test. Applicants who have a positive drug test shall be denied employment.

F. Retesting of an individual who was previously employed by the District, will be required.

G. Appointments with the medical facility providing the examination and drug testing shall be made at least one day prior to testing, if possible, with the applicant provided minimal advance notice.

H. All test results shall be kept confidential and shall be limited to only pass/fail information. The applicant may be told he/she failed to pass the test, but only the District Administrator or designee shall have access to the actual pass/fail test results.

I. District employment application forms shall contain a notice to applicants as follows:

District has a policy that any offer of employment shall be contingent upon the applicant successfully passing a physician's exam for illicit drugs pursuant to Section 5060. Persons who do not receive said physician's certification of qualification to do the type of work required by the position applied for, or who test positive for the presence of illicit drugs in their body will not be considered further for employment. If you have reason to believe that you will not pass a physician's examination or will register positive on a drug test, or if you are unwilling to consent to such a test or examination, it is recommended that you not submit an application.

Immediately prior to reporting for drug testing, all applicants shall complete a

Consent and Release Form to be kept on file in the District office, which shall conform to the format in Appendix B.

## **5. DMV Record**

All applicants shall submit a current Department of Motor Vehicle Record and shall be required to provide proof of insurance to the District. The insurance carrier of the District will be requested to verify eligibility of insurability based upon the applicant's previous driving history. Applicants who are denied insurability by the District's insurance carrier will be disqualified.

## **6. Immigration**

The District requires satisfactory evidence prior to the commencement of employment of legal authority to work in the United States.

## **7. Written/Oral Examination**

The District may conduct employment testing and interviews of job applicants. Individuals who will require reasonable accommodation to participate in the selection process must make such request when submitting the application.

## **8. Equal Opportunity Employment**

It is the policy of the South San Luis Obispo County Sanitation District that there shall be no discrimination based upon protected activities, nor protected classes including but not limited to: race, color, national origin, religion, sex (including pregnancy, childbirth, and related medical conditions), disability (physical or mental), military or veteran's status, age (40 and older), genetic information, marital status, sexual orientation and identity AIDS/HIV, medical condition, political activities or affiliations, status as a victim of domestic violence, assault, or stalking, in any personnel action, including recruitment, appointment, performance evaluation, promotion, the granting of leaves and any disciplinary or grievance action.

## **2030 - BREAK IN SERVICE**

1. For probationary and regular employees in all classifications, length of continuous service with the District will be used as the basis for determining benefits including sick leave and vacation time benefits. Length of continuous service will also be one of the considerations in promotions and layoffs.

2. Continuous service with the District will start with the date of employment and will continue until one of the following occurs:

- A. An employee retires;
- B. An employee voluntarily terminates his/her employment;
- C. An employee is laid off; or
- D. An employee is discharged for cause.

3. Continuity of an employee's service will not be broken by absence for the following reasons, and his/her length of service will accrue for the period of such absence:

- A. Absence by reason of industrial temporary disability;
- B. Authorized absence without pay for less than thirty (30) days in a calendar year;
- C. Absences governed by applicable state and/or federal laws such as military or National Guard service; or protected leave.

4. A re-employment list shall be established and maintained by the District Administrator, or his designee for those employees who are separated from District Employment as a result of a layoff pursuant to Section 2050.2 of these policies. An employee may remain on the re-employment list for one year; and at the discretion of the District Administrator may remain on the list for one additional year. In addition to its use for re-employing regular employees, the re-employment list shall be used to determine the order in which part-time employees shall be employed when other than full-time regular work is available and additional employees are needed.

Previous full-time employees who were laid off and rehired as part-time employees will have their employment service records maintained so that they accumulate length-of-service as they work on an "hour-for-hour" basis.

Part-time employees who are re-hired for a full-time allocated position will have previously earned length-of-service maintained in their employment service records on an hour-for-hour basis after successful completion of a probationary period.

## **2040 - OUTSIDE EMPLOYMENT**

1. No District employee shall be permitted to accept employment in addition to or outside of District service if:
  - A. The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or
  - B. The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or
  - C. The duties to be performed in the additional or outside employment are in conflict with the duties including scheduling involved in District service.
2. Prior to accepting outside employment, an employee must seek approval from the District Administrator (via a District form) to ensure the above conditions have been met.
3. An employee who has approved additional or outside employment shall keep the District Administrator current as to their status with said additional or outside employment.
4. An employee who does have approved outside employment shall not be permitted to use District records, materials, equipment, facilities or other District resources in connection with said employment.

## **2050 - SEPARATION FROM DISTRICT EMPLOYMENT**

### **1. Resignation**

To leave District service in good standing, an employee must file a written notice of termination with the District Administrator at least two (2) weeks before the effective date. The District Administrator may, however, grant good standing with less notice if he/she determines the circumstances warrant.

Resignations may not be withdrawn without the District Administrator's approval.

Separation from District employment may also occur by retirement, release from probation, termination of employment for cause, if the employee is not available for work without approved leave, or in the event of the employee's death.

### **2. Layoffs**

Whenever, in the judgment of the District Board, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a regularly allocated 30-hour or full-time position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or assigned to a lower paying position.

A. Employees to be laid off shall be notified as soon as practicable and given at least 30 calendar days prior written notice.

B. Except as otherwise provided, whenever there is a reduction in the work force, the District Administrator shall first demote to a vacancy, if any, in a lower position for which the employee who is the latest to be laid off is qualified.

C. An employee affected by layoff may have retreat (also known as bumping) rights to displace an employee who has less seniority in a lower position that the employee has previously occupied or supervised. For the purpose of this section, seniority includes all periods equivalent to full-time service at or above the retreat position being considered.

D. In order to retreat to a former or lower position, an employee must request displacement action in writing to the District Administrator within five (5) working days of receipt of the layoff notice. The displaced employee shall receive notice of lay-off pursuant to this section.

E. Employees retreating to a lower position shall be placed at the salary step representing the least loss of pay. In no case shall the salary be increased above that received in the position from which the employee was laid off.

F. If two positions have the same job description, then employees shall be laid off as follows:

1. Part-time employees within the affected class(es) shall be laid off first.
2. Probationary full-time employees working the affected class(es) shall be laid off next

in reverse order of seniority.

3. Regular employees working in the affected class(es) who have one or more regular evaluations during the last three years with an overall rating of Unsatisfactory, shall be laid off next in reverse order of seniority.

4. Regular employees working in the affected class(es) who have not received an Unsatisfactory performance evaluation in the last three years, shall be reduced or laid off last, with the employee having the lowest number of layoff points being laid off or reduced first. Regular employees laid off shall be entitled to retreat to a position at the same or lower pay range in a class in which they were previously employed.

G. Layoff points shall be computed in the following manner:

1. Employees shall earn one point for each month of continuous full-time employment or a proportionate fraction of a point for part-time employment.

2. To a maximum of 18 total points, using the last three regular performance evaluations, an employee shall earn 6 points for each Exceptional regular performance evaluation which he or she has received during the period of District employment which has immediately preceded the date of layoff.

3. To a maximum of 9 total points, using the last three regular performance evaluations, an employee shall earn 3 points for each Superior regular performance evaluation which he or she has received during the period of District employment immediately preceding the date of layoff.

4. To a maximum of 18 points, using the last three regular performance evaluations, an employee shall have 6 points deducted for each Marginal regular performance evaluation which he or she has received during the period of District employment immediately preceding the date of layoff.

H. Should it occur that after the computation of layoff points, two or more persons have earned equal totals of such points, among those so equal in points, that person shall be laid off first, who had the later date of hire, or whoever was hired last if they were hired on the same effective date.

I. The names of persons laid off or demoted in accordance with this policy shall be entered upon a re-employment list in reverse order of the succession of layoff. Such list shall be used by the District Administrator when a vacancy arises in the same or a lower related class of position as determined by the District Administrator for which the person possesses the minimum qualifications including current required certifications/licenses.

J. Names of persons laid off shall be carried on the re-employment list for one year, except that persons appointed to regular positions of the same level as that from which they were laid off, shall upon such appointment, be removed from the list.

Persons who decline re-employment shall be removed from the list. Persons re-employed in a lower position in the same classification, or on a part-time basis, shall be continued on the list for the higher position for the full year. At the discretion of the District Administrator, the list may be extended for an additional year.

## **3000 - HOURS OF WORK AND OVERTIME**

The Board of Directors of the South San Luis Obispo County Sanitation District, from time to time, set forth salary, compensation and benefits adjustment by resolution for both exempt and non-exempt employees. It is anticipated that future Boards will adopt a resolution typically in conjunction with the budget in regard to salary, compensation and benefits in future years.

1. This policy section shall apply to all non-exempt employees.
2. The regular hours of work each day shall be consecutive except for interruptions for meal periods. The regular working day is generally defined as an 8-hour working day Saturday through Friday, excluding holidays, with a mid-morning break of fifteen (15) minutes and a midafternoon break of fifteen (15) minutes as well as a 30-minute unpaid lunch break.

Break time must be used on a daily basis and time allocated to breaks may not be accumulated. All breaks except for lunch must be taken on the job site. The District Administrator may authorize flexible work schedules provided it does not interfere with the regular workload of the District and is within the provisions of the Fair Labor Standards Act. The District Administrator may also alter the workday of administrative staff depending on the District's needs, not to exceed 10 hours per day.

3. Tardiness may be cause for disciplinary action. If an employee cannot report for work, then that employee is expected to notify his/her immediate supervisor within one half hour after the time the workday should have begun.

4. The workweek shall consist of seven (7) consecutive days from 12:01 A.M. Saturday, through midnight Friday. However alternative shifts may be assigned at the convenience of the District as approved by the District Administrator.

5. Overtime: It is the policy of the District to discourage overtime whenever possible. However, when overtime is necessary and authorized by the District Administrator or Wastewater Plant Superintendent, it shall be paid as follows, subject to the Fair Labor Standards Act:

A. Time worked in excess of forty (40) hours in a workweek;

B. Time worked on a designated holiday.

C. If an employee is directed by the District's Administrator or his/her designee or for mandatory schooling required for existing employment to attend a seminar, conference, and/or training session, time spent including travel time will be compensated.

6. Compensatory Time:

A. Definition

Definition: For purposes of this MOU, compensatory time off (“CTO”) is time earned in lieu of immediate cash payment for overtime hours worked. Overtime hours are defined above.

B. Comp Time or Cash Payment

When employees work overtime, they may request to be paid in compensatory time in lieu of cash payment and the decision is at the discretion of the District Administrator. CTO may be used in lieu of Vacation or Sick Leave and as requested under those provisions.

C. Annual Cash Out

Compensatory time balances as of the first full pay period in June of each year shall automatically be converted to a cash payment to the employee on the last paycheck in June unless State or federal regulations indicate differently, or extenuating circumstances warrant the District Administrator to authorize a carry-over amount not to exceed 40 hours upon request of an employee. Requests for carry-overs must be submitted in writing to the District Administrator no later than June 15th of each year.

## **3010 - STANDBY POLICY AND PAY**

1. A written schedule shall be maintained by the Plant Superintendent whereby utility and maintenance employees including non-exempt supervisory level staff, shall be assigned, on a rotational basis, to be "on-call" on weekends, holidays and other times not considered regular hours of work for District employees.

2. When an employee is on-call, he/she shall be provided a cell phone, radio and/or pager, etc., that will provide notification in the event of an emergency. Said cell phone, radio and pager, etc., shall be kept in the on-call employee's possession during the entire on-call period of time.

Notification of an emergency may also be given verbally, in person or telephonically, by the District Administrator or Plant Superintendent.

3. When an employee is on-call, he/she shall be free to utilize his/her time as desired; and shall refrain from activities which may impair their ability to perform their assigned duties. In addition, the employee must remain within 25 miles of the District and be able to arrive at District facilities within 35 minutes from the time of the initial callback notification.

4. Standby duty shall be compensated at the rate defined by current compensation agreement or MOU. An employee shall not receive standby pay for hours actually worked or for hours reimbursed by a call-back minimum of two hours.

5. Exempt employees may be compensated for standby duty, with authorization by District Administrator.

6. Standby pay will end once the employee is on site.

7. Employees required to perform standby service will be paid at the rate of \$3.75 per hour, or as determined by an applicable current MOU. When required, backup standby will be paid at the rate of \$1.00 per hour. Stand by shall not be paid if on "call back" overtime pay.

### **3020 - PAY PERIODS**

1. The salaries and wages of all District employees shall be paid every two weeks, on the following Friday. Each two-week cycle shall be considered a pay period.
2. In the event a payday falls on one of the holidays listed, the immediately previous working day shall become the payday.

## 3030 - COMPENSATION

1. This policy shall apply to all District employees.

A. All full-time employees entering the employ of the District shall be paid at the first or Step A of the salary range established for their classification unless authorized by the District Administrator.

B. The District Administrator shall have the authority to place an individual at Step B or C upon reviewing their experience and making a determination that said Step B or C salary is in the best interest of the District to provide at the time of employment. The Chair of the Board of Directors shall make the decision to hire any employee at Step D or higher and would only do so after reviewing recommendations made by the District Administrator with respect to the employee's experience and value to the District.

C. Re-employed Individuals - A person who previously held a full-time position from which the person was separated in good standing may, when re-employed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed, provided such re-employment occurs within twelve (12) months from the date of said termination.

D. Out-of-Class Pay – see Section 3032.

2. Salary step increases - As provided herein, salary step increases are not automatic, rather are based on performance and merit. Employees shall be placed on a salary step and qualify for increases in compensation for advancement to the next higher step of the pay ranges in the manner following:

A performance report verifying satisfactory performance of each employee recommended for step advancement shall be submitted to the District Administrator prior to final action on such recommendation.

A. Employees may qualify for advancement to Step B, after completion of one year of service, upon the recommendation of the Wastewater Plant Superintendent and approval by the District Administrator.

B. Employees may qualify for advancement to Step C, after the completion of one year of service in Step B, upon recommendation of the Wastewater Plant Superintendent and approval by the District Administrator.

C. Employees may qualify for advancement to Step D, after completion of one year of service at Step C, upon recommendation of the Wastewater Plant Superintendent and approval of the District Administrator.

D. Employees may qualify for advancement to Step E, after completion of one year of service in Step D, upon recommendation of the Wastewater Plant Superintendent and approval of the District Administrator.

3. For the purpose of determining eligibility for step advancement for employees, the anniversary date shall be as follows:

A. For employees entering the District service and appointed to a full-time or part-time position the anniversary date shall be the day following the completion of 12 months (26 completed pay periods) of service at such step.

B. Thereafter, on the annual anniversary date employees shall be eligible for consideration for a step increase to the next step in the salary range; such consideration shall include overall satisfactory performance as documented by a written performance evaluation (Appendix E). The effective date of a step increase if granted, shall be the first day of the pay-period in which the anniversary date falls, provided the performance evaluation has been approved by the District Administrator.

4. Promotion – Non-exempt employees promoted (pursuant to Section 2020) to a position with a higher pay range shall be placed on the step of the range allocated to the new classification which would grant such employee an increase in pay nearest to five percent. Such increase shall not exceed the top step of the range allocated to the new classification. The effective date of promotional appointment shall be the first day of the subsequent full pay-period following written approval by the District Administrator. Such action shall require the District Administrator to establish a new anniversary date in accordance with the following criteria:

A. For employees who are promoted the anniversary date shall be the date following the completion of 12 months (26 completed pay periods) of service at such step.

5. The Board of Directors, as part of the budget process, shall consider compensation rates and cost-of-living adjustments for employees, to meet District needs.

### **3031 – CERTIFICATE PAY**

1. All operators are eligible for stipend up to a maximum of 2.5% to base pay for an operator or laboratory grade obtained above that required for the employee's current regular position, to be paid upon full certification, as issued by the State of California.
2. The District shall pay a stipend of \$100 per month, in addition to other salary, to employees holding a valid Commercial Driver License (Class A) while occupying a District position requiring use of that license and designated by the District to utilize the related equipment.
3. The District shall pay a stipend of \$100 per month, in addition to other salary, to the employee tasked with serving as the District Safety Officer. The District may rotate safety officer duties at the discretion of the District Administrator.
4. The Lab Technician classification shall receive a 3% increase for designation and performance as the District's Laboratory Technician after six (6) months' experience in that position and after recommendation by the Wastewater Plant Superintendent and approval of the District Administrator. This increase shall be in addition to any stipend for higher operator grade license.

### **3032 – OUT-OF-CLASS PAY**

1. A five percent (5%) stipend shall be paid to those employees required to work and perform duties in a vacant classification above their classification as approved by the District Administrator. However, if an employee meets the full qualifications of the position for the temporary assignment by holding the necessary certification, the employee shall be compensated at Step A of the range for the temporary classification assignment, or at the next step to avoid a reduction in pay.
2. Assignments on a temporary basis shall be recommended by the Wastewater Plant Superintendent and approved by the District Administrator via a Personnel Action Form.
3. The waiting period for out-of-class pay shall be a full 40 hours of regular pay and non-overtime hours actually worked (productive time). During a work week where a holiday falls; the holiday shall be considered as productive time worked. Management shall not rotate assignments among employees to avoid payment of minimum out-of-class pay.
4. Once the employee assigned to work in a higher classification has worked 40 hours of productive time, he/she shall be compensated effective the first day of the assignment. An employee who volunteers and is approved for such assignment shall receive no increase in salary if he/she is volunteering for training purposes.
5. Once the temporary assignment has ended, the employee shall be restored to their regular classification.
6. Temporary assignments shall not count toward time in service at the higher classification level and employee shall have no rights to permanently fill the position. Should the position remain vacant, all qualified employees may compete for a vacant position in a District recruitment that may be undertaken to fill the vacancy.
7. With the written approval of the District Administrator an employee may volunteer to perform duties of a higher classification when he/she is not fully qualified, for the purposes of training and professional development.

### **3040 - ACCEPTING AND PROVIDING GIFTS**

1. An employee or his/her spouse, or other family members who could cause a conflict of interest for the employee pursuant to the California Political Reform Act and other laws and regulations, may not accept from, or provide to, individuals or companies doing or seeking to do business with the district, gifts, entertainment, and/or other services or benefits unless the transaction meets all of the following guidelines:

A. Is customary and gives no appearance of impropriety, may be shared by the staff, and does not have more than a \$25 value;

B. Does not impose any sense of obligation on either the giver or the receiver;

C. Does not result in any kind of special or favored treatment;

D. Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense;

E. Is given and received with no effort to conceal the full facts by either the giver or receiver.

2. Exceptions to these policies that do not exceed state or federal statutes may be approved by District Administrator.

## 3050 - PERFORMANCE EVALUATIONS

1. These policies apply to all full-time and 30-hour part-time employees.

A. The District Administrator or other responsible managing employee or his/her designated representative shall conduct a scheduled performance review of each employee using Appendix E, prior to the date upon which an employee is eligible for increases in compensation based on merit (see Section 3030).

Probationary employees shall be evaluated in writing at six, and twelve months prior to the first anniversary date. Documented verbal evaluation/review shall occur at three months and nine months.

Regular employees shall be evaluated annually in writing on the salary anniversary date.

B. Performance evaluations shall be in writing on forms prescribed by the District Administrator or other responsible managing employee (see Appendix E). Said evaluation shall provide recognition for effective performance and also identify areas that need improvement. All evaluations will have an overall evaluation of Unsatisfactory, Marginal, Less Than Satisfactory, Satisfactory, Commendable, Superior, or Exceptional.

(1) Unsatisfactory performance is defined as: well below the standard expected of a competent worker in that job, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the rater.

(2) Marginal performance is defined as: frequently less than the standard expected of a competent worker in that job, and improvable with additional training, experience and/or employee effort.

(3) Less Than Satisfactory performance is defined as: occasional performance less than the standard expected of a competent worker in that job, and improvable with additional training, experience and/or employee effort.

(4) Satisfactory performance is defined as: consistently meeting the standard expected of a competent worker in that job.

(5) Commendable performance is defined as: at times above the standard expected of a competent worker in that job, a majority of the time.

(6) Superior performance is defined as: generally above the standard expected of a competent worker in that job, a majority of the time.

(7) Exceptional performance is defined as: consistently and distinctly well above the standard expected of a competent worker in that job; performance is definitely

superior;

All ratings must be substantiated in a written statement by the rater.

C. The performance evaluation shall be signed by the evaluator and employee and shall be discussed with the employee.

D. Unscheduled performance evaluations may be made at the discretion of the District Administrator or other responsible managing employee or his/her designated representative.

E. Employees may provide a rebuttal in writing within 30 calendar days of receipt of the performance evaluation. The rebuttal shall be filed with the original performance evaluation in the official personnel file.

## 4000 – VACATION

1. This policy shall apply to regular and probationary employees in all classifications and shall supersede and repeal the previous vacation provisions contained in resolutions or as attachments to resolutions.

Prospective amendments by resolution shall be incorporated into this policy, with a notation of the resolution number and the date of adoption.

2. The purpose of annual vacation leave is to enable each eligible employee to return to his work mentally refreshed. All employees in the competitive service shall be entitled to annual vacation leave with pay except the following:
  - A. Employees still serving their original probationary period in the service of the Sanitation District. However, vacation credits for the time may be granted to each such employee who later successfully passes his/her new hire probationary period.
  - B. Employees who work on an intermittent, temporary, or seasonal basis and all employees who work less than half-time.
3. After six months of continuous service a newly hired employee may be permitted to take vacation leave.
4. All eligible full-time employees in a paid status, shall earn vacation credits by pay period at the rates as follows, unless he/she has reached the maximum accumulation of hours. All eligible employees who work less than full-time and at least half time (and are not noted in (b) above), shall earn vacation credits on a prorated basis.

Years of completed continuous service	Vacation Days
From 0 up to 2 years	10 days
From 2+ up to 4 years	11 days
From 4+ up to 5 years	12 days
From 5+ up to 6 years	13 days
From 6+ up to 7 years	14 days
From 7+ up to 8 years	15 days
From 8+ up to 10 years	16 days
From 10+ years	+1 day/year; up to 22 days max

5. Effective dates for rate of earnings shall be the first day of the next full pay period after employee completed the referenced years' service.
6. The maximum amount of vacation accumulation at any one time for an employee shall be 320 hours. When an employee reaches the maximum allowable vacation credit, no additional vacation credit shall be earned until the vacation balance is below the maximum. Employees are responsible to regularly monitor their own accumulated vacation hours balance.

7. The District will not require an employee to take vacation time in lieu of sick leave or leave of absence during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used. Vacation taken in lieu of sick leave, will be recorded as such on employee timecards.
8. If a District recognized holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.
9. The times during a calendar year when an employee may take his vacation shall be determined with due regard for the wishes of the employee and the needs of the District. If the requirements of the District are such that an employee must defer part or all of his annual vacation in a particular calendar year, the appointing authority may permit the employee to take such deferred vacation during the following calendar year.

Employees are responsible to monitor their own vacation balances, and if requirements of service are such that a deferral may be necessary, they are to advise the Wastewater Plant Superintendent and District Administrator in advance. A written record of each pre-approved deferred vacation, signed by the Wastewater Plant Superintendent and District Administrator, noting the details, shall be kept on file with the District Administrator.

10. Vacations may be scheduled at any time during the year upon approval of the employees' immediate supervisor. Vacation requests must be submitted in writing and may not be approved if not submitted at least two weeks in advance, or if the request conflicts with other vacation requests. If a vacation conflict exists employee District seniority shall be used to resolve conflict.
11. Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted except at termination.
12. Employees who terminate employment shall be paid in a lump sum for all accrued vacation leave up to 320 hours earned prior to the effective date of termination. No such payment shall be made for vacation accumulated contrary to the provisions of these rules.

#### **4005 –MANAGEMENT LEAVE**

1. Exempt employees shall earn management leave in the amount of 40 hours per service year, to be used subject to District Administrator approval, in a similar manner as vacation time. However, management leave is not a vested leave right, and as such, shall not be accumulated and carried over from one calendar year to the next, nor paid off in a lump sum at termination.
2. Additional management leave of up to 40 hours may be granted by the District Administrator if warranted.

## 4010 - HOLIDAYS

1. This policy shall apply to all full-time employees and is further defined as follows:

The following legal holidays shall be observed by the South San Luis Obispo County Sanitation District and that its office shall be closed on these days:

- A. January 1<sup>st</sup>, New Year's Day
- B. Third Monday in January, Martin Luther King Day
- C. February 12<sup>th</sup>, Lincoln's Birthday
- D. Third Monday in February, Washington's Birthday observed
- E. March 31<sup>st</sup>, Cesar Chavez Day
- F. The last Monday in May, Memorial Day
- G. July 4<sup>th</sup>, Independence Day
- H. First Monday in September, Labor Day
- I. Second Monday in October, Columbus Day
- J. November 11<sup>th</sup>, Veterans' Day
- K. Fourth Thursday in November, Thanksgiving Day
- L. Friday following Thanksgiving Day
- M. December 24<sup>th</sup>, Christmas Eve
- N. December 25<sup>th</sup>, Christmas

Floating Holiday – In exchange for the previously provided holiday known as September 9<sup>th</sup>, Admissions Day, each employee shall be provided with one floating holiday that may be scheduled at any time during the year upon approval of the employee's immediate supervisor. Floating Holiday requests must be submitted in writing and may not be approved if not submitted at least two weeks in advance, or if the request conflicts with other floating holiday requests. If a conflict exists, employee District seniority shall be used to resolve conflict. The floating holiday shall be credited to each employee is employed by the District on July 1 of each year, provided the employee was employed continuously by the District on or before the previous January 1. The floating holiday hours will be credited on July 1 of each year.

2. All regular work shall be suspended, and full-time employees shall receive one (1) eight (8) hour day's pay for each of the holidays listed above. An employee on a leave without pay will not receive holiday pay.

3. Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.

4. If an employee is taking an authorized leave with pay when a holiday occurs, the day shall be compensated as holiday pay.

5. If any employee works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1 1/2) his/her regular rate of pay or as otherwise specified under Policy #3000 (Hours of Work and Overtime).

Additional Observed Holiday: Each day appointed through executive order by the President of the United States or Governor of the State for a public fast, thanksgiving, or holiday. In the event Congress approves a fixed holiday, the Board of Directors shall determine if the District shall observe it as an annually fixed holiday.

## 4020 – SICK LEAVE

1. This policy shall apply to probationary and regular employees in all classifications.

2. Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and physician prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to employee's immediate supervisor.

3. Sick leave shall be accrued at a rate of one eight (8) hour day per month, provided employee is not on leave without pay. Only available and accrued sick leave per the last payroll report may be used.

During the month of July, employees may convert a portion (25%) of sick leave earned within a fiscal year, to regular pay.

Upon separation of employment, long term employees accumulated sick leave of up to a maximum of 480 hours shall be paid out according to length of District service:

10 years' service completed	50%
15 years' service completed	100%

4. Sick leave may be used for the need of the employee and his/her spouse, parents, grandparents, child, step child, brother or sister, grandchild or corresponding relatives by marriage or any other person who is a legal dependent of employee in accordance with the Healthy Workplace Healthy Families Act.

5. In order to receive compensation while on sick leave, the employee shall notify his/her supervisor within half an hour after the time the work day should have begun, or as soon as practical in emergency situations.

6. If absence from duty by reason of illness occurs, satisfactory evidence may be required by the District Administrator or other responsible managing employee after the first 24 hours or three days leave have been used each year (in an annual 12-month period based on employee's anniversary date).

## **4025 - FAMILY AND MEDICAL LEAVE POLICY**

### **1. Statement of Policy**

To the extent not already provided for under current leave policies and provisions, the South San Luis Obispo County Sanitation District (District) will provide family and medical care leave for eligible employees as required by state and federal law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act ("FMLA"), and the regulations of the California Family Rights Act ("CFRA"). Unless otherwise provided by this policy, "leave" under this policy shall mean leave pursuant to the FMLA and CFRA.

### **2. Definitions**

A. "12-Month Period" means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

1. "Single 12-month period" means a 12-month period which begins on the first day the eligible employee takes FMLA leave to take care of a covered servicemember and ends 12 months after that date.

B. "Child" means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes, a biological, adopted, foster or step-child.

A child is "incapable of self care" if he/she requires active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living — such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.

C. "Covered active duty" means: (1) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country, or (2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of member of the Armed Forces to a foreign country under a call or order to active duty under certain specified provisions.

D. "Covered Servicemember" means (1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or

(2) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

E. "Domestic Partner," (also known as Registered Domestic Partner) as defined by Family Code §§ 297 and 299.2, shall have the same meaning as "Spouse" for purposes of CFRA Leave.

F. "Health Care Provider" means:

1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;
2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treat or supervise treatment of a serious health condition;
3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;
4. Nurse practitioners and nurse-midwives, clinical social workers, and physician assistants who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;
5. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; and
6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

G. "Next of Kin of a Covered Servicemember" means the nearest blood relative other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: Blood relatives who have been granted legal custody of the covered servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

H. "Outpatient Status" means, with respect to a covered servicemember, the status of a member of the Armed Forces assigned to either: (1) a military medical treatment facility as an outpatient; or (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

I. "Parent" means the biological, adoptive, step or foster parent of an employee, or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.

J. "Qualifying Exigency Leave" Eligible employees may take FMLA leave while the employee's spouse, son, daughter, or parent (the "covered military member") is on active duty or call to active duty status, which may include one or more of the following qualifying non-medical exigencies:

Short-notice deployment, attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, attending post-deployment reintegration briefings, and arranging for parental care.

K. "Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

1. Inpatient care in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom). A person is considered "inpatient" when a health care facility formally admits him or her to the facility with the expectation that he or she will remain at least overnight, even if it later develops that such person can be discharged or transferred to another facility, and does not actually remain overnight; or

2. Continuing treatment by a health care provider: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- a) A period of incapacity (i.e., inability to work, or perform other regular daily activities) due to serious health condition of more than three full consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

- i) Treatment two or more times within 30 days of the first day of incapacity, unless extenuating circumstances exist by a health care provider, by a nurse, or by a provider of health care services (e.g., a

physical therapist) under orders of, or on referral by a health care provider. The first in-person treatment visit must take place within seven days of the first day of incapacity; or

ii) Treatment by a health care provider on at least one occasion which must take place within seven days of the first day of incapacity and results in a regimen of continuing treatment under the supervision of the health care provider. This includes for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.

b) Any period of incapacity due to pregnancy or for prenatal care. This entitles the employee to FMLA leave, but not CFRA leave. (Under California law, an employee disabled by pregnancy is likely entitled to pregnancy disability leave.)

c) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

i) Requires periodic visits (defined as at least twice a year) for treatment by a health care provider or by a nurse;

ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). Absences for such incapacity qualify for leave even if the absence lasts only one day.

d) A period of incapacity, which is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

e) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.

L. "Serious Injury or Illness": (1) in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness

that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; or (2) in the case of a veteran who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy, means a qualifying injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

M. "Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage. "Spouse" also includes registered domestic partners and same-sex partners in marriage.

N. "Workweek" means the employee's normally scheduled workweeks. For eligible employees who work more or less than five days a week, or who work on alternative work schedules, the number of working days that constitute 12 weeks is calculated on a pro rata, or proportional, basis.

### **3. Reasons for Leave**

Leave is only permitted for the following reasons:

- A. The birth of a child or to care for a newborn of an employee;
- B. The placement of a child with an employee in connection with the adoption or foster care of a child;
- C. Leave to care for a child, parent, spouse, or domestic partner who has a serious health condition;
- D. Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position (i.e., an employee is unable to perform any one or more of the essential functions of his/her position);
- E. Leave for a "qualifying exigency" may be taken arising out of the fact that an employee's spouse, son, daughter, or parent is on covered active duty or call to active duty status (under the FMLA only, not the CFRA); or
- F. Leave to care for a spouse, son, daughter, parent, or "next of kin" who is a covered servicemember of the United States Armed Forces who has a serious injury or illness incurred in the line of duty while on active military duty or existed before the beginning of the member's active duty and was aggravated by service

in the line of duty on active duty in the Armed Forces (this leave can run up to 26 weeks of unpaid leave during a single 12-month period) (under the FMLA only, not the CFRA).

Employees who misuse or abuse FMLA and/or CFRA leave may be disciplined up to and including termination. Moreover, an employee who fraudulently obtains or uses FMLA/CFRA leave is not protected by the FMLA/CFRA's job restoration or maintenance of health benefits provisions.

## **See Section 4035 – Pregnancy Related Leaves and Transfer Privileges**

### **4. Employees Eligible for Leave**

An employee is eligible for leave if the employee:

- A. Has been employed for at least 12 months; and
- B. Has been employed for at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave.

### **5. Amount of Leave**

Eligible employees are entitled to up to a total of 12 workweeks (or 26 weeks to care for a covered servicemember) of leave during any 12-month period. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

#### **A. Minimum Duration of Leave**

If leave is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for less than two weeks duration on any two occasions.

If leave is requested to care for a child, parent, spouse or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the employee must comply with the notice and medical certification provisions of this policy.

#### **B. Parents/Spouses Both Employed by the District**

In any case in which both parents are employed by the District and are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e.,

bonding leave). Similarly, where married spouses both work for the same employer, they may be limited to a total of 12 weeks of FMLA leave for bonding leave.

In any case in which a husband and wife both employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both may be entitled may be limited to 26 workweeks during any 12-month period if leave is taken to care for a covered servicemember.

Except as noted above, these limitations do not apply to any other type of leave under this policy.

## **6. Employee Benefits While on Leave**

Leave under this policy is unpaid. While on family and medical care leave, employees will continue to be covered by the District's group health insurance to the same extent that coverage is provided while the employee is on the job for up to 12 weeks each leave year. If the employee is disabled by pregnancy, coverage will continue to be covered for up to 4 months (i.e. 17 and 1/3 weeks) for each pregnancy. In the event an employee is disabled by pregnancy and also uses leave under the California Family Rights Act, the District will maintain the employee's health benefits while the employee is disabled by pregnancy (up to four months or 17 and 1/3 weeks) and during the employee's CFRA leave (up to 12 weeks). Employees will still be responsible for the employee's share of the premiums for health benefits.

Employees will not continue to be covered under the District for any other non-health plan. If employees would like to continue to be covered under these non-health benefit plans, employees may make the appropriate contributions for continued coverage by payroll deductions or direct payments made to these plans. Depending on the particular plan, the District will inform you whether the premiums should be paid to the carrier or to the District.

Your coverage on a particular plan, including health benefits plans, may be dropped if you are more than 30 days late in making a premium payment. However, you will receive a notice at least 15 days before coverage is to cease, advising you that you will be dropped if your premium payment is not paid by a certain date. Employee contribution rates are subject to any change in rates that occurs while the employee is on leave.

If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health plan premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control. The District shall have the right to recover premiums through deduction from any sums due the District (e.g. unpaid wages, vacation pay, etc.).

## **7. Substitution of Paid Accrued Leaves**

While on leave under this policy, as set forth herein, an employee may elect to concurrently use paid accrued leaves. Similarly, the District may require an employee to concurrently use paid accrued leaves after requesting FMLA and/or CFRA leave, and may also require an employee to use family and medical care leave concurrently with a non-FMLA/CFRA leave which is FMLA/CFRA-qualifying.

#### A. Employee's Right to Use Paid Accrued Leaves Concurrently with Family Leave

Where an employee has earned or accrued paid vacation, management leave, or other paid leave, that paid leave may be substituted for all or part of any (otherwise) unpaid leave under this policy.

As for sick leave, an employee may elect or the District may require an employee to use accrued sick leave only if:

1. The leave is for the employee's own serious health condition; or
2. The leave is for another reason mutually agreed upon between the District and the employee.

If the District and employee do not "mutually agree" to allow use of accrued sick leave to care for a family member, under Labor Code section 233 and Labor Code section 245 et seq., employees can use no more than 48 hours of sick leave, which is half of the sick leave hours a full-time employee can and has accrued in one year, to care for a family member with a serious health condition.

#### B. District's Right to Require an Employee to Use Paid Leave When Using FMLA/CFRA Leave

Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:

1. Employees are required to use any accrued and available compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act.
2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition or another reason mutually agreed upon between the District and the employee.

#### C. District's Right to Require an Employee to Exhaust FMLA/CFRA Leave Concurrently with Other Leaves

If an employee takes a leave of absence for any reason, which is FMLA/CFRA-qualifying, the District may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.

#### D. District's and Employee's Rights if an Employee Requests Accrued Leave, Other Than Accrued Sick Leave, Without Mentioning Either the FMLA or CFRA

If an employee requests to utilize accrued vacation leave or other accrued paid time off, other than accrued sick leave, without reference to a FMLA/CFRA-qualifying purpose, the District may not ask the employee if the leave is for a FMLA/CFRA-qualifying purpose. However, if the District denies the employee's request and the employee provides information that the requested time off is for a FMLA/CFRA-qualifying purpose, the District may inquire further into the reason for the absence. If the reason is FMLA/CFRA-qualifying, the District may require the employee to exhaust accrued leave as described above in Section C.

### **8. Medical Certification**

Employees who request leave for their own serious health condition or to care for a child, parent, registered domestic partner, or spouse who has a serious health condition must provide written certification from the health care provider of the individual requiring care if requested by the District.

If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.

Employees who request leave to care for a covered servicemember who is a child, spouse, parent, or "next of kin" of the employee must provide written certification from a health care provider regarding the injured servicemember's serious injury or illness.

The first time an employee requests leave because of a qualifying exigency, an employer may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to active duty status in a foreign country, and the dates of the military member's active duty service. A copy of new active duty orders or similar documentation shall be provided to the employer if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different military member.

#### A. Time to Provide a Certification

When an employee's leave is foreseeable and at least 30 days' notice has been provided, 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 District within the time frame requested by the District

(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.

#### B. Consequences for Failure to Provide an Adequate or Timely Certification

If an employee provides an incomplete medical certification, the employee will have seven calendar days to cure any such deficiency.

However, if an employee fails to provide a medical certification within the seven calendar days, the District may delay the taking of FMLA/CFRA leave until the required certification is provided.

#### C. Second and Third Medical Opinions

If the District has a good faith, objective reason to doubt the validity of a certification, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee but paid for by the District. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.

#### D. Intermittent Leave or Leave on a Reduced Leave Schedule

If an employee requests leave intermittently (a few days or hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition, the employee must provide medical certification that such leave is medically necessary. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

### **9. Employee Notice of Leave**

Although the District recognizes that emergencies arise which may require employees to request immediate leave, employees are required to give notice of their need for leave as soon as is practicable. Except for qualifying exigency leave, if leave is foreseeable, at least 30 days' notice is required. In addition, if an employee knows that he/she will need leave in the future but does not know the exact date(s) (e.g. for the birth of a child or to take care of a newborn), the employee shall inform his/her supervisor as soon as possible that such leave will be needed. If the District determines that an employee's notice is inadequate or the employee knew about the requested leave in advance of the request, the District may delay the granting of the leave until it can, in its discretion, adequately cover the position with a substitute.

For foreseeable leave due to a qualifying exigency, an employee must provide notice of the need for leave as soon as practicable, regardless of how far in advance such leave is foreseeable.

## **10. Reinstatement upon Return from Leave**

### **A. Right to Reinstatement**

Upon expiration of leave, an employee is entitled to be reinstated to the position of employment held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Employees have no greater rights to reinstatement, benefits and other conditions of employment than if the employee had been continuously employed during the FMLA/CFRA period.

If a definite date of reinstatement has been agreed upon at the beginning of the leave, the employee will be reinstated on the date agreed upon. If the reinstatement date differs from the original agreement of the employee and the District, the employee will be reinstated within two business days, where feasible, after the employee notifies the employer of his/her readiness to return.

### **B. Employee's Obligation to Periodically Report on His/Her Condition**

Employees may be required to periodically report on their status and intent to return to work. This will avoid any delays to reinstatement when the employee is ready to return.

### **C. Fitness-for-Duty Certification**

As a condition of reinstatement of an employee whose leave was due to the employee's own serious health condition, which made the employee unable to perform his/her job, the employee must obtain and present a fitness-for-duty certification from the health care provider that the employee is able to resume work. Failure to provide such certification will result in denial of reinstatement.

### **D. Reinstatement of "Key Employees"**

The District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.

## **11. Required Forms**

Employees must fill out applicable forms in connection with leave under this policy:

A. "Request for Family or Medical Leave Form" prepared by the District to be eligible for leave. NOTE: EMPLOYEES WILL RECEIVE A DISTRICT RESPONSE TO THEIR REQUEST WHICH WILL SET FORTH CERTAIN CONDITIONS OF THE LEAVE.

B. Medical certification—either for the employee's own serious health condition or for the serious health condition of a child, parent, spouse or domestic partner.

C. Authorization for payroll deductions for benefit plan coverage continuation.

D. Fitness-for-duty to return from leave form.

## **4030 - BEREAVEMENT LEAVE**

1. This policy shall apply to regular employees in all classifications.
2. In the event of a death of a spouse, parent, grandparent, child, brother or sister, grandchild, or corresponding relatives by marriage, an employee shall be granted a paid leave of absence not to exceed three (3) days. The employee may request use of accumulated vacation time during any additional bereavement leave, not to exceed two additional days to be approved by the District Administrator.

Proof of the need for bereavement leave may be required by the District Administrator or other responsible managing employee.

## **4035 - PREGNANCY RELATED LEAVES AND TRANSFER PRIVILEGES**

1. This policy applies to all District employees. Under California Pregnancy Disability Leave (PDL) in the event of pregnancy, childbirth, and related physical and mental conditions, employees have rights and protections including the right to reasonable accommodations and the right to time off from work. It is illegal for employers to fire, refuse to hire, bar, harass, discharge, or otherwise discriminate against an employee because of their pregnancy, childbirth, or related condition.

A pregnancy disability is a physical or mental condition related to pregnancy or childbirth that prevents an employee from performing essential duties of her job, or if her job would cause undue risk to her or her pregnancy's successful completion.

There is no minimum service or hours worked requirement for eligibility for PDL.

However, if an employee is eligible for FMLA during PDL leave, then FMLA will run concurrently with PDL, provided the District has met the FMLA notice requirements. The duration of leave of absence for pregnancy disability under PDL shall be for the period of time the employee is actually disabled, as certified by the employee's health care provider, up to a maximum of four months (i.e., 17 and 1/3 weeks).

2. An employee who is temporarily unable to work due to a disability related to pregnancy, childbirth, or related medical conditions may take an unpaid pregnancy disability leave, except that the District may require the employee to use sick leave while disabled during the waiting period prior to commencement of indemnity benefits.

3. An employee affected by pregnancy or a related medical condition may be eligible to transfer to a less strenuous or hazardous position or to less strenuous or hazardous duties, if such a transfer is medically advisable and can be reasonably accommodated.

Employees with a certified medical necessity for an accommodation shall provide reasonable advance notice to allow for the interactive process in determining the feasibility of implementing a reasonable accommodation.

4. Time off for necessary prenatal care, severe morning sickness, prenatal or postnatal care, doctor ordered bed rest, childbirth, gestational diabetes, pregnancy-induced hypertension, preeclampsia, post-partum depression, loss or end of pregnancy, and recovery from loss or end of pregnancy are all covered by this policy.

### **5. Employee Obligations**

A. An employee should make requests for pregnancy disability leave to her supervisor at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

B. A health care provider's statement must be submitted verifying the need for

pregnancy disability leave or for a transfer and stating: (1) The date on which the employee became disabled due to pregnancy, childbirth or related medical condition or the date on which the need for a transfer became medically advisable; (2) The probable duration of the period(s) of disability or the duration of the need for a transfer; and (3) A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons, or that the transfer is medically advisable. The District may require recertification if the employee requests an extension beyond the original certification.

C. If there is any change in the information contained in the health care provider's statement, the employee should report these changes promptly to her supervisor.

## 6. Length of Leave

A. Full-time employees are granted unpaid leave for the period of actual disability, up to a maximum of four months (17 1/3 weeks, 40-hour week employees).

B. Part-time employees are granted unpaid leave on a pro-rata basis.

C. The pregnancy disability leave need not be taken in one continuous period of time but can be taken on an as-needed basis. In other words, leave may be taken intermittently or on a reduced work schedule when determined medically advisable by the employee's health care provider.

The smallest increment of time that can be used for such a leave is one-half hour. The District may transfer the employee to an alternative position or temporarily alter the existing job to accommodate intermittent leave or a reduced work schedule, due to pregnancy disability. The employee will receive the same pay and benefits in the alternative position. Upon such request, the District will enter into the interactive process to determine feasibility to provide a reasonable accommodation.

## 7. Compensation and Benefits

A. An employee taking pregnancy leave must use accrued sick leave before entering leave-without-pay status. The employee may then substitute all accrued paid vacation before continuing leave on an unpaid basis. Compensated and uncompensated leave will be counted toward the four-month entitlement.

B. The employee may also be eligible for state disability insurance for the unpaid portion of the leave.

C. Employees on leave-without-pay will not continue to accrue vacation time and will not be paid for holidays during the leave.

D. If an employee taking a Pregnancy Disability Leave would be entitled to continuation of health benefits under the District, the employee will continue participating in any health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for up to a maximum of 12 workweeks) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave, provided that the employee continues to pay his or her required portion of the premium payments (if any).

The District will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. An employee who does not return from leave may be required, under certain circumstances provided by the law, to reimburse the District for any employee contributions paid by the District while the employee was on unpaid leave.

Any employee taking a Pregnancy Disability Leave who is not eligible for benefits continuation under the Family and Medical Leave Policy will receive continued benefits on the same terms and conditions as other medical leaves.

8. When a pregnancy disability leave ends, the District will reinstate an employee to her original position or to a comparable position with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if an employee on Pregnancy Disability Leave would have been laid off had she not gone on leave, or if the employee's position has been eliminated during the leave and there is no comparable position available, then the employee would not be entitled to reinstatement.

An employee's use of Pregnancy Disability Leave will not result in the loss of any employment benefit that the employee earned or was entitled to before the leave. So that the District can properly schedule an employee's return to work, an employee on pregnancy disability leave should provide her supervisor with at least two week's advance notice of the date she intends to return to work.

9. Employees returning from pregnancy disability leave must submit a health care provider's verification of their fitness to return to work.

10. After an employee is no longer disabled under PDL, and meets eligibility for FMLA/CFRA, any remaining FMLA leave shall run concurrently with CFRA to bond with the newborn. (See Section 4025-Family and Medical Leave for CFRA bonding leave.)

#### **11. Lactation Accommodations**

A. The District will provide nursing mothers, up to one year after the birth of their child, a reasonable break time each time the employee needs to express milk, unless doing so would seriously disrupt District operations.

B. The employee shall make a reasonable request with enough advance notice to allow for securing an appropriate location, and to allow for back-up staffing so as to not unduly disrupt District services.

C. Any time needed beyond the employee's regular break and meal period(s) shall require the use of an appropriate paid leave accrual.

D. The District must provide a place, other than a toilet stall, that is shielded from view and free from intrusion from coworkers and the public, which nursing mothers may use. A "do not disturb" sign shall be placed on the door and windows (if any) shall be covered.

#### **4040 - LEAVE FOR JURY DUTY**

This policy shall apply to probationary and regular employees in all classifications.

1. An employee summoned for jury duty will immediately notify the District Administrator or other responsible managing employee.
2. While serving on a jury, he/she will be paid for the duration of said jury duty at their regular pay rate.
3. Said paid leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workday, and District receipt of Court documents certifying (by the Clerk's Office staff) the jury time served at the end of the service.
4. It is also conditional upon the employee's conveyance to the District of any compensation received; however, employees may keep any mileage paid by the Court.

## **4045 - CATASTROPHIC LEAVE DONATION PROGRAM**

Upon written request of an employee and approval from the District Administrator, sick leave accruals may be transferred from one or more employee(s) to another under the following conditions:

1. The employee receiving sick leave credits faces financial hardship due to an injury, or prolonged illness, or other medical condition of the employee, as certified by a medical provider.
2. The employee receiving the credit has exhausted all paid sick and vacation leave accruals, and any other paid leave accruals.
3. Vacation leave, compensatory time, holiday accruals or any other type of credit cannot be transferred.
4. Donations of sick leave must be in whole hour increments and may not exceed forty (40) hours by the donating employee without approval from the District Administrator. Further, the donating employee must retain a bank of 40 hours sick leave accruals after the donation.

Employee participation as a donor is voluntary, and employees shall not be pressured into participating by donating time from their own sick leave accruals.

Transfer of sick leave is on an hour for hour basis, the transfer of which is non-revocable.

5. Donors and individual hours donated shall be maintained as confidential payroll information and shall not be released. Recipients accept donated hours with the understanding that the District will not release information regarding individual donors.
6. Provisions of this catastrophic leave program are not subject to any grievance procedures or the subject of any appeal to the Board of Directors.

## **4050 - VOLUNTARY LEAVE OF ABSENCE**

### **1. Voluntary Leaves of Absence without Pay**

A. With the approval of the District Administrator, an employee may request a leave of absence without pay for a period of up to 90 days. Such request shall be written.

B. Voluntary leaves of absence without pay will only be authorized once all available vacation and any other accrued leave time has been used by the employee. The leave of absence without pay will be without any accrual of pay and/or other benefits available to regular employees of the District and shall extend the salary anniversary date if the employee has not yet reached the top step of their salary range.

C. Due to the District's limited work force, maintenance of job classifications for the term of a voluntary authorized leave of absence without pay cannot be guaranteed beyond the approved end date.

D. For an employee who requests a voluntary leave of absence that would be granted for eligible employees under the Family Medical Leave Act, Section 4025 shall determine accommodations.

### **2. Employee Obligations**

A. For most leaves, (except FMLA or other protected eligible leaves), employees will not be permitted to take their leave intermittently or on a reduced-leave schedule without the District Administrator's approval.

## **4055 - FAMILY-SCHOOL PARTNERSHIP ACT aka Child Related Activities**

### **1. Policy Statement:**

An employee who is a parent of one or more children of the age to attend kindergarten or grades 1 through 12 inclusive, or under the care of a licensed child-care provider, may upon reasonable notice take their own paid leave to participate in one or more of his/her children's school activities.

### **2. Definitions**

Under this policy:

“Child Related Activities” means activities related to the following:

- To find, enroll, or reenroll an employee’s child in a school or with a licensed child-care provider.
- To participate in school-related or licensed child-care related activities, if prior to taking time off the employee gives reasonable notice to their supervisor.
- To address a school emergency or licensed child-care provider emergency, if the employee gives notice to the employer.

“Documentation” means proof that the employee is engaged in child-related activities permitted by this policy, on a specific date and at a particular time. Whatever written verification of parental participation the school or licensed child day care provider deems appropriate and reasonable.

“Emergency Need” means school emergency or licensed child-care provider emergency such that an employee’s child cannot remain in a school or with a licensed child-care provider due to the following:

- The school or licensed child-care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or licensed child-care provider.
- Behavioral or discipline problems.
- Closure or unexpected unavailability of the school or licensed child-care provider, excluding planned holidays.
- A natural disaster, including but not limited to, fire, earthquake, or flood.

“Licensed Child Care Provider” means a facility licensed by the State of California. The Child Care Licensing Program is mandated by law to provide preventive, protective, and quality services to children in care by ensuring that licensed facilities meet established health and safety standards through monitoring facilities, providing technical assistance, and establishing partnerships with providers, parents, and the child-care community.

“Parent” means a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to a child.

“Reasonable Notification For Time Off” means when an employee identifies the need for paid leave as child-related in advance, and gives notice pursuant to District notification purposes.

### **3. Level of Coverage**

#### **A. Eligibility**

Employees must use an appropriate paid leave accrual and are limited to no more than forty (40) hours annually, up to a total of eight (8) hours of paid leave in any month, regardless of how many children they have.

#### **B. Both Parents Employed by the Same Employer**

If both parents of a child are employed by the District, only the parent who first gives notice to the employer is entitled to the time off at any one time. The other employee may request a planned simultaneous absence if the employer approves the requested time off.

The employee shall utilize accrued vacation, management leave or earned floating holiday hours, (to the extent available), prior to being on leave without pay up to the prescribed time limitations. Sick leave is not available for use under this provision. Leave used under Child Related Activities time is not eligible as leave covered under FMLA/CFRA.

### **4. Procedure for Requesting Time Off**

The employee shall provide advance reasonable notice for the paid time off, so as not to interfere seriously with or impair the efficiency of operations.

The District may also require proof in the form of documentation be provided verifying employee participation in child-related activities. See documentation under Definitions above.

## **4060 – INJURED ON DUTY**

1. All on-the-job injuries shall be immediately reported to a supervisor, no matter how minor. The supervisor shall complete an onsite review of where the injury occurred, take photos regarding any safety issues and make an immediate report to the District Administrator where appropriate documentation shall be made.

2. All minor injuries should be treated with first aid as soon as possible, and then a “first aid” report completed and turned in to a supervisor.

If the injury or illness requires the care of a physician, the employee must be provided a workers’ compensation claim form (DWC-1) within one working day after the work-related injury or illness is reported. The District Administrator or designee must return a copy of the completed form to the employee within one working day of receipt.

3. Exposure forms must be completed for exposure to hazardous materials or infectious blood borne pathogens and turned in to the supervisor on shift or designee. Documents must be maintained pursuant to the District Records Management System.

4. In addition to immediately reporting on-the-job injuries to a supervisor, employees must complete an injury, accident, and damage report within twenty-four hours of occurrence. These reports must be filed in ink; no pencil written reports will be accepted. Upon completion of report, it must be turned in to the District Administrator who shall retain such reports pursuant to the District Records Management System.

5. All evidence must be preserved, until such time that the District Administrator deems appropriate, in keeping with the District Records Management System.

## **4065 - LEAVE FOR VICTIMS (LC §230)**

### **1. Confidentiality**

Confidentiality of the employee requesting leave, and all related documents under this provision must be maintained. Managers and supervisors may only provide a narrow scope of information required to conduct District business, for example those parties with a “business need to know” for scheduling or work production, may only receive verbal information relative to the probable duration of the absence and/or accommodation.

A verbal or written statement or document shall not be disclosed except as required by federal or state law, or as necessary to protect the employee’s safety in the workplace. The employee shall be given notice before any authorized disclosure of such document.

### **2. Level of Coverage**

An employee who is a victim of domestic violence, sexual assault, or stalking may take time off from work to obtain or attempt to obtain any relief, including, but not limited to:

- A. A temporary restraining order or restraining order, or other injunctive relief to help ensure the health, safety or welfare of themselves and/or their children.
- B. To seek medical attention (including psychological counseling) caused by domestic violence, sexual assault, or stalking.
- C. To obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence, sexual assault, or stalking.
- D. To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

An employee who is a victim of a crime, an immediate family member of a victim, a registered domestic partner of a victim, or the child of a registered domestic partner of a victim may be absent from work to attend judicial proceedings related to that crime.

### **3. Definitions**

“Certification” means written and dated documentation that shall be sufficient in the form of any of the following:

- A. A police report identifying the employee as a victim;
- B. A court order protecting or separating the employee from the perpetrator, or other document that the employee appeared in court;

C. A court order that the employee attended a judicial proceeding;

D. Documentation from a licensed medical professional and/or licensed counselor, that the employee was undergoing treatment from the victimization.

“Domestic Violence” means any of the types of abuse set forth in Section 6211 of the Family Code, as amended. Abuse is not limited to the actual infliction of physical injury or assault.

“Immediate family member” means spouse, child, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, or stepfather.

“Interactive process” means a timely, good faith communication between the employer and the employee (or his/her representative), when necessary because of circumstances covered under this policy, to explore whether or not the employee needs a reasonable accommodation for him/her to perform the essential functions of the job; and if so, how the employee can be reasonably accommodated. The employer is permitted to ask for reasonable documentation (certification) confirming the existence of the need for a reasonable accommodation.

“Registered domestic partner” means a domestic partnership established in California when two adults not related by blood (in a way that would prevent them from being married to each other in this state) and otherwise eligible, file a Declaration of Domestic Partnership with the Secretary of State.

“Reasonable accommodations” may include the implementation of safety measures, including a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, or stalking that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, or stalking, or referral to a victim assistance organization.

In determining whether the accommodation is reasonable, an exigent circumstance or danger facing the employee shall be considered, provided it is not an undue hardship for the District.

“Safe Time” means employees may take safe time if the employee is a victim of domestic violence, sexual assault or stalking and time off is needed to attend to safety planning or other actions to assist the employee, such as judicial assistance, medical attention, counseling, etc.

“Sexual assault” means a crime set forth in the Penal Code.

“Stalking” means a crime set forth in the Penal Code or Civil Code.

“Victim” means a person against whom one of the following crimes has been committed: a violent felony, or a serious felony, or a felony proscribing theft or embezzlement as defined by the Penal Code.

#### **4. Reasonable Accommodation**

A. Upon receipt of notification, the District shall engage in a timely, good faith, and interactive process with the employee to determine effective reasonable accommodations for the safety of the victim while at work.

B. An employee who is a victim of domestic violence, sexual assault, stalking, or a referral to a victim assistance organization, and desires a reasonable accommodation shall provide a signed and dated written statement certifying that the accommodation request is for the purpose authorized under this section.

C. A statement signed and dated by an individual acting on behalf of the employee shall suffice, provided it identifies the need for a reasonable accommodation under this section, for said employee. If a written statement has not been provided, the employee will be given a reasonable period of time to comply through the interactive process.

1. In addition to the employee’s written statement, a written and dated certification may be requested of the employee; and if so shall be considered sufficient if it meets the requirements of “certification” under definitions above. Recertification may be requested of the employee every six months.

D. If the circumstances change, and the employee needs a new accommodation, the employee shall request a new accommodation in writing, following the procedures defined herein. The District shall resume the interactive process to determine if a new reasonable accommodation is effective.

E. If an employee no longer needs an accommodation, the employee shall promptly notify the employer in writing that the accommodation is no longer needed.

#### **5. Leave Use**

An employee who has a need to be absent from work related to this section, may elect to use their accrued paid vacation time, sick leave time, earned floating holiday if any, earned management leave, or other paid leave or unpaid leave time.

This provision does not create a right for an employee to take unpaid leave time that exceeds the unpaid leave time allowed under, or is in addition to, the unpaid leave permitted by the federal Family and Medical Leave Act of 1993.

## **6. Procedure for Requesting Time Off**

- A. As a condition of taking time off, an employee shall provide reasonable advance notice of the need for leave, unless advance notice is not feasible.
- B. The employee shall follow District procedures for proper notification of the need for leave, including in emergency situations.
- C. If the need for leave use is unforeseeable, the employee shall provide notice of the need for the leave to their supervisor as soon as is practicable.
- D. Certifications may be required as noted above, for use of leave when services are needed for employees who are victims of domestic violence, sexual assault, or stalking, pursuant to LC §230.
- E. Presentation of appropriate documentation (written statement and certification) in advance is required, unless the absence is unscheduled. In such case the employee will be given a reasonable period of time to provide certification depending upon the circumstances unique to their request for use of leave.
- F. After an employee gives their supervisor advance notice of the need to use sick leave, whether foreseeable or unforeseeable, the employee shall complete the appropriate District forms for documentation purposes, to support the hours used and recorded on the appropriate timecard.

## **4080 - COBRA HEALTH INSURANCE BENEFITS NOTICE**

### **1. Purpose:**

Federal law requires most employers sponsoring group health plans to offer employees and their families the opportunity for a temporary extension of health coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end. Additionally, the Tax Reform Act of 1986 makes a number of technical amendments to the continuation coverage provisions. Finally, the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1986 further amends the continuation coverage provisions.

### **2. Policy Statement:**

This notice is intended to inform you, in a summary fashion, of your rights and obligations under the continuation coverage provisions of COBRA. Both you and your spouse should take the time to read this notice carefully.

### **3. Process:**

If you are a District employee covered by the District health plan, you have a right to choose this continuation coverage if you lose your health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part).

A. If you are the spouse of an employee covered by the health plan, you have the right to choose continuation coverage for yourself if you lose group health coverage under the health plan for any of the following five qualifying events:

1. The death of your spouse;
2. A termination of your spouse's employment (for reasons other than gross misconduct) or reduction in your spouse's hours of employment;
3. Divorce or legal separation from your spouse;
4. Your spouse becomes eligible for Medicare; or
5. A bankruptcy proceeding under Title XI is commenced with respect to the District from whose employment your spouse retired at any time, and your benefits are terminated or substantially reduced within one year of the filing of such bankruptcy.

B. In the case of a dependent child of an employee covered by the health plan, he or she has the right to continuation coverage if group health coverage under the plan is lost for any of the following six qualifying events:

1. The death of a parent;
2. The termination of a parent's employment (for reasons other than gross misconduct) or reduction of a parent's hours of employment with the District;

3. A parent's divorce or legal separation;
4. A parent becomes eligible for Medicare;
5. The dependent ceases to be a "dependent child" under the health plan;  
or
6. A bankruptcy proceeding under Title XI is commenced with respect to the District from whose employment your parent retired at any time and your benefits are terminated or substantially reduced within one year of the filing of such bankruptcy.

C. If there is a choice among the types of coverage under the health plan, each qualified beneficiary (e.g., employee, retiree, spouse or dependent child) is entitled to make a separate selection among such types of coverage. With regard to the term "qualified beneficiaries," such term does not include nonresident aliens without any earned income.

D. Under the law, the covered employee or qualified beneficiary has the responsibility to inform the District Administrator of a divorce, legal separation, or a child losing dependent status under the health plan within sixty (60) days after the date of such event. Failure to provide such notice may result in a forfeiture of a qualified beneficiary's right to continuation coverage.

1. When the District Administrator is notified that one of these events has happened, the Administrator will in turn notify you within fourteen (14) days that you have the right to choose continuation coverage. Under COBRA, you have at least sixty (60) days from the date you would lose coverage because of one of the events described above to inform the Plan Administrator that you want continuation coverage.

E. If you do not choose continuation coverage, your group health insurance coverage will end. If you choose continuation coverage, the District is required to give you coverage which, as of the time coverage is provided, is identical to the coverage provided under the plan to similarly situated employees or family members. In case of termination of employment or reduction in hours, your required continuation coverage period is eighteen (18) months. Further, a qualified beneficiary may have more than one qualifying event, but the coverage period may not exceed a total of thirty-six (36) months.

F. COBRA also provides that your continuation coverage may be cut short for any of the following reasons:

1. The District no longer provides group health coverage to any of its employees;

2. The premium for your continuation coverage is not paid within thirty (30) days after the date due or within such longer period as applies under the plan;
3. You become covered under any other group health plan (as an employee or otherwise);
4. You become eligible for Medicare; or
5. You are disabled for a period in excess of 120 days.

G. You do not have to show that you are insurable to choose continuation coverage. However, under COBRA, you may have to pay 102% of the premium for your continuation coverage. (At the end of the 18-month continuation coverage period, you must be allowed to enroll in an individual conversion health plan provided under the health plan if otherwise generally available under that plan.)

H. There may be a more affordable or more generous coverage options for you and your family through other group health plan coverage (such as a spouse's plan), the Health Insurance Marketplace, or Medicaid. In the Marketplace you may be eligible for a tax-credit that lowers your monthly premiums and cost-sharing reductions; you can determine what your costs will be before you enroll in a plan. In California see Covered California at [www.coveredca.com](http://www.coveredca.com).

## **4090 - MILITARY LEAVE**

### **1. Purpose:**

Pursuant to California Military Code §394.5 the District will provide up to 17 days of job-protected unpaid leave to employees who are members of the reserve corps of the armed forces of the United States, the National Guard or the naval militia when called to military duty for purposes of military training, drills, encampment, naval cruises, special exercises or the like. This leave is in addition to the leave provided under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), 39 U.S.C. §4301, et seq.

### **2. Policy Statement:**

An employee who enters the armed forces of the United States will be placed on an extended leave, without pay, in accordance with federal and state laws governing such leaves including The Uniformed Services Employment and Reemployment Rights Act (USERRA) and California Military Code §394.5.

### **3. Process:**

Eligible employees are members of the reserve corps of the armed forces of the United States, the National Guard or the naval militia, or members of the California State Military Reserve.

A. The employee shall provide a copy of his/her official orders for entry into active or inactive duty. Failure to submit a copy of the official orders may result in ineligibility for reemployment protection following the period of military leave.

Employees on Military Leave do not accrue paid leave benefits while on leave.

Normal health insurance benefits shall be continued by the District, if the military leave is 30 days or less. For absences of 31 days or more, insurance coverage stops unless the employee elects to pay for continued coverage (for a period of up to 18 months) of no more than 102 percent of the plan's full premium. Health insurance shall be reinstated on the day the employee is reinstated with no waiting period.

B. Upon completion of military service, the employee will be reinstated with full seniority to his/her former position or to a comparable position if application for re-employment is made within the following time limits, which are dependent upon the duration of the orders.

C. An employee, who enters active military duty (voluntarily or involuntarily) from any position, including a temporary position, has full job protection, provided he or

she applies for reemployment within the following time limits:

1. Employees who served less than 31 days must report back to work at the beginning of the next scheduled workday following their release from service and the expiration of 8 hours after a time for safe transportation back to the employee's residence.
2. Employees who served more than 30 days, but less than 181 days; must apply for reemployment within 14 days of release by the military.
3. Employees who served 181 days to five years, have 90 days to apply for reemployment.

## **4095 - TIME OFF TO VOTE**

1. If a voter does not have sufficient time outside of working hours to vote in a statewide election, the voter may, without loss of pay, take off enough working time that, when added to the voting time available outside of working hours, will enable the voter to vote.
2. The District will pay a voter (employee) for up to but no more than the first two hours of absence from regularly scheduled work necessary to vote. The time off for voting shall be only at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed.
3. Any additional time off will be without pay.
4. An employee must give reasonable notice of the need to have time off to vote; if the voter knows or has reason to believe that time off will be necessary to be able to vote on election day, the employee shall give the employer at least two working days' notice that time off for voting is desired, in accordance with Elections Code 14000.
5. No employee will be penalized or retaliated against for requesting time off to vote.

## **5000 - UNAUTHORIZED VOLUNTARY ABSENCE**

1. Voluntary absence from work without permission is considered job abandonment and grounds for termination.

2. Voluntary absence from work without permission for three (3) consecutive working days shall be considered an automatic resignation from District service as of the last day the employee worked.

A. The absent employee may file a written appeal for reinstatement with the District Administrator, no later than seven (7) calendar days after the date of notification by the District that the employee was terminated due to job abandonment. Upon receipt of a written appeal to termination for job abandonment, the District Administrator will hold a Skelly-type due process hearing within ten (10) calendar days. The District Administrator shall make the final determination, with no further right of appeal.

B. Reinstatement will be granted only if the employee provides a satisfactory explanation with supporting documentation during the appeal process, as to the cause of the absence and his/her failure to obtain leave, and it is found that s/he is ready, able, and willing to discharge his/her duties or has obtained approval for a leave of absence.

## **5010 - GRIEVANCE PROCEDURE**

### **1. Purpose:**

The purpose of this policy is to provide a procedure by which an employee may formally claim that he/she has been affected by a specific violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, written instruction and/or memorandum of understanding (MOU) provision, for which there is no other specific method of review provided by the District.

### **2. Policy Statement:**

This policy shall apply to all regular employees in all classifications.

Specifically excluded from the grievance procedure are changes in employee relations resulting from the amendment of state or federal law; and those resolutions, ordinances or minute orders of the District's Board of Directors, which do not affect wages, hours and terms and conditions of employment. Performance evaluations (which may be responded to within thirty (30) calendar days), and due process progressive discipline are also excluded from the grievance procedure.

### **3. Grievance Procedure Steps.**

A. Level I – Immediate Supervisor. Within 5 workdays following the incident that caused or led to the grievance, the employee will give notice of the grievance to his/her immediate supervisor. The immediate supervisor shall hold discussions and attempt to resolve the matter within three (3) working days after receiving notice of the grievance. It is the intent of this informal meeting that at least one personal conference be held between the employee and the immediate supervisor.

B. Level II – Immediate Supervisor. If the employee is not satisfied with the discussions and personal conference, the employee shall then present a formal written grievance (using the form provided by the District), including evidence to his/her immediate supervisor within five (5) working days after the date of conference between the employee and the immediate supervisor. The written grievance shall cite the specific law that was misinterpreted, or the specific policy, rule, regulation, written instruction, or MOU provision alleged to have been violated or misapplied. The supervisor will then provide the employee with a written reply within five (5) working days.

If the employee's immediate supervisor is the District Administrator and the employee is not satisfied with Level I discussions and personal conference, the employee may advance from Level I to Level III.

C. Level III – District Administrator. If the grievance has not been resolved at Level II, the employee must present his/her grievance on the written form provided by

the District to the District Administrator within ten (10) working days after receiving the written reply from his/her immediate supervisor. The statement shall include the following:

1. A concise statement of the grievance including specific reference to any law, policy, rule, regulation, written instruction and/or MOU provision deemed to be violated, misapplied or misinterpreted;
2. The circumstances involved;
3. The decision rendered by the immediate supervisor at Level II;
4. The employee's reason that the immediate supervisor's written response did not resolve the matter;
5. The specific remedy sought.

The District Administrator shall communicate his/her decision within ten (10) workdays after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to the grieving employee.

If the District Administrator does not respond within the time limits, or if the District Administrator's response does not resolve the grievance, the employee may seek a second opinion through mediation, as specified below. Time limits for requesting mediation shall begin the 5<sup>th</sup> day following transmission of the District Administrator's written decision or after the time limits for the District Administrator's response have expired. Within the above time limits either party may request a personal conference with the other.

D. Level IV -- Advisory Mediation and Final Decision. If the grievance has not been resolved at Level III, the employee must present his/her written request to the District Administrator to submit the grievance to mediation from the State Mediation and Conciliation Service within seven (7) calendar days. The mediation shall be concluded as promptly as practicable, and the evidence, written findings and advisory decision of the mediator submitted to the District Administrator.

The District Administrator, after weighing the advisory decision, findings and evidence of the mediator, shall render a final written decision on the grievance and transmit it to the employee within thirty calendar days after receiving the evidence, findings and advisory decision of the mediator.

The District Administrator's decision following the mediation, or, if a decision is not timely transmitted to the employee, the advisory decision of the mediator, shall be final and the matter shall be closed. Any fees or expenses associated with having the Service provide a mediator shall be:

- borne equally by the employee and the District if the District Administrator's decision does not override the mediator's; or
- borne by the District if the District Administrator's decision overrides the mediator's.

E. Basic Rules – If an employee does not timely present the grievance or does not timely comply with each of the steps set out above or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved, and the matter shall be closed.

By agreement in writing, the parties may extend any and all time limitations of the grievance procedure.

The District Administrator may temporarily suspend grievance processing on a District-wide basis in an emergency situation.

A copy of all formal grievance decisions shall be maintained in a confidential file and retained pursuant to the District's Records Management System.

#### **4. Other Remedies:**

Prior to pursuing remedies provided by law, employees must first comply with the District's grievance procedure.

## **5020 - DISCIPLINE AND APPEALS PROCEDURE**

### **1. Purpose:**

The purpose of this procedure is to establish the types of actions for which an employee can be disciplined and the disciplinary measures that may be used.

### **2. Exclusive Remedy:**

The procedure set forth in this Procedure shall be exclusive, and the failure of an employee to utilize the provisions herein shall constitute a waiver of any claim to relief.

### **3. Application:**

This Procedure applies only to Regular Employees including Exempt Employees. Regular Employees do not include Probationary Employees, the District Administrator, the District Legal Counsel, any employee employed by contract, or any employee hired on a temporary, special, provisional, seasonal, or emergency basis, or any independent contractor. An employee not covered by this Procedure may be disciplined without reference to these provisions.

### **4. Grounds for Discipline:**

Discipline may be taken against an employee for "cause." Cause exists where any fact or set of facts, based upon relevant circumstances, may be reasonably relied upon in the exercise of discretion as a basis for disciplinary action.

The following are set forth as examples only and shall not be construed as an exclusive list:

- A. Fraud in securing employment.
- B. Improper use of sick leave privileges, continued absenteeism or tardiness, and/or unexcused absences.
- C. Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor; insubordination.
- D. Failure to follow the chain of command as directed by a supervisor and established in Section 2010 of these Policies.
- E. Theft.
- F. Misuse of District credit cards and violation of purchasing policies.
- G. Negligence, incompetence, or inefficiency in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and responsible manner.
- H. Use, possession, being under the influence of, sale/purchase or offer to sell/purchase illegal drugs and narcotics or alcohol during working hours or on District premises or having a blood alcohol concentration of 0.00 or greater while on duty.
- I. Falsification of records.

- J. Fighting, threats, or other abusive conduct toward employees or the public.
- K. Careless, negligent, improper, or reckless operation of district vehicles, equipment, or other property.
- L. Destruction or damage to district property, public property or the property of another employee.
- M. Possessing firearms or dangerous weapons on district property or during hours when the employee is employed by the District.
- N. Dishonesty.
- O. Personal use of district equipment, vehicles, tools and/or materials including for personal purposes, without written approval of the District Administrator or his/her designee.
- P. Violation of safety rules.
- Q. Conviction for a misdemeanor or felony.
- R. Refusal to take and subscribe any oath or affirmation, which is required by law in connection with his or her employment.
- S. Violation of District or other applicable written rules, regulations or policies.
- T. Violation of State or Federal law.

## **5. Types of Discipline - Minor**

A. **Corrective Counseling:** Corrective counseling may be conducted with an employee whose conduct or performance must be improved and which details the areas for improvement, the degree of improvement required, and notice that failure to improve will result in more serious disciplinary action. The supervisor shall document the verbal warning and provide a copy to the employee. Corrective Counseling is not subject to appeal.

B. **Written Reprimand:** The appointing authority may issue a formal written notice to an employee which summarizes previous related corrective or disciplinary action, if any, and/or which details conduct subject to discipline and which advises that continued conduct at such levels may result in suspension, pay reduction, demotion or dismissal from employment. The employee must acknowledge receipt of the reprimand by signing the letter at the time of presentation; this signature signifies only receipt of the document, not necessarily agreement as to the contents. A copy of the reprimand shall be filed in the official personnel file for said employee. The written reprimand is not subject to appeal; however, the employee shall have the right to submit a written rebuttal within thirty (30) calendar days after receipt of the written reprimand. A written rebuttal shall be kept in the employee's personnel file.

## **6. Types of Discipline - Major**

A. **Suspension:** The temporary removal of an employee from the service of the District without compensation or benefits. A suspension of this type does not include placing an employee on unpaid administrative leave, pending an investigation of alleged misconduct as described in Section 7.A below.

B. Pay Reduction: The reduction in pay of one or more pay steps where performance falls short of normal established standards or where performance is clearly inadequate in one or more of the critical job duties for the position.

C. Demotion: The removal of an employee from a position to one of lower grade or classification.

D. Dismissal: The removal of an employee from the service of the District.

## **7. Disciplinary Procedures for Major Discipline.**

A. Notice of Intent to Discipline for Suspension, Pay Reduction, Demotion or Dismissal. Where the proposed discipline is major, as defined, above in Section 6., a Notice of Intent to Discipline signed by a Supervisor, supporting the discipline shall be served on the employee. Service of the Notice of Intent to Discipline shall be made at least ten (10) calendar days if served personally, or twelve (12) calendar days if served by certified mail, before a hearing is held pursuant to Section 7 C below. The Notice shall include:

1. The proposed discipline.
2. The effective date of the discipline.
3. The reasons for the discipline.
4. Attachment of, or reference to, any written documents pertinent to the discipline.

An employee may, where circumstance warrant, be placed on administrative leave with or without pay by the appointing authority, pending the hearing held pursuant to Section 7C., below or pending an investigation of alleged misconduct.

B. Service of Charges. Service of the Notice of Intent to Discipline shall be made by:

1. Personally giving the employee a copy, which shall be signed by the employee as receipt thereof. Employee's refusal to sign in receipt of said notice shall not affect the validity of the service; or
2. If service under 1., is infeasible; by first class certified mail, return receipt requested, to the last known mailing address of the employee. The post marked date shall serve as the date of Notice of Intent to Discipline. A declaration of mailing under penalty of perjury must be completed by the employee who delivered the notice to the post office.

Service is deemed complete when any one of the preceding steps is taken.

C. Informal Hearing Procedure (Skelly Hearing). The employee shall be given an opportunity at an informal hearing to show why the proposed major discipline should not be imposed prior to its imposition.

1. The employee may request an extension to respond, if his/her written request for an extension is received by the District Administrator, within seven (7) calendar days of the Notice of Intent to Discipline.
2. The hearing will be conducted by a Reviewing Officer who shall be the District Administrator or his/her designee. The hearing shall include the employee, the employee's representative, if the employee so wishes, and others as directed by the Reviewing Officer.

The pre-disciplinary response allows the employee an opportunity to present his/her side of the facts leading to discipline; however, it is not intended to be an adversary hearing. The employee shall identify in writing the identity of relevant witnesses to testify at least 48 hours prior to said informal hearing. The employee need not be accorded the opportunity to cross-examine a District witness, nor shall the employee be required to present a formal case in opposition to the proposed discipline.

3. At the pre-disciplinary hearing the employee shall be given an opportunity, either orally, in writing, or both, to bring forward facts or circumstances which may cause the proposed discipline to be revised or dismissed. The hearing shall be recorded, with a copy provided to the employee.
4. The Reviewing Officer shall issue his/her decision within ten (10) working days of the hearing. The decision may uphold the disciplinary action, modify the discipline, reduce the level of discipline to a minor status, or dismiss the proposed discipline.
5. The decision will contain a synopsis of the informal hearing and shall be served on the employee as provided in Section 7.B. The decision shall also inform the employee of his or her right of appeal as provided in Section 9, below.

#### **8. Appeal from Minor Discipline:**

As stated above minor discipline is not subject to appeal; however, a rebuttal to a written reprimand may be filed within parameters and the timeframes prescribed in Section 5.B., above.

## **9. Appeal from Major Discipline:**

If an employee desires to appeal the decision issued pursuant to Section 7, above, then the following procedures shall apply.

A. The appeal must be in writing and received by the District Administrator within ten (10) working days after service on the employee of the decision of the Reviewing Officer.

B. The Board of Directors shall appoint a Hearing Officer who shall not be another Director, an employee, or an independent contractor of the District to conduct a hearing on the appeal from the decision of the Reviewing Officer.

C. The hearing shall be conducted within sixty (60) days of the appellant's request for appeal, unless the District Administrator and the appellant agree in writing that the date of the hearing be extended for a specified time.

D. All hearings shall be closed to the public, unless the employee requests the hearing to be open to the public. Any request for an open hearing shall be submitted in writing at least fifteen (15) working days prior to the hearing, or the hearing will be closed.

1. The employee (and his/her representative), District representatives and the Hearing Officer shall be notified in writing of the date, time, and place of the hearing at least ten (10) working days prior to the hearing.
2. Seven (7) working days prior to the date set for the hearing, each party shall serve upon the other party and submit to the Hearing Officer a list of all witnesses, exhibits, and any briefs.

E. The hearing shall be conducted in the manner most conducive to determination of the truth, and the Hearing Officer shall not be bound by technical rules of evidence. The Hearing Officer shall determine the relevancy, weight, and credibility of testimony and evidence. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over an objection in civil actions. The Hearing Officer shall base his/her findings on the preponderance of the evidence.

F. The Hearing Officer shall rule on the admission or exclusion of evidence. The Hearing Officer reserves the right to question witnesses during testimony for clarification purposes. The evidentiary decisions of the Hearing Officer shall not be invalidated by any informality in the proceedings.

G. Oral evidence shall be taken only on oath or affirmation.

H. The appellant shall personally attend all sessions of the hearing, unless specifically excused by the Hearing Officer for proper cause. Unexcused failure of the appellant to appear at a hearing shall be deemed a withdrawal of the appeal.

I. The Hearing Officer shall record all proceedings. Both parties shall have access to the recordings. Either party may request a stenographer. The requesting party shall pay for those costs. If both parties request a stenographer, the cost shall be split by both parties.

J. The hearing shall proceed in the following order, unless the Hearing Officer directs otherwise:

1. The District shall be permitted to make an opening statement.
2. The appellant shall be permitted to make an opening statement.
3. The District shall produce its evidence.
4. The appellant shall then have the right of impeachment and/or cross-examination. Further presentation shall be at the pleasure of the Hearing Officer.
5. The appellant may then offer his/her evidence.
6. The District shall then have the right of impeachment and/or cross-examination. Further presentation shall be at the Hearing Officer's pleasure.
7. The parties may then offer rebutting evidence only, unless the Hearing Officer, for good cause, permits them to offer evidence upon their original case.
8. Arguments may be permitted at the discretion of the Hearing Officer. The party with the burden of proof shall have the right to close the hearing by making the last argument.
9. Post trial briefs may be requested at the discretion of the Hearing Officer.

K. During the examination of a witness, all other witnesses, except the parties, shall be excluded from the hearing upon motion of either party.

L. The District's exhibits shall be designated numerically. The appellant's exhibits

shall be designated alphabetically. Neither party will be permitted to call a witness or use an exhibit not previously identified unless the party can demonstrate that they could not reasonably have anticipated the prior need for such witness or exhibit.

M. Each party shall have the following rights:

1. The District and the appellant may be represented by legal counsel or other person of his/her choice.
2. To call, examine and cross-examine witnesses.
3. To Introduce evidence.
4. To impeach any witness regardless of which party first called him/her to testify and to rebut the evidence against him/her.

N. The Hearing Officer, upon a request by either party and upon his/her determination concerning relevance and propriety, may issue subpoenas to witnesses and/or require the production of other records or material evidence.

O. The Hearing Officer may, prior to or during a hearing, grant a continuance upon showing good cause.

P. The Hearing Officer shall prepare a written decision and serve it on the appellant pursuant to Section 7.B, above, and provide a copy to the Board of Directors not later than thirty (30) calendar days after the matter of appeal was taken under submission by the Hearing Officer. The written decision shall set forth the Hearing Officer's findings of fact and shall state reasons why the discipline is to be sustained, modified, reduced or dismissed.

Q. The written decision of the Hearing Officer shall be final and binding. The Hearing Officer's written decision shall not be invalidated by any informality in the proceedings.

R. If the appellant is dissatisfied with the Hearing Officer's decision and wishes to seek judicial review, the limitations period provided in Code of Civil Procedure Section 1094.6, or any successor statute, shall apply.

## **5030 - SAFETY**

### **1. Accident Prevention**

The District is concerned about the health and safety of all employees. Employees are expected to share that concern by practicing safe working habits for their own benefit, as well as that of their fellow employees, and the public. District policy and federal law requires that employees be provided places of employment free from recognized safety hazards and with proper tools and equipment necessary to accomplish their work assignment in as safe a manner as possible. Employees are required to notify their Supervisor immediately whenever they have a question that concerns safety.

### **2. Injury and Illness Prevention Plan (IIPP)**

Employees are required to actively participate in the review of, the District's plan with the District Safety Officer or his/her designee and must follow the plan. Further, employees must be proactive in identifying and avoiding potential safety hazards and immediately report any concerns to a supervisor or the District Safety Officer/designee. The District intends to comply with applicable federal and state laws regarding illness and injury prevention and shall prepare an IIPP and name safety coordinator(s) as soon as practicable.

### **3. Accident Reporting**

All job-related injuries and illnesses, regardless of severity, must be reported immediately to the Supervisor to provide prompt and trained evaluation and medical attention, if necessary.

### **4. Smoking in the Workplace**

No smoking and/or use of e-cigarettes will be permitted in the District office or other District work spaces, District buildings, vehicles, and equipment or enclosed work areas. Smoking is allowed on breaks, with the designated smoking area defined as the gravel parking area adjacent to the airport, or if needed, shall be designated in non-work areas, by the District Administrator.

## **5040 - USE OF DISTRICT VEHICLES AND PROPERTY**

1. District vehicles, equipment, tools and other property shall only be used for District business and operations. No District employee, Board member or member of the public shall use any such District property for any personal or non-District use.
2. Transportation in District vehicles of persons other than Directors, officers, employees, agents of the District, or authorized guests, is prohibited.
3. Exemptions must be pre-approved by the District Administrator or his designee and may be allowed for general public good will and the general benefit of the District.
4. Plant Superintendent shall be assigned a District vehicle and may drive said vehicle home as long as residence is within 30 minutes of assigned workplace and Plant Superintendent is able to arrive at District facilities within 35 minutes from the time of leaving home.
5. The Superintendent may authorize employees on "Stand-by Duty" to drive a District vehicle home as long as their residence is within 30 minutes of their assigned workplace.
6. The use of a take home vehicle is a noncash fringe benefit subject to income tax as determined by the IRS. By the commuting rule, each direction of an employee's commute using a business vehicle is considered \$1.50 in wages.

## **5050 - APPEARANCE AND CONDUCT**

Conduct, dress and appearance is important to the success of both the employee and the District. Each employee is expected to be neat in appearance and dress. All employees shall conduct themselves in a manner that will reflect creditably and favorably on the District. In dealing with the public, all employees will maintain a polite and helpful attitude.

1. Facial hair requirements – If job or safety related pursuant to OSHA standards.
2. Uniform policy – pursuant to District standards as required for operators.

## **5060 - SUBSTANCE ABUSE**

### **1. Purpose**

The purpose of this policy is to assure a work environment that is free from the illegal possession and/or use of alcohol, illegal drugs, or controlled substances. Additionally, the use of, and being under the influence of, alcohol and/or controlled substances on the job detrimentally affects the work performance, safety, security, and public confidence of employees and the health and welfare of the public served by the District.

The Board of Directors for the District has a vital interest in the protection and health and safety of customers and the public from hazards relating to substance abuse. Further the Board is concerned with the physical safety of all employees, potential damage to property and equipment, mental and physical health of employees, productivity and work quality, medical insurance costs, and the harm done to employees and their families by the inappropriate use of controlled substances.

### **2. Policy Statement**

The unlawful possession, sale, use and/or transportation of narcotics, drugs, controlled substances, or alcoholic beverages by employees while on duty, driving a District vehicle, or on District property is illegal and forbidden. Further, no employee shall report to work under the influence of narcotics, drugs, controlled substances, whether prescribed or not, alcohol, or any other substance which may impair the employee's judgment and ability to perform his/her job in a safe and efficient manner. Violation of this stated Substance Abuse Policy may result in not being hired, or disciplinary action, up to and including termination of employment, even for a first offense.

This policy applies to all full-time and part-time District employees and volunteers conducting District business on or off site, and to all applicants for positions with the District.

### **3. Definitions**

- A. CHEMICAL TESTING – the examination of blood, breath, or urine to determine if a person has used the prohibited materials.
- B. CONTROLLED SUBSTANCE – a drug substance or immediate precursor listed in any schedule in the California Health and Safety Code.
- C. DISCIPLINARY ACTION – rules and regulations for taking disciplinary action as outlined in the District Disciplinary Policy.

- D. DRUG/SUBSTANCE – any drug or substance, which can negatively affect work performance.
- E. INTOXICATED/UNDER THE INFLUENCE – being affected by a prohibited material so as to noticeably impair physical coordination, balance, and control and/or to noticeably impair mental functions of judgment, decision making, memory, concentration, and cognitive problem solving. Performance is adversely affected by a drug/substance or alcohol, or a combination of a drug/substance and alcohol. Symptoms may include, but not be limited to, obvious impairment of physical or mental ability, such as slurred speech or difficulty in maintaining balance, as noted in the definition titled “Reasonable Suspicion,” Section 3-M.
- F. LABORATORY – State certified laboratory for sample testing.
- G. LEGAL DRUGS – includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose and in the manner for which they were prescribed or manufactured.
- H. MEDICAL REVIEW OFFICER (MRO) – is a person who is a licensed physician and who is responsible for receiving and reviewing laboratory results generated by an employer’s drug testing program and evaluating medical explanations for certain drug test results.
- I. POSITIVE RESULTS – the qualitative identification of a prohibited material in a breath, urine, or blood sample; or an adulterated or tampered test result. Standards used to determine a positive result will be those standards considered admissible in a California court of law.
- J. PROHIBITED MATERIAL – any alcohol, drug, or substance as defined above.
- K. NEGATIVE DRUG TEST – a result that indicates that a specimen did not exceed specified cutoff levels.
- L. NON-NEGATIVE DRUG TEST – the initial test result was at or above the specified cutoff levels and will require further review to determine the cause of the result. A non-negative result can also mean that a specimen was adulterated (tampered with), substituted or invalid. A non-negative test result shall be considered the same as a positive test result.
- M. REASONABLE SUSPICION – is a belief based on objective and articulable facts sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs or alcohol so that the employee’s ability to perform the functions of the job is impaired or so that the

employee's ability to perform his/her job safely is reduced. Examples may include, but are not limited to, any of the following, that alone or in combination, may constitute reasonable suspicion:

- 1) Aberrant or unusual behavior affecting:
    - Appearance, behavior, speech, awareness, motor skills, balance
    - Alcohol on breath;
    - An accident involving District property;
    - Physical altercation;
    - Verbal altercation;
    - Lethargy or grogginess;
  - 2) Behavior which is so unusual that it warrants summoning a supervisor or anyone else with authority;
  - 3) Possession of alcohol or drugs;
  - 4) Reliable corroborated information obtained from a person with personal knowledge; or
  - 5) Acknowledgement by an individual that they have recently used a prohibited material to such an extent that there is high probability that it is still in his/her system.
- N. SPLIT SAMPLE – splitting a test sample into several portions for use in independent testing of positive or non-negative samples.
- O. SUBSTANCE ABUSE PROFESSIONAL (SAP) – is a person who evaluates employees who have violated a drug and alcohol program regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

#### **4. Prohibited Conduct.**

Although the recent passage of California Proposition 64 allows for recreational use of marijuana, it does not amend, repeal, affect, restrict or pre-empt the rights and obligations of employers to maintain a drug and alcohol free workplace. Under the federal Controlled Substances Act, marijuana remains an illegal substance.

Violation of any of the following rules will result in disciplinary action up to and including termination of employment:

- A. Possessing, using, manufacturing, distributing, dispensing, selling or purchasing illegal drugs or other controlled substances while on the job or off the job.
- B. Conviction or a plea or "no contest" to any of the offenses stated in subparagraph A. above.
- C. Possessing or drinking alcoholic beverages, while on duty and/or on the

premises of the District.

D. Driving a vehicle on District business while under the influence of alcohol (as defined by the California Vehicle Code), or illegal drugs or other controlled substances.

E. Reporting to work while under the influence of alcohol, or any illegal drug or other controlled substances.

For the purposes of applying this policy:

I. Being under the influence of drugs and/or other controlled substances means being impaired in any way from fully and proficiently performing job duties and/or having a detectable amount of said substance in one's body.

II. Being under the influence of alcohol means being impaired in any way from fully and proficiently performing job duties, and/or having a 0.00 percent or more, by weight, of alcohol in one's blood.

## **5. Voluntary Assistance**

Employees with substance abuse (i.e., alcohol/drug abuse) problems are encouraged to voluntarily seek assistance. An employee will not be disciplined because he/she voluntarily requests assistance for a substance abuse problem and information gathered from employees seeking voluntary assistance will be treated as confidential and will only be provided to those persons who, for business reasons, have the need to know such information. This would include providing information necessary for management to administer disability benefits, apply for work restrictions, assure compliance with treatment, or administer discipline consistent with the terms of this policy.

However, seeking assistance or raising any claim related to substance abuse does not relieve an employee of his/her responsibility to meet the District's performance, safety or attendance standards, does not relieve an employee of his/her responsibility to adhere to this policy and does not insulate the employee from discipline for reasons other than seeking assistance for a substance abuse problem.

Employees who have a problem with alcohol or drugs and who decide to enroll voluntarily in an accredited alcohol or drug rehabilitation program will be considered for an accommodation of unpaid leave to participate in the program. The District Administrator will determine whether the District can accommodate the employee for the duration of leave for the time necessary as deemed by the treating physician and/or Substance Abuse Professional, on a case by case basis; as the depth of drug use can determine the length of the program. The employee

may use any accrued sick leave or vacation benefit while on leave provided they provide proof of consistent participation and completion of the rehabilitation program. However, additional benefits will not be earned during the leave of absence unless the employee is eligible for benefits applicable to other medical leaves as provided in District policies.

Accommodations: Nothing in this policy is intended to diminish the District's commitment to employ and reasonably accommodate qualified disabled individuals. The District will reasonably accommodate qualified disabled employees who must take legal drugs because of their disability and who, because of their appropriate use of such drugs, cannot perform the essential functions of their positions without reasonable accommodation. Any documentation of the Interactive Process to discuss and consider reasonable accommodations shall be filed in a confidential medical file for the employee. (See Section 12. Confidentiality subsection below.)

The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of current drug or alcohol use, nor is the District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Nor is the District obligated to accommodate current usage of illegal drugs or alcohol.

## **6. Required Notice of Prescription or Over-the-Counter Drug Use.**

The use of either prescription or over-the-counter drugs or medication may impair an employee's ability to work safely and efficiently and create an unsafe work environment. In order to assure that employee performance on the job is not misconstrued and to assure a safe and efficient work environment, employees using either prescription or over-the-counter drugs or medication which may impair their judgment, or ability to work safely and efficiently must inform their supervisor prior to their first work assignment after taking the drug or medication. Management may direct the employee to provide written documentation from his/her medical professional that the employee does not pose a threat to his/her own safety, or the safety of co-workers or the general public, and that the employee's job performance is not impaired by the legal drug with or without an accommodation. By fulfilling this obligation, employees will avoid disciplinary action for failure to notify supervision.

## **7. Applicant Testing.**

A. All offers of employment are contingent upon an applicant's passing a test to determine whether alcohol, illegal drugs or controlled substances are present in his/her body.

B. If an applicant is found to have falsified, substituted, adulterated, diluted,

or in any way tampered with any sample of a body fluid (urine/blood/saliva) associated with testing for substances, he/she will not be hired.

C. Applicants whose final results are positive or non-negative for substance abuse will not be allowed to re-apply for employment or be offered employment at the District for a period of 24 months.

## **8. Drug and Alcohol Testing under Reasonable Suspicion.**

If the District directs an employee to undergo drug or alcohol testing based upon a reasonable suspicion, the employee will be placed on unpaid leave from the time of the initial testing until test results are received and reviewed by the District. In the event drug and alcohol screen results are negative, the District shall convert the unpaid leave to a paid leave.

A. Where management has reasonable grounds to believe that the employee's faculties are impaired on the job due to drug or alcohol abuse and such impairment presents a clear and present danger to the physical safety of the employee, co-workers or the public, management will require the employee to submit to a medical evaluation, including substance abuse testing.

B. Where an employee is directly involved in an accident on the job and management has reasonable grounds to believe that the employee's faculties were impaired due to drug or alcohol abuse, management will require the employee to submit to a medical evaluation, including substance abuse testing, as part of the accident investigation or benefit plan administration process.

C. A refusal to test shall be treated the same as a positive test result. In the circumstances specified in Section 6(A) and (B), an employee who refuses to submit to a medical evaluation, including substance abuse testing, or who tests positive or non-negative for substance abuse will be subject to discipline up to and including termination of employment. An employee engaging in conduct that obstructs the testing process will be deemed as refusing to test. A supervisor engaging in conduct that interferes with the testing process will be subject to discipline up to and including termination of employment.

## **9. Scope of Medical Testing and Evaluations.**

A. Employees shall immediately submit to all medical examinations and testing required by this policy and shall be transported to the test site accompanied by a Supervisor.

B. Immediately prior to reporting for a drug/alcohol testing, all employees shall complete a Consent and Release Form to be kept on file in the District

office.

C. The scope of tests performed shall be for the purpose of detecting and identifying the presence of alcohol and/or drugs and not for the purpose of detecting and identifying any other medical condition.

## **10. Employee's Right to Challenge the Results of a Positive or Non-Negative Substance Abuse Test**

In all cases where employees are tested for substance abuse, and the test is positive or non-negative, they have the right to challenge the results of the test at a qualified facility of their choice at District expense if an adequate quantity of body fluid is provided. This second test is a confirmatory test that must be performed with the same sample of body fluid utilized for the first test. If the confirmation test is positive or non-negative, the employee may re-test the sample at a qualified laboratory of his/her own choosing and at his/her own expense.

Employees shall provide, within three (3) business days of request, proof of a current valid prescription for any drug or medication identified when a drug screen/analysis is positive. The prescription must be in the employee's name.

## **11. Discipline**

Discipline procedures will comply with Section 5020.

## **12. Searches**

Management reserves the right, in accordance with applicable state and federal law, to conduct searches of District premises and property for the purpose of protecting the safety and well-being of its employees, customers and the public; for the purpose of conducting work-related, non-investigatory intrusions; to conduct investigations of work-related misconduct; and for the purpose of preventing criminal activity on District premises. The District has a right to place in custody of law enforcement authorities any suspected illegal or controlled substances or contraband discovered on the District's premises.

Lockers, desks, and storage areas are the property of the District and must be maintained according to the District's standards. All such areas must be kept clean and are to be used only for work-related purposes. The District reserves the right, at all times and without further notice, to conduct searches and inspections of any or all lockers and other District property for the purposes of determining if this Policy has been violated.

All vehicles and containers, including but not limited to, bags, boxes, purses, lunch pails, brought onto the District's premises, are subject to inspection at any time an authorized representative of the District has a reasonable suspicion that a District

rule, policy, or regulation has been violated and such an inspection is reasonably necessary in the investigation of such violation(s).

Any search of an employee's personal possessions will be consented to in writing and conducted in the presence of the employee. Such inspections will be conducted, to the extent reasonably possible, in a manner designed to preserve the dignity of the employee. Inspections will be done in a private area, and in the presence of a member of the same sex. A represented employee may request a shop steward or other non-union representative be present for the inspection. An employee who refuses to consent to such an inspection may be subject to disciplinary action up to and including termination of employment.

Supervisors shall not physically search employees; however, a supervisor may detain an employee with pay for a reasonable period of time to allow for arrival of law enforcement officials.

### **13. Overview of Alcohol/Drug Testing Protocol**

#### **A. Laboratory Certification:**

All laboratories used to perform urine testing pursuant to this program will be certified under the National Institute on Drug Abuse guidelines developed for the Department of Health and Human Services.

#### **B. Testing:**

In testing samples, the testing laboratory will test specifically for alcohol and/or those drugs and classes of drugs required by South San Luis Obispo County Sanitation District Alcohol and Drug Testing Protocols.

The current panel of drugs which will be tested for are as follows:

- Alcohol
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (Marijuana)
- Cocaine
- Methadone
- Methaqualone
- Opiates
- Phencyclidine
- Propoxyphene

#### **C. Split Sample:**

If the employee provides enough urine for a second sample, there will be a split sample option available. When a test kit with two samples is received by the laboratory, one sealed urine specimen bottle shall be removed immediately for testing. The remaining urine sample shall be immediately

placed in secure refrigerated storage.

**D. Confirmatory Test:**

All Specimens which test positive or non-negative on the initial test will be confirmed using a second more specific gas chromatography/mass spectrometry (GC/MS) test.

**E. Medical Review Officer Involvement:**

After a laboratory confirmed positive or non-negative test, employees, where appropriate, will be afforded an opportunity to have a Medical Review Officer review their medical history and other relevant medical data at the employee's expense. The Medical Review Officer will be a licensed physician, knowledgeable in drug pharmacology and drug abuse disorders, and may be an employee or independent contractor. The interview with the Medical Review Officer may be conducted by telephone. If the Medical Review Officer determines and reports that a test is positive or non-negative, upon request of the employee, an aliquot of the remaining urine specimen or the second sealed bottle will be forwarded to another NIDA approved laboratory of the party's choice for GC/MS confirmatory testing of the presence of the drug.

**F. Reporting of Results:**

All specimens that test negative on either the initial test or the GC/MS confirmation test shall be reported only as negative. Only specimens that test positive or non-negative on both the initial and the confirmation test shall be reported as positive or non-negative. In reporting a positive or non-negative test result, the laboratory will state the specific substance(s) for which the test is positive or non-negative and will, when requested by the Medical Review Officer, provide the quantitative results of both the screening and the GC/MS confirmation test, in terms of nanograms per milliliter. All positive or non-negative test results must be reviewed by the certifying scientist or laboratory director and certified as accurate.

**G. Specimen Retention:**

All specimens deemed positive or non-negative must be retained by the laboratory for a period of one year in a secure storage facility.

## **14. Confidentiality**

It is the intent and obligation of the District to maintain complete confidentiality concerning the administration of this policy.

Information regarding chemical testing, laboratory reports or test results shall be included in a separate confidential medical folder contained for the employee. The reports or test results may be disclosed to District management on a strictly need-to-know basis and to the tested employee upon request. Disclosures, without patient consent, may also occur when: (1) the information is compelled by law or

by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the employer and employee; (3) the information is to be used in administering an employee benefit plan; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient who is unable to authorize disclosure.

### **15. Non-Smoking Policy**

The District is committed to a philosophy of good health and a safe workplace. In keeping with this philosophy, it is important that the workplace and office environment reflect the District's concern for good health. Smoking and use of e-cigarettes is therefore not permitted inside District buildings, vehicles, and equipment, or enclosed work areas. Smoking areas, if needed, shall be designated in non-work areas, by the District Administrator.

# **5070 - POLICY AND COMPLAINT PROCEDURE AGAINST HARASSMENT, DISCRIMINATION, AND RETALIATION**

## **1. Purpose**

The purpose of this Policy is to emphasize the District's commitment to: keeping its workplace free of harassment, discrimination, and retaliation; to define the District's policy and procedures regarding harassment, discrimination, and retaliation by or against any employee of the District; and to provide notice to all employees about said policy and procedures.

## **2. Policy Statement**

District employees have a responsibility for maintaining high standards of honesty, integrity, impartiality and conduct to assure proper performance of the District's business and the maintenance of confidence of the public it serves.

This Policy establishes procedures for employees and applicants for employment who feel they have been subjected to harassment, discrimination, or retaliation to pursue their complaints.

This Policy prohibits employees (co-workers, supervisors, managers), elected or appointed officials, third-parties, vendors, or members of the public from harassing or discriminating against employees, applicants for employment, unpaid interns, or volunteers because of an individual's protected classification.

As part of the District's continuing efforts to ensure full equal employment opportunity and conform to Title VII of the Civil Rights Act of 1964, and pursuant to the guidelines issued by the Equal Employment Opportunity Commission, and the regulations issued by the California Fair Employment and Housing Commission, this Policy shall be distributed to all current and future employees. Title VII of the Civil Rights Act of 1964 is not a "general civility code." Therefore, claims of harassment, discrimination, or retaliation under this Policy must be found to be based on the employee's statutorily protected classification or activity.

The District's policy is one of "Zero Tolerance" for any form of discrimination, harassment, or retaliation. An employee who is determined to have discriminated, harassed, or retaliated against another person while pursuing a District activity, either on or off duty, or otherwise violated the provisions of this Policy, may be subject to disciplinary action, up to and including termination. In addition, an employee found to have submitted a capricious or malicious complaint may be subject to disciplinary action, up to and including termination, as such actions may also constitute prohibited harassment, discrimination, or retaliation.

For purposes of this Policy, and consistent with the District's "Zero Tolerance" policy, it is not necessary that the conduct complained about actually rises to the level of unlawful

harassment or retaliation for such conduct to be a violation of the District's Policy. Thus, even if objectionable conduct is determined not to be unlawful harassment or retaliation, the employee who engaged in such conduct may still be subject to remedial action and/or discipline up to and including termination in accordance with the District's Disciplinary Policy.

This Policy does not restrict nor inhibit any supervisor from their responsibility or in their ability to direct, critique, and discipline employees in a non-discriminatory manner.

### **3. Definitions**

A) "Complaint" An allegation brought forth by an employee, that there has been a violation of this Policy.

B) "Discrimination" Treating an individual differently because of the individual's protected classification as defined in this Policy.

C) "Employee" For the purposes of this Policy only, an employee shall mean a paid District employee, an independent contractor substituting as a temporary District employee, a paid or unpaid Intern and/or a District volunteer.

D) "Harassment" For the purposes of this Policy, a form of discrimination consisting of unwelcome and unsolicited behavior which is taken because of an individual's statutorily protected classification and which is so severe and/or pervasive that it creates a hostile or abusive working environment and interferes with an employee's ability to do his or her job. An environment may be hostile if unwelcome behaviors, sexual or other, are directed specifically at an individual, or if an individual witnesses discriminatory harassment in his/her immediate surroundings.

Depending upon the severity of the circumstances, a single act of discriminatory harassment, as defined below, can violate this Policy. Forms of discriminatory harassment are:

1) Verbal Harassment. Includes, but is not limited to, speech, epithets, jokes, slurs, derogatory or other unwelcome comments communicated to or about the employee on the basis of an individual's protected classification. This might include inappropriate comments on appearance, including dress or physical features, or dress consistent with gender identification, or race-oriented stories or jokes.

2) Physical Harassment. Includes, but is not limited to, assaulting, excessive staring, inappropriate or offensive touching, impeding or blocking movement, or any physical interference with normal work or movement of the employee, when directed at the employee on the basis of an individual's protected classification. This includes pinching, grabbing, patting, propositioning, leering, or making explicit or implied job threats or promises in return for submission to physical acts.

3) Visual or Written Forms of Harassment. Includes, but is not limited to, derogatory material, posters, notices, bulletins, cartoons, drawings, or any pictorial or written depiction including, but not limited to: graffiti, reading materials, computer graphics, or electronic media transmissions, based upon an individual's protected classification.

4) Hostile Environment. A work environment that is permeated with insults or abuse, sexually oriented talk or innuendo, not relevant to the subject matter of the job and based upon an individual's protected classification. An environment may be hostile if unwelcome behavior is directed specifically at an individual or if the individual merely witnesses discriminatory harassment in his or her immediate surroundings. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's work.

E) "Protected Activity" Any action that an employee is permitted to engage in under the law in his/her capacity as an employee and includes, but is not limited to filing a complaint with a federal agency, state enforcement or administrative agency, or the District; opposing harassment; participating or cooperating in an investigation regarding alleged activities in violation of this Policy; providing informal notice to the District regarding alleged activity in violation of this Policy; calling a governmental agency's "whistleblower hotline."

F) "Protected Classifications" Includes race, color, ancestry, national origin, religion, creed, age (over 40), mental and physical disability, sex, gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sexual orientation, gender identity, gender expression, medical condition, genetic information, marital status, military and veteran status, or any other basis protected by California or Federal law.

G) "Retaliation" An adverse employment action that is directly and causally related to the protected activity by an employee. Adverse employment action can include, but is not limited to, spreading rumors about a complaint, shunning and avoiding an individual who reports harassment or discrimination, or real or implied threats of intimidation to prevent an individual from reporting harassment, discrimination, or engaging in a protected activity as defined by this policy.

H) "Sexual harassment" A form of harassment on the basis of gender, which may involve the behavior of a person, against a person of the opposite or same sex, and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, physical, or visual occurrences of a sexual nature. This may include situations which began as reciprocal attractions, but later ceased to be reciprocal. In addition to those examples set forth below in the Guidelines for Identifying Harassment, examples of sexual harassment include:

Quid Pro Quo Sexual Harassment:

Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual's welfare.

Hostile Environment Sexual Harassment:

An unwarranted focus on sexual topics or sexually suggestive statements in a work setting, which has the purpose or effect of substantially interfering with an individual's welfare or work performance, or creates an intimidating, hostile, offensive, or demeaning work environment.

#### **4. Guidelines for Identifying Harassment**

To help clarify what constitutes harassment in violation of this Policy, use the following guidelines:

A) Harassment includes any conduct which would be "unwelcome" to an individual of the recipient's same protected classification and which is taken because of the recipient's protected classification.

B) It is no defense that the recipient appears to have voluntarily "consented" to the conduct at issue. A recipient may not protest for many legitimate reasons, including the need to avoid being insubordinate or to avoid being ostracized.

C) Simply because no one has complained about a joke, gesture, picture, physical contact, or comment does not mean that the conduct is welcome. Harassment can evolve over time. The fact that no one is complaining now does not preclude anyone from complaining if the conduct is repeated in the future.

D) Even visual, verbal, or physical conduct between two individuals who appear to welcome the conduct can constitute harassment of a third individual who observes the conduct or learns about the conduct later. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

E) Conduct can constitute harassment in violation of this Policy even if the individual engaging in the conduct has no intention to harass. Even well-intentioned conduct can violate this Policy if the conduct is directed at, or implicates a protected classification, and if an individual of the recipient's same protected classification would find it offensive (e.g., gifts, over attention, endearing nicknames).

#### **5. Publication of Policy**

A) All employees shall be informed of the District's Policy and Complaint Procedure. Also, said policy and complaint procedure shall be readily available to all employees and

members of the general public utilizing the District's facilities and services.

1) All new employees shall be given a copy of this Policy at the time of hiring and shall sign an acknowledgment of understanding this Policy and as receipt of the copy. In addition, the Department of Fair Employment and Housing brochure on sexual harassment (Form DFEH-185) shall be distributed to all new employees

B. The District Administrator shall be available to answer questions of District employees regarding this District Policy.

## **6. Responsibilities**

### **A) Individual Employees**

Employees should note that courts have ruled that a sexual harasser may be found personally liable to the victim of the harassment. As such, all employees are responsible to:

1. Act professionally and refrain from discriminatory, harassing or retaliatory conduct;
2. Understand and follow the District's Policy and Complaint Procedure;
3. Promptly report any conduct which fits the definition of discrimination, harassment, or retaliation as defined herein, including but not limited to: sexual harassment, verbal harassment, and physical harassment. The report should be made to the supervisor(s), or appropriate authority figure, as provided in this Policy, whether or not reported by the individual who is the object of the harassment;
4. Seek clarification of this Policy, and sign a form which acknowledges that s/he has read and understands the District's Policy and Complaint Procedure;
5. Cooperate with any investigation of any alleged act of discriminatory harassment or retaliation, conducted by the District or its agents, including producing and not destroying any evidence relevant to an investigation of harassment discrimination;
6. Maintain confidentiality of any investigation that the employer conducts by not disclosing the substance of any investigatory interview, except as directed by the District Administrator or Chair of the Board of Directors/Chair/s designee (in the event the complaint involves the District Administrator).
7. Not use peer pressure to discourage employees who believe they are the victims of or have observed harassment, from complaining to the appropriate authorities regarding the harassment.

### **B) Management and Supervisory Employees**

In addition to the responsibilities listed above for individual employees, management and supervisory personnel are responsible to help prevent harassment, discrimination, and retaliation in their departments and areas of responsibility. In that regard, managers and supervisors are to:

1. Inform everyone who works for them that discrimination, harassment and retaliation is against the law, is a form of employment discrimination, and that the District may be held responsible if any District employee is found guilty of harassment.
2. Ensure that supervisory staff receives the appropriate training with regard to this Policy and demonstrate an understanding of this subject matter, including the provisions of this Policy. The District shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees. Such training shall be required every two years. Newly hired supervisors shall receive training within six months after assuming a supervisory position. Furthermore, supervisors are responsible to avail themselves of training opportunities.
3. Establish and communicate that all staff shall adhere to a standard of conduct that promotes a work environment free of harassment.
4. Be responsive and take immediate documented steps to report complaints, observations, or knowledge of harassment in a confidential manner. Immediately notify the District Administrator, or the Chair of the Board of Directors/Chair's designee (in the event the complaint involves the District Administrator) of any allegations or observations of Policy violations. Cooperate to resolve the complaint effectively and as quickly as possible. Consult with the District Administrator, or Chair of the Board of Directors/Chair's designee (in the event the complaint involves the District Administrator) immediately should any questions arise.
5. Inform all employees about the District's Policy and Complaint Procedure.
6. Understand that managers and supervisors are held to a higher standard in regard to workplace conduct; therefore, they must set the example, and as such, must promote a workplace free from harassment and retaliation and not engage in actions or behaviors that violate or encourage violation of this Policy. For this reason, romantic or sexual relationships between supervisors and their subordinates are to be avoided. There is an inherent imbalance of power and potential for exploitation in such relationships. The relationship may create an appearance of impropriety and lead to charges of favoritism by other employees.
7. Be aware that managers and supervisors are responsible for acts of illegal harassment in the work place by employees and non-employees, and become personally liable when the manager/supervisor knows, or should have known, of the conduct but fails to take immediate and appropriate corrective action.

The District will take disciplinary action, up to and including termination, against any supervisor who fails in his/her responsibility to take immediate action in response to an employee's complaint of harassment, or conduct related to harassment, about which the supervisor has knowledge, or should have knowledge.

C) District Administrator or Chair of the Board/Chair's designee (in the event the complaint involves the District Administrator)

1. Upon receiving notification of a harassment complaint, adhere to the responsibilities listed above for individual employees, management and supervisory personnel, and to the Investigative Procedure cited below in a timely manner.

## **7. Training Documentation**

Documentation of the training provided must be maintained for a minimum of two years, or pursuant to the District's Records Management System. The documentation will include at a minimum the names of employees trained, the date of training, the type of training, and the name of the training provider, the sign-in sheet, a copy of all certificates of attendance/participation/completion and a copy of all written or recorded materials that comprise the training. Training certificates of completion should be maintained in the employee's personnel file.

## **8. Complaint Process**

Any employee who believes s/he is the victim of discrimination, harassment or retaliation may file a formal or informal confidential complaint without fear of retaliation. Employees are encouraged to immediately report any incident of harassment so complaints can be quickly and fairly resolved.

A) Any employee of the District who believes that s/he has been the victim of discrimination, harassment, or retaliation should provide a verbal or written complaint as soon as possible after the incident to:

A supervisor; or  
the District Administrator; or  
the Chair of the Board of Directors (in the event the complaint involves the District Administrator). The Chair may in turn designate another individual, who may be contract District Counsel or the contract Human Resources consultant, to address the complaint.

The chain of command need not be followed when filing a complaint covered under this Policy.

B) The complaint should include details of the incident(s), name(s) of the individual(s) involved, together with the name(s) of any witness(es).

C) Staff and supervisors receiving a harassment complaint(s) shall immediately notify the District Administrator or the Chair of the Board of Directors/Chair's designee (in the event the complaint involves the District Administrator) to afford an opportunity to resolve the complaint internally.

D) The District Administrator or the Chair of the Board of Directors/Chair's designee (in the event the complaint involves the District Administrator) will undertake a fair, timely, thorough, and objective investigation of the allegation(s) which are covered under this Policy.

## **9. Complaint Response Process**

A) Confidentiality: The District will take all practical means available to it to assure the confidentiality of complaints made under this Policy; however, complete confidentiality cannot occur due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality will be maintained to the extent possible. The District's investigation will be designed to maintain, to the extent possible, the privacy and confidentiality of all parties involved.

An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by the District Administrator or Chair of the Board/Chair/s designee (in the event the complaint involves the District Administrator). Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The District will not disclose a completed investigation report except, as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

B) Within seven (7) working days of receipt of a formal or informal complaint, even if it is withdrawn, an objective investigation shall be commenced by the District Administrator. In the event the District Administrator is personally involved in said complaint, the investigation shall be commenced by the Chair of the Board of Directors or his/her designee.

1) The District Administrator or Chair of the Board or his/her designee (in the event the complaint involves the District Administrator) shall provide the complainant with a timely response indicating that the complaint has been received and that a fair, timely, and thorough investigation will be conducted by impartial and qualified personnel. The investigation will include interviews with:

- a) Complainant, who has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions;
- b) Subject of the complaint, who has the right to be represented; and

c) Other persons who have relevant knowledge concerning the allegations in the complaint.

2) The investigator will review the factual information gathered through the investigation to reach a reasonable conclusion as to whether the alleged conduct occurred giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.

3) The investigator will timely report a summary of the determination as to whether Policy violation(s) occurred.

4) The District Administrator or Chair of the Board/Chair's designee (in the event the complaint involves the District Administrator) will monitor the complaint's progress.

5) A written record of the investigation of alleged harassment shall be maintained by the District as confidential for the period required by law or in the District's Records Management System.

C) The District Administrator shall have the ability to effect temporary transfers or initiate administrative leave with pay for any employee involved in any aspect of the harassment complaint, until the complaint is resolved and/or all levels of appeal have been exhausted. The District Administrator shall have the ability to temporarily suspend any volunteer involved in any aspect of the harassment complaint, until the complaint is resolved. The District Administrator shall also have the authority to impose reasonable and lawful requirements upon employees, regarding workplace behaviors, while a harassment complaint is being investigated and resolved. Such actions will ensure that employees conduct themselves appropriately and in a manner to be reasonably expected in the work environment. These provisions are intended to encourage the continuation of a harmonious work environment, while a harassment complaint is being investigated and resolved.

## **10. Disciplinary Procedures and Completion of the Investigation**

If it is determined that a policy violation has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for a violation of this Policy will be subject to appropriate disciplinary action, up to and including termination. The remedial action will be commensurate with the severity of the offense; however, the level of action will not be communicated to the complainant. Rather the complainant shall be notified that the investigation was concluded and the allegations findings were determined to be unfounded, exonerated, sustained or not-sustained.

A) Appropriate action shall be taken based on the results of the investigation.

B) Action taken to remedy a discrimination, harassment, retaliation situation shall be done in a manner so as to protect potential future victims.

C) Employees filing a good faith complaint under this Policy shall be protected thereafter from retaliation. Retaliation by management or co-workers against anyone filing a complaint will not be permitted or tolerated.

The District Administrator or Chair of the Board/Chair's designee (if the complaint involves the District Administrator) is the final level of investigation and complaint resolution. The District Administrator shall have the authority to determine what action will be taken. In such cases where the complaint involves the District Administrator, the authority to recommend what action to take shall rest with the Board of Directors, who shall take appropriate action.

### **11) Outside the Scope of Employment**

Courts have ruled that an employee found to have committed illegal harassment may be found personally liable to the victim of the harassment. Furthermore, any employee committing harassment, as defined in this Policy, will be deemed by the District to be acting outside the scope of his or her employment, volunteer activity, or official capacity.

### **12) Outside Agencies**

Utilizing this Policy and procedure does not waive an employee's right to pursue action with the agencies listed below or to initiate civil action. However, in order to give the District the opportunity to internally correct discriminatory or harassing situations, employees are encouraged to follow the complaint process as described in this Policy. Employees may also direct their complaints to the following external agencies:

Equal Employment Opportunity Commission (EEOC) at [www.eeoc.gov](http://www.eeoc.gov)

California Department of Fair Employment and Housing (DFEH) at [www.dfeh.ca.gov](http://www.dfeh.ca.gov)

## **5080 – Political Activities**

### **1. Purpose:**

The purpose of this policy is to address political activities by District elected and appointed officials (public officers), and/or employees, (including interns and volunteers).

### **2. Policy Statement:**

State law places strict prohibitions on local agency public officers' and employees' use of political activities and/or solicitation of political contributions. As such, public officers and employees have a duty to maintain the public trust through high professional standards and attitudes which dictate an objective analysis of issues, free of personal biases, in carrying out their official duties.

District public officers and/or employees may use their personal time without the use of District resources to engage in political activities. Employees who wish to support/oppose a candidate or a ballot measure, must make it clear that they are advocating in their capacity as private persons, and not in their capacity as an official and/or employee of the District.

When a question arises between a public officers' or employee's official duties and his/her rights as a private person, individuals must first seek clarification, prior to taking any action that may erode the public trust, or potentially be in violation of this policy.

Questions not covered within this policy, should be called to the attention of the District Administrator, or the Chair of the Board of Directors, (in the event the questions involve the District Administrator).

### **3. Definitions:**

"Ballot measure" Any measure that may appear on a local, or statewide ballot that may be a benefit or a disadvantage to the District.

"District" For the purposes of this Policy, the District proper, including the three member agencies as it relates to candidates for office or ballot measures. An elected official of a member agency could be appointed as a District Board member;

"Employee" For the purposes of this Policy, an appointed individual on District payroll, or a worker assigned tasks at the district, hired through a temporary employment agency paid by the District, an unpaid intern, or a volunteer performing work for the District.

"Local agency" A county, city, city and county, political subdivision, district other than a school district, or municipal corporation.

"Political activities" Seeking, lobbying for, recruiting for, or opposing an individual's election or appointment for an office of a government body, or promoting the passage of, or defeat of, a ballot measure."

"Public Officer" An individual elected or appointed to a board, commission, or committee.

"Public resources" Any property or asset owned or controlled by the District, including, but not limited to, land, buildings, facilities, funds, equipment, supplies, telephones, computers, electronic devices, vehicles, travel, and District compensated time.

#### **4. Procedures:**

The Government Code of the State of California provides restrictions on political activities of local government agency employees. In keeping with the Government Code and to avoid the appearance of impropriety, District policy is as follows:

A. Officers and employees of the District are prohibited from participating in any political activities while in uniform, during working hours, while representing the District, or on District owned or controlled property.

B. No officer or employee of the District may solicit or receive political contributions while in uniform, during working hours, while representing the District, or on District owned or controlled property.

C. No officer or employee of the District may expend any public resources or work time to support or oppose any candidate for elective office or to promote/oppose a ballot measure, except to redirect an unsolicited contact from a person or group. The official or employee must limit their response to providing a private phone number or email account for the person or group to contact them on their personal time.

D. An official and/or employee may not use public resources purchased at public expense, for campaign purposes.

E. Nominees or candidates for offices of the District are prohibited from promising employment benefits to officers or employees of the District.

F. Nominees or candidates for offices of the District are prohibited from directly or indirectly using, promising, threatening, or attempting to use any office, authority or influence to obtain change in position or compensation for any individual, upon consideration or condition of the vote or political action of such person or upon any other corrupt condition or consideration.

## **5090 – FITNESS FOR DUTY**

### **1. Purpose**

The South San Luis Obispo County Sanitation District seeks to provide a work environment that is safe for all employees. At times, it is possible that the physical or psychological condition of an employee may create a work environment that represents a danger to the employee, the employee's co-workers, or others.

### **2. Policy Statement**

When there is reason to believe that an employee's physical or psychological health is impaired to the extent that it affects his or her job performance of essential functions or presents a direct threat to his or her own safety or the safety of others, a fitness for duty evaluation may be conducted.

The purpose of the fitness for duty evaluation is:

- A. To determine if the employee is medically able to perform his or her job duties in a safe and efficient manner, and;
- B. To help the employee obtain appropriate treatment or reasonable accommodations, if necessary, so that the employee can successfully return to work with the District whenever possible.

### **3. Procedure**

If, in the opinion of the District Administrator, an employee is having difficulty performing the essential duties of his/her position due to suspected physical or mental health problems, the employee may be required to submit to a medical examination designated or approved by the District Administrator to determine fitness for continued employment.

The employee may be placed in a modified assignment or on paid administrative leave during the time the fitness for duty evaluation is conducted.

After the designated physician completes the examination, he or she will prepare a confidential report to the District Administrator indicating whether the employee is able to return to full duty or not; what restrictions, if any, apply; and any recommendations for reasonable accommodation if applicable.

If the examination finds the employee requires a reasonable accommodation to perform the essential functions of the position for continued employment, the District Administrator shall extend the opportunity to the employee to engage in a good faith interactive process to determine what if any reasonable accommodations may be made.

### **4. Confidentiality**

Medical information pertaining to District employees is strictly confidential. Any information generated for the fitness for duty evaluations shall be restricted, with access only on a need-to-know basis, limited to those individuals engaged directly in the interactive process. The results of the fitness for duty examination and any related documentation will be retained only in the employee's confidential medical file.

## **5091 –TECHNOLOGY USAGE**

### **1. Purpose:**

The District provides various technology resources and systems to its employees and officials, including computers, cell phones, smart phones, tablets, electronic mail, internet access, and other forms of technology to facilitate its employees' work and work-related communication. The purpose of this policy is to regulate access to and use of District technology. This policy also regulates conduct by officials and employees concerning public records, public business using private devices.

### **2. Policy Statement:**

This policy shall apply to all District staff and elected and appointed officials when communicating with District staff or on District business. District technology resources and systems are provided to employees for work-related purposes, in carrying out the mission of the District in serving the public.

These technology resources and systems are business tools, which are to be used in accordance with generally accepted business practices and to provide an efficient and effective means of communications for the District.

Such resources and systems are District property and are not for personal use on District time. These systems are not to be used in ways that may be disruptive, offensive, or harmful to morale. For example, messages that would violate this provision would include sexually explicit messages, ethnic slurs, or other messages that might be construed as harassment or disparagement based on protected characteristics.

### **2. Privacy:**

Individuals subject to this policy do not have an expectation of privacy in their use of District technology resources and systems. District technology systems, equipment or supplies are provided strictly for business purposes and all access on work time must be business related. Authorized access to the District technology resources and systems is a privilege and not a right.

Similarly, there is no reasonable expectation of privacy in communications sent over the District e-mail network. E-mail communications are not private. For purposes of this policy, e-mail shall also include all messages transmitted on the Internet.

District issuance of passwords and access codes to such resources and systems is designed to control authorized access to such systems for business purposes and to protect the District systems from unauthorized intruders; it is not for the purpose of providing privacy to the users. The District retains copies of such passwords and all

material on such systems is subject to the District's review and copying without any notice or consent.

The District reserves the right to access and inspect all such systems at any time, without notice or employee consent, to ensure that excessive personal use is not taking place, to investigate conduct or behavior that may be illegal or adversely affect the District's interests, or for such other reasons as the District deems appropriate.

Individuals subject to this policy should note that even though information on such systems may be "erased" or "deleted", copies of such information may remain on the District's back-up systems. All employees should understand that any information kept on the District's computer systems may be electronically recalled or recreated regardless of whether it may have been deleted or erased by an employee.

The District periodically backs-up all computer files and messages, and due to the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, individuals who delete or erase information or messages should not assume that such information or messages are confidential or private.

### **3. Improper Use**

Improper use of District technology resources by District staff, elected and appointed officials is prohibited. Improper use includes, but is not limited to:

1. Use of the District system that may, for a reasonable person, create or further a hostile attitude or give offense on the basis of race, color, national origin, citizenship, ancestry, marital status, gender, sexual orientation, age, disability, religion or politics.
2. Exposing others unwillingly, either through carelessness or intention, to material which is offensive, obscene or in poor taste. This includes information which may create an intimidating, offensive or hostile work environment.
3. Communication of confidential agency information to unauthorized individuals within or outside of the District.
4. Use of the District system for transmitting any information that is in conflict with applicable law or District policies, rules or procedures; or which undermines the District's ability to provide public services through its employees; or which harms the integrity of the District, the District system or network.

5. Use of the District system for initiating or sustaining chain letters; or to solicit, promote or proselytize others for non-job-related commercial ventures, religious or political causes, or other non-job-related activities.
6. Use of the District system in any way that communicates with the Board of Directors in such a way as to violate the Ralph M. Brown Act.
7. Theft or unauthorized copying of electronic files or data.
8. Unauthorized attempts to access data or break into any District or non-District system;
9. Intentional misrepresentation of one's identity for improper or illegal acts.

### **3. E-mail Usage:**

All District employees, elected, and appointed officials utilizing electronic communications with the District must abide by the following requirements:

**A. District Property:** The District's electronic systems and the contents thereof are the sole property of the District and therefore not considered personal. Communications sent from and received by the District system are subject to monitoring by the District and may be subject to disclosure under the Public Records Act or litigation. Communications transmitted over the System shall be restricted to business activities of the District or communications that contain information related to the accomplishment of District business, administration or practices. Incidental personal use is allowed, subject to the provision below.

**B. E-mail Retention:** E-mail messages which are "records" as defined by the California Public Records Act are subject to protection/retention in accordance with the Act. Because the e-mail system is not designed for long-term storage, e-mail communications which are intended to be retained as official records shall be filed in electronic or hard copy form as appropriate in the appropriate subject file.

E-mail messages which are responsive to existing public record requests, subpoena or production demand, or which are otherwise relevant to pending litigation or claim, shall be likewise retained in electronic subject files or hard copy format.

**C. Attorney Communications:** E-mail messages transmitted to or from District Legal Counsel and/or his/her employees and agents may be considered to be confidential communications and are protected by the work product and attorney-client privileges.

**D. Pre-Approval of Outside Information:** All materials – diskettes, flash drives, CDs, DVDs, applications, documents, downloaded materials, etc. – brought into

the workplace from external sources must be approved by the District Administrator before being installed or used on the District's computer system.

**E. Monitoring:** The District reserves the right to monitor the District system including reviewing, auditing, and disclosing all matters sent over and/or stored in the District system.

#### **4. Incidental Personal Use:**

Authorized system users are allowed incidental personal use of the District's technology resources and systems only during non-working periods. This incidental personal use shall not interfere with District business and shall conform to the provisions and restrictions of this policy.

Even if technology resources are used during non-working periods, users should not have any expectation of privacy of information transmitted or placed on the District's technology resources. The information is still subject to review, monitoring, and disclosure.

#### **5. Social Media:**

Employees are not allowed to use the District's Technology Resources for personal access to any type of social media, including Facebook, Twitter, Instagram, blogs, etc. These items (and any others properly characterized as forms of social media) may not be accessed for personal use from any District computer, cell phone, smart phone, tablet or other technology resources.

#### **6. Internet Use**

The District provides authorized employees access to on-line services, such as the Internet. Employees are expected to use these services in a responsible way and for business-related purposes only. Under no circumstances, are employees permitted to use such services to access, download, or contribute to the following: gross, indecent or sexually-oriented materials; sport sites; personal job-search sites; entertainment sites; gambling sites; games or humor sites; drug-oriented sites; personal pages of individuals; social media sites; or politically-oriented sites; or sites devoted to influencing the course of legislation or public policy.

Additionally, employees must not sign guest books at Web sites or post messages at Web sites as these actions will generate junk electronic mail and may expose the District to liability or unwanted attention.

Employees are further prohibited from using District technology resources and systems, in addition to any other District property, to copy, retrieve, forward or send copyrighted or other proprietary materials, unless the employee has the author's express written permission to do so for a business-related purpose.

## **7. Consequences of Policy Violations:**

The failure by an employee to adhere to these requirements may result in restriction or termination of District system access regardless of whether it impacts his/her ability to perform assigned work tasks, and/or disciplinary procedures against the employee, up to and including termination from employment for cause.

The failure by a public official to adhere to applicable requirements may result in action by the District Board according to the current District Board Bylaws.

## **5092 - SOLICITATION AND DISTRIBUTION**

Employees should not be disturbed or disrupted in the performance of their job duties. For this reason, solicitation of any kind by an employee of another employee is prohibited while either person is on working time or in a public area of the District. Solicitation by non-employees on District premises is prohibited at all times.

Distribution, by employees, of advertising material, handbills, printed or written literature of any kind in working or public areas of our District is prohibited at all times.

We also recognize the need to support the fund-raising activities our employees' children are involved in on behalf of non-profit organizations, schools and team sports. Such fund-raising activities on behalf of employees' children are permitted on District premises, subject to the requirements outlined above.

## **6000 - BUSINESS TRAVEL & REIMBURSEMENT**

It is the policy of the District to pay in advance and/or reimburse District employees for expenses while attending to District business, including but not limited to conferences, meetings, seminars and classes. On those occasions when travel is required outside the District boundaries, the following procedures shall apply:

### **1. Use of District Vehicles**

An employee must obtain permission from the District Administrator or designee to use a District vehicle. Any out of pocket expenses, such as parking, tolls or emergency repairs, shall be reimbursed upon presentation of appropriate receipts.

### **2. Use of Private Vehicle**

If an employee is authorized to use their private vehicle on District business by the District Administrator, he/she shall be compensated at the prevailing IRS per diem mileage rate, after submittal of documentation, which states purpose of travel, dates covered, beginning odometer and ending odometer readings. The IRS per diem mileage rate is meant to cover all costs associated with travel, including gasoline purchases.

Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and operational. Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work.

Proof of adequate insurance is required covering collision, personal injury and property damage for any employee using a personal vehicle in the performance of District work and a copy thereof shall be kept on file, to be renewed annually.

### **3. Air/Other Travel**

When the distance may be too great for driving, an employee may be authorized to travel by airline at the economy fare. The District shall reimburse the employee for actual bus, shuttle, cab fares or car rental that is not District paid in advance.

### **4. Lodging**

It is the policy of the District to exercise prudence with respect to hotel/motel accommodations. It is also the policy of the District for Board members and staff to stay at the main hotel/motel location of a conference, seminar, or class to gain maximum participation and advantage of interaction with others whenever possible. Actual hotel/motel costs shall be paid by the District in advance, or reimbursed. Personal phone calls, mini bar and movies are not reimbursable.

### **5. Per Diem**

Any employee traveling on District business shall receive in addition to transportation and lodging expenses, a per diem allowance to cover ordinary expenses such as meals, refreshments and standard tips. The amount set for per diem shall be considered fair reimbursement and the employee shall neither be required to account for use of the per diem, return the unused portions, nor claim additional expenses for these items.

The per diem shall include breakfast, lunch and dinner, excluding the cost of any alcoholic beverage. The per diem rate shall be pursuant to current General Services Administration annually published rates for San Luis Obispo County at: [gsa.gov](http://gsa.gov). An employee shall be eligible for breakfast per diem if they are required to leave prior to 7:30 a.m. in order to reach their destination on time and dinner per diem if they arrive back after 6:30 p.m. The employee may be authorized a dinner per diem if they are required to leave the evening prior to a conference, meeting or class. An employee shall not receive a per diem for a meal when that meal is included in the registration of a conference or class. Conversely, if a meal is included as part of the conference, but the cost is additional, the employee may be reimbursed the additional out of pocket expenses for the meal provided appropriate receipts are turned in.

## **6. Board of Directors**

Reimbursements to Board of Directors shall be provided in the same manner as that for employees of the District. Board members shall advise the District Administrator with advance notice so that staff may make timely accommodation/registration arrangements prior to travel.

## **7. Credit Cards**

A. Use District credit cards may be used only for those necessary and allowable expenses contained in this Policy and properly claimed by the individual to whom the card has been issued. District credit cards may not be used to obtain cash. Any penalty or excessive charges against the District due to misuse of a credit card or negligent use of the card, shall be borne by that individual and may subject the employee to disciplinary actions.

Credit card vouchers (receipts/drafts) should contain a general description as to what was purchased; such as hotel room, air fare, breakfast, lunch, dinner, etc. Detailed receipts must be attached. In the event a District credit card is used to purchase breakfast, lunch, and/or dinner, the per diem rates shall still apply, and the employee must reimburse the District for the difference in the cost, if greater than the per diem rates.

Credit card vouchers are essential for reconciling purchases with the credit card billing. When a voucher is lost, a duplicate must be ordered from the bank or the vendor. The traveler must sign his/her name on the credit card voucher not write South San Luis Obispo County Sanitation District.

B. Issue/Return Procedure - Personalized District credit cards will be issued not earlier than three workdays prior to expected trip departure. Approval must first be obtained from the District Administrator prior to issuance of a credit card. If a scheduled trip is canceled, the personalized credit card will be returned to the District Administrator or designee immediately; but no later than the following workday. The personalized credit card issued for a specific trip must be returned to the District Administrator on the first day that the traveler returns to work. The corresponding claim must be submitted within five days.

C. Lost or Stolen District Credit Cards - Should a credit card be lost or stolen, notify issuing authority immediately. The caller must give his/her name and department, the credit card number and the name as it appears on the card. As soon as possible thereafter, the loss must be reported to the District Administrator. A credit card actually lost or stolen will necessitate calling in all other cards bearing the same identification number for cancellation. Great care must be taken with the card issued to employees.

## **6010 – CELL & HANDHELD DEVICES POLICY**

### **1. PURPOSE**

This policy establishes procedures for the use of cell phones, and other cellular/wireless devices, and is applicable to all District employees. This policy is intended to provide uniform and consistent standards of application and use of communications devices, including but not limited to: land-line telephones, cellular telephones, PDA's, tablets, pagers, and other portable/mobile devices. References herein to phones may include any electronic portable device.

Because the technology industry is an ever-changing field, this policy may cover portable/mobile communications devices that are developed after the adoption of this policy not specifically cited herein. A statement within this policy referencing cell phone use, also means use of any mobile device.

For additional procedures with regard to District technology use, please reference the District Personnel Policy Manual.

### **2. POLICY**

The District seeks to operate using efficient and safe methods for use of handheld devices. District issued cellular/wireless devices shall be utilized for business purposes. Further, any use of said devices, while conducting District business shall be in a safe, appropriate, and legal manner. Therefore, as defined herein, use of personal cellular/wireless devices is considered "attending to personal business" and except for emergencies or with prior supervisory approval as stated herein, any personal business, is limited to breaks and meal periods.

Drivers shall comply with all federal, state, and local laws and regulations regarding the use of mobile technology devices including cell phones.

### **3. RESPONSIBILITIES**

#### **A. Individual Employees**

All employees are responsible to:

- Abide by the provisions of this policy, including attention to safety.
- Review any perceived discrepancy or provision of this policy with a supervisor to ensure clarity of the intent.
- Thoroughly read the policy, and request supervisory direction, should questions arise, to affect a clear understanding of this policy.
- Bring forth issues (with regard to any portion of this policy), in a timely manner, to the attention of management staff.
- Cooperate in any investigation of alleged policy violations, including not destroying evidence.
- Understand they will be held accountable with regard to frequency or length of personal use of devices covered by this policy.
- Understand they may incur personal tax liability for personal use of a District device, under Internal Revenue Service (IRS) regulations.

- Personal cell phone use, even when permitted when representing the District, must never include language that is obscene, discriminatory, offensive, prejudicial or defamatory in any way (such as jokes, slurs and/or inappropriate remarks regarding a person's race, ethnicity, sex, sexual orientation, religion, color, age or disability).
- Not use cameras or other recording features on the device, unless expressly authorized and requested to by a supervisor, so as to protect the privacy rights of other employees and the District.

## **B. Management/Supervisory Responsibilities**

In addition to responsibilities as an individual employee, Management and Supervisory employees are to communicate the provisions of this policy to subordinate staff. As with any policy, management and supervisory staff are held to a higher standard; therefore, serve as role models for proper compliance with the provisions herein. Managers and supervisors are required to:

- Be conversant with the provisions of this policy.
- Ensure employees are aware of the provisions herein.
- Provide a copy of this policy and updates to all employees.
- Provide training through review and expectations of said policy to all new staff upon hire, and current employees on a periodic basis.
- Maintain employee signature form of acknowledgment of this policy.
- Review monthly District device charges to monitor inappropriate, excessive or irregular use.
- Regularly remind employees of their responsibilities in complying with this policy.
- Advise management staff, including the District Administrator with regard to personnel or operational issues relative to this policy.
- Be responsive and take immediate documented steps to address policy violations, appropriate to the facts.
- Cooperate with any investigation with regard to policy violations and preserve evidence to the extent possible.

## **4. SAFETY**

The use of personal devices, including cell phones is expressly prohibited while driving on District time. Although state law allows for use of a wireless telephone or electronic wireless communications device specifically designed and configured to allow voice-operated and hands-free operation, even use of a voice activated wireless device while driving may be a distraction while driving. Therefore, employees must pull off to a reasonably safe location, and stop as soon as it is safe to do so, to place or accept phone calls.

Texting while driving or operating machinery is prohibited.

Employees are to be proactive in using safety precautions relative to use of cellular phones or other devices.

## **5. DISTRICT ISSUED DEVICES**

Where job or business needs demand immediate access to an employee, the District may issue a District-owned and serviced cell phone to an employee for work-related communications.

District issued cellular phones and/or wireless devices shall remain the sole property of the District and shall be subject to inspection and/or monitoring (including related records including text messages) at any time. Employees in possession of District equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. The use of District issued mobile devices is a privilege and not a right.

### **A. Procedures**

The District will maintain a minimum of two (2) cellular devices for staff use, when the assignment requires or may require the need to communicate electronically in carrying out duties.

1. Non-Exempt Staff – Employees assigned to Standby Duty or traveling in the field shall “check-out” a District issued device, prior to using it. When the assignment or fieldwork is completed, the device is to be immediately returned, by “checking-in” the device. Checkout and check-in shall be documented on a form provided by the District, which includes signatures and reflect dates of use.
2. Exempt Management Staff – In conducting District business, an exempt employee may choose to either be issued a District-provided cellular device; or use their own personal device and be reimbursed a reasonable percentage of the monthly cost, which may be subject to IRS regulations. Said employee shall complete an acknowledgment form, documenting which option is selected.

### **B. Usage**

In order to avoid incurring a tax liability for the personal use of District equipment, such equipment should be used for business reasons.

All employees understand that while some de minimis personal use is inevitable, a District provided mobile device is intended for business calls. Employees are not authorized to conduct personal business on District time, and shall limit personal phone calls, or other personal business to breaks or meal periods. Call summary reports (i.e. number of minutes used) are distributed to supervisors on a periodic basis and are to be reviewed for reasonableness. **Employees will reimburse the District for any overage charges related to personal use**, including but not limited to, charges for long distance and/or roaming charges, overage charges, multimedia charges, and charges for directory assistance. The call detail records generated from assigned cell phones are considered records of the District and may, on occasion, be subject to internal and outside audits by the District and/or official agencies.

Users are not authorized to access any website using their District issued cellular/wireless device that would be a violation of the District’s Computer Systems, Email, and Internet Use Policy.

Use of cells phones, or other mobile device may create an overtime liability to the District, therefore, use is only by advance Supervisory approval.

## **6. PERSONAL DEVICES**

The District will not be liable for the loss or damage of personal mobile devices brought into the workplace. Personal use of any mobile device, unless authorized (e.g., on Standby) is considered personal time.

Excessive personal use of cellular/wireless devices during the workday, regardless of the phone or device used, can interfere with employee productivity and be distracting to others. During paid work

time, employees must exercise the same discretion in using personal cellular/wireless devices as is expected for the use of any District telephone or computer.

### **A. Telephone Calls/Text Messaging**

1. Employees must turn off ringers or change ringers to “mute/vibrate” on personal electronic devices, to avoid disruption in the workplace.

2. A reasonable standard the District encourages is to limit personal calls and/or text messaging during work time to an average of no more than two or three short-duration calls/exchanges per day when needed. Employees are to conduct personal business, during breaks and meal periods and to ensure that friends and family members are aware of the District’s policy.

3. Cellular phones may not be used at any work site where the operation of the phone is or may be a distraction or otherwise unsafe to the public or other employees.

4. When a situation exists that requires the employee to be available to outside callers, the employee is responsible for timely notification to their supervisor, to seek temporary authorization with regard to sending and accepting limited outside communications during productive time.

### **B. Prohibited Activities**

In order to ensure a productive workday, the following use of a personal cellular/wireless device are prohibited during working hours:

*1. Unless otherwise authorized, the use of cameras on cell phones during work time is prohibited to protect the privacy of the employer as well as of fellow employees;*

2. Accessing the internet for non-work-related purposes;

3. Playing games;

4. Watching movies, television, sports, etc.;

5. Any activity that violates District policy, including accessing and/or distributing pornographic or harassing material;

6. Cellular telephones, or other mobile devices, may not be used to defame, harass, intimidate, or threaten any other person;

7. Employees are prohibited from using cell phones in any illegal, illicit or offensive manner.

## **7. PRIVACY**

As with use of any communications device issued by the District, employees understand there is **no expectation or right of privacy**.

The District has the right to review all records related to District issued cellular and/or mobile devices.

Users should further be aware that in conducting District business, all records maintained by the District may be subject to discovery under the Public Records Act.

## **8. EMPLOYEE REIMBURSEMENT**

The District will not be liable for the loss of personal cell phones or mobile devices brought into the workplace. Unless otherwise stated herein, employees are not authorized to use personal cell phones, or other devices in place of District provided equipment.

### **A. Occasional User**

Employees may be reimbursed \$.45 per phone call, when the work-related use is necessary in carrying out work duties, and there is no other option for the communication.

B. Frequent User

In lieu of a District issued device, District Employees who receive frequent and regular phone calls may submit written justification to receive a \$75 per month cellphone stipend for use and listing of their personal cellphone for work purposes when requested and approved by District Administrator.

Exempt employees choosing to use their personal device, rather than a District issued device, shall be reimbursed a reasonable percentage of the basic monthly cost, commensurate with frequency of use. The District may request proof of use (e.g., review of monthly phone bill) to determine a reasonable percentage.

**9. POLICY VIOLATIONS**

Employees who are charged with traffic violations resulting from the use of a cellular phone while driving on duty may be subject to disciplinary action and to personal liability resulting from such traffic violations and are responsible for paying the cost of the citation.

Policy violations shall be addressed with corrective measures appropriate to the situation; including but not limited to policy re-review, training; loss of privileges, and/or as applicable, disciplinary action up to and including termination of employment.

## **7000 – DISTRICT ADMINISTRATOR**

### **EMPLOYMENT STANDARDS**

Position Characteristics Under contract and general direction from the District Board of Directors responsible for the implementation of the policies established by the Board of Directors for facilitating the operation and administration of the District. The District Administrator oversees, participates in and provides direction for planning, coordination, and management of the administrative affairs of the District, engineering services as well as maintenance, and facilitating operations within a framework of legal requirements, policies and established organizational values and processes, with independence of action to meet changing operational conditions.

Distinguishing Characteristics: The District Administrator is the only contract at-will classification with the District, who reports directly to the Board of Directors. This classification is the highest-level administration position in the District and is responsible for the overall administration and facilitating operations of the District.

Supervision Exercised and Received: Supervision is provided at various classification levels within the organization requiring the use of sound management skills, business management practices, professional development, and supervisory skills; has direct supervision over the Bookkeeper/Secretary and the Wastewater Plant Superintendent; performs related duties as required. This is an at-will, exempt salaried position and reports directly to the Board of Directors.

Minimum Qualifications:

Education: Graduation from an accredited college or university with a related bachelor's degree.

Experience: Five years increasingly responsible management or administrative experience with the responsibility for the formulation and implementation of programs and services; and three years supervisory responsibilities. Experience in the field of Wastewater treatment is highly desirable.

Possession of: Must possess a valid California class C driver license and a satisfactory driving record to meet eligibility standards for motor vehicle insurance coverage established by the District's insurance carrier. Possession of a related valid Certificate of Registration as an Engineer issued by the California State Board of Registration for professional Engineers is desired.

Knowledge of:

- Principles and practices of public administration, including administrative analysis, fiscal planning and control, record keeping/retention, and policy and program development.

- Cost estimating, construction processes, and contract administration.
- Laws, rules, ordinances, and legislative processes controlling sanitary district functions, programs, and operations.
- Organization, operations, and complexities of special districts.
- The Brown Act and Public Records Act.
- Research and evaluation methodologies.
- Budgeting principles and practices.
- Personnel and employer-employee relations.
- Principles of supervision, training and management.
- Principles of industrial safety and hygiene.
- Project management.
- Recent developments, current technology and informational resources regarding wastewater treatment and reclamation.
- Computer applications related to the work.
- Standard office practices and procedures, including the use of standard office equipment.
- Effective and diplomatic communications techniques.
- Techniques for providing a high level of customer service to the public, elected/appointed officials, and District staff, in person, electronically, and over the telephone.

#### Ability to:

- Plan, organize, coordinate, and direct the work of staff to achieve efficient operations and meet program goals.
- Exercise leadership, authority, and supervision tactfully and effectively.
- Administer and enforce District budgeting and fiscal controls.
- Prepare concise and comprehensive reports.
- Coordinate the preparation of Board agendas and other Board activities in conformance with the Brown Act; and attend Board meetings.
- Direct, coordinate, and implement programs to develop complex capital projects.
- Take a proactive approach to complex problem solving using a variety of techniques.
- Conduct technical research work.
- Review designs, plans and specifications.
- Provide advice and consultation to the Board of Directors on the development of ordinances, regulations, programs, policies, and services.
- Communicate effectively during public presentations.
- Effectively represent the District's policies, programs, and services with the public, community groups, and other government agencies.
- Establish and maintain cooperative and effective working relationships.
- Effectively interact and coordinate with regulatory agencies.

#### Typical Duties:

- Serves as District Administrator to implement the policies and provide services as established by the Board of Directors for the operation and administration of the District; and acts as liaison with member agencies and all regulatory agencies.
- Responsible to plan for the operation, maintenance, and enhancement of the District's wastewater collection, treatment, disposal, and reclamation facilities.

- Makes recommendations regarding the long-and short-range planning of plant collection, operations, and facility construction and modification activities, including plans for financing.
- Implements the Board's policies and programs with employees, community representatives, and other governmental agencies.
- Acts as appointing authority consistent with District Personnel Policy as established by the Board of Directors, relative to employee appointment, supervision, training, evaluation, discipline, dismissal, and resolution of grievances.
- Oversees and participates in the preparation of the annual and capital improvement budgets, making recommendations to the Board on final expenditure levels.
- Responsible for the administration of the District's finances ensuring District finances are managed in accordance with proper public sector accounting principles.
- Oversees, participates in, and directs the preparation and timely submission of a variety of written correspondence, reports, minutes, procedures, ordinances, bid specifications, and other materials.
- Oversees the records keeping system, pursuant to District policy.
- Monitors changes in laws, regulations and technology necessary to endeavor to keep the District in compliance with requirements of applicable State or Federal agencies; implements changes to policies and procedures, after approval.
- Oversees resolution of and responses to complaints regarding plant operations.
- Studies systems and procedures and proposes improvements and simplification.
- Performs other related duties as necessary.

#### Working Conditions:

Works in administrative office of a wastewater treatment plant, which may require working in or near wastewater collection system environments; some exposure to water, chemicals, fumes, airborne particles, hazardous materials, and noise; the noise level in the work environment is usually low to moderate. Requires sitting, standing, walking, occasional climbing, bending, stooping. May work at heights, on uneven construction surfaces and in inclement weather conditions. Must be available for evening meetings and emergency response, as required.

**Physical Demands:** Employee must possess sufficient strength to pull, push, or move material, equipment or parts weighing up to 25 pounds and sufficient stamina to walk, stoop, kneel, crouch, crawl, step or ascend/descend. Employee is regularly required to stand, sit; use hands to finger, handle, or feel; arms to reach; and talk and hear, with vision abilities to include close, distance, and peripheral vision, depth perception and ability to adjust focus.

## **7010 – WASTEWATER PLANT SUPERINTENDENT**

### **EMPLOYMENT STANDARDS**

**Position Characteristics:** Under general direction, oversees, supervises, and coordinates wastewater treatment/water reclamation plant and District owned sewer, operations and maintenance. This includes administering all wastewater treatment, reclamation, collections, and disposal functions for the SSLOCSD Wastewater Treatment Plant, providing work oversight, review and evaluation to treatment plant operators and assigned maintenance staff. Successful performance of the work requires a high degree of technical and regulatory knowledge to ensure that all plant operations and laboratory activities are in compliance with National Pollutant Discharge Elimination System (NPDES), Regional Water Quality Control Board (RWQCB) and Air Pollution Control District (APCD) as well as other regulatory requirements.

**Distinguishing Characteristics:** The SSLOCSD Wastewater Plant Superintendent is a management-level classification, and acts as Chief Plant Operator, responsible to plan, coordinate, manage, review and evaluate all water reclamation facility operations, maintenance and effluent disposal activities; ensures compliance with federal, state and local water, biosolids and air-quality regulations; performs related work as assigned. The Wastewater Plant Superintendent is distinguished from the Wastewater Plant Operations Supervisor in that the former is an exempt management-level classification responsible for the overall effective and efficient operations of the District plant; and provides direct support to the District Administrator.

**Supervision Exercised and Received:** The Wastewater Plant Superintendent receives general and specific direction from the District Administrator within a framework of legal requirements, policies and established organizational values and processes, with independence of action to meet changing operational conditions. Exercises direct supervision over various levels of operations and maintenance staff within the organization requiring the use of sound management skills, business management practices, professional development, and effective supervisory skills.

#### **Minimum Qualifications:**

**Education:** Completion of two years of science related college or technical school training including 30 units of formal coursework in wastewater operations or possession of an accredited Associate of Science degree in chemistry, biology, wastewater treatment or a closely-related field and/or successful completion of training required by the California State Water Resources Control Board.

**Experience:** Five years experience operating and performing increasingly responsible operations and maintenance on facilities and equipment in a secondary wastewater treatment/reclamation plant, including two years at a supervisory level or shift lead. An accredited bachelor's degree with 45 semester units in related science courses may substitute for one year of experience.

OR any combination of education, training and/or work experience to demonstrate knowledge, skills, and abilities to meet the above minimum requirements.

Possession of: Must possess a valid California class C driver's license and a satisfactory driving record. Must have and maintain a satisfactory driving record to be insurable to operate District vehicles. Must possess a Grade III Wastewater Treatment Plant Operator certificate issued by the California State Water Resources Control Board.

Knowledge of:

- Wastewater treatment operations administration; process theory and principles for primary and secondary processes, disinfection, solids handling and wastewater collections systems and analysis, and related state and federal regulations.
- The operation, cleaning and preventive maintenance of wastewater treatment and disposal facilities and equipment.
- The operation and preventive maintenance of piping systems, including hydraulics, telemetry, valves and related appurtenances.
- Principles and practices of contract negotiation and administration.
- Document and staff report preparation and effective presentations.
- Recent developments, current technology and informational resources regarding wastewater treatment and reclamation, including Supervisory Control and Data Acquisition (SCADA) systems, and other measuring devices.
- Standard chemical and physical tests of wastewater, sludge, effluent and related materials.
- Mathematics at a level commensurate with duties;
- Supervisory principles and practices, including work planning, assignment, review and evaluation.
- Techniques for assessing and training staff in work procedures.
- Principles and practices of public agency budget preparation, administration, and control.
- The operation and minor maintenance of a variety of hand and power tools, vehicles and equipment related to the work.
- Safety equipment and practices related to the work, including the handling of hazardous chemicals and confined space entry procedures, and lock out/tag out and industrial hygiene practices/procedures.
- Applicable laws, codes and regulations.
- Computer applications related to the work.
- Standard office practices and procedures, including the use of standard office equipment.
- Effective and diplomatic communications skills.
- Principles, practices and techniques for providing a high level of customer service to public and District staff, in person and over the telephone.

Ability to:

- Plan, organize, supervise, coordinate, review, evaluate and personally participate in

the operation and maintenance of a comprehensive wastewater treatment, reclamation and disposal system.

- Plan, assign, supervise, review and evaluate the work of treatment plant operations, laboratory and maintenance staff.
- Assess, and train staff in work and effective safety procedures.
- Prepare a variety of reports, policies and other written materials relative to operations activities in a clear and concise manner, using proper English, grammar, spelling, vocabulary, and punctuation.
- Recognize, correct and/or report dangerous, unusual, or inefficient operating conditions.
- Read and comprehend a variety of gauges, charts and meters; record data accurately and make appropriate process adjustments.
- Conduct standard chemical and physical tests of wastewater, sludge and related materials.
- Troubleshoot maintenance problems and determine materials and supplies required for repair.
- Read and accurately interpret construction drawings and specifications.
- Maintain accurate logs and written records of operations and work performed.
- Use tact, initiative, prudence and independent judgment within general policy, procedural and legal guidelines.
- Communicate effectively, both orally and in writing.
- Follow written and oral directions/instructions;
- Establish and maintain effective working relationships with those contacted in the course of employment, using diplomacy and tact.
- Take a proactive approach to problem solving; monitor and adjust processes.
- Respond and direct District staff in the event of a natural disaster or emergency to secure and maintain district operations.
- Use good judgment, make sound decisions.
- Make recommendations on matters of policy, or complex technical and administrative problems.
- Meet the physical requirements necessary to safely and effectively perform required duties.
- Work productively in a team atmosphere.

#### Typical Duties:

Duties may include, but are not limited to, the following:

- Plans, manages, reviews and evaluates the operation and maintenance of the District wastewater reclamation facility and the associated laboratory.
- Plans, organizes, prioritizes, assigns, supervises and reviews the work of staff to ensure that work is completed in a safe, efficient, and appropriate manner and within regulatory requirements; develops and implements work and standby schedules.

- Develops and maintains the District preventative maintenance plan to ensure timely inspection and service.
- Trains staff in work procedures and methods; evaluates the work of staff, initiates and implements work selection and disciplinary procedures.
- Inspects the plant and reviews laboratory testing results to determine treatment status; authorizes changes in activities to meet regulatory requirements and ensures the most effective and efficient processes are used.
- Assists in and makes recommendations regarding the long-range and short-range planning of plant collection, treatment, and disposal facility construction and modification activities; assists in the development of the annual and capital improvement budgets.
- Directs the maintenance and inventory of materials, chemicals, supplies and equipment required for the effective operation of the wastewater treatment plant.
- Oversees laboratory testing activities; prepares or directs the preparation of regulatory reports and ensures their timely submission to appropriate agencies.
- Contributes to and assists in the long-and short-range planning of water reclamation facility construction and modification projects; develops and administers the water reclamation section operating budget; assists in the development and review of requests for proposals; contacts vendors and service contractors regarding prices, delivery and services for materials, chemicals, supplies and equipment; negotiates and administers contracts for contractors and suppliers.
- Oversees the work of vendors and contractors to ensure adherence to contract.
- Inspects the plant for safety violations; ensures that safety procedures are followed and that safety equipment is worn; makes periodic safety presentations to plant staff.
- Troubleshoots operational and maintenance problems; corrects, repairs or directs the correction and repair of operational and/or equipment problems.
- Reads and interprets plans, specifications, maps, blueprints and schematics.
- Responds to and resolves complaints regarding plant operations, including odors, discharge quality and permit problems.
- May review permit applications and renewals.
- Responds to emergency situations during off-hours, as required; must be available for standby assignments and to work emergency overtime, as required.
- Directs the maintenance of treatment plant, shop areas and other facilities and equipment in a clean and orderly condition.
- May operate valves, pumps and automated controls to regulate the flow of wastewater through the plant; may operate a variety of treatment plant equipment, such as pumps, motors, chlorinators, filters, chemical valves, digesters, bar screens and blowers.
- Prepares and directs the preparation and timely submission of a variety of written correspondence, reports, procedures, ordinances and other materials.
- Writes staff reports, drafts operational policies; attends meetings and makes verbal and written reports to the Board of Directors, District Administrator, outside agencies and the general public.
- Completes special projects and coordinates assigned services and activities with outside agencies and consultants as assigned.
- Maintains and directs the maintenance of automated and manual files.

- Monitors changes in laws, regulations and technology that may affect operations; implements changes to policies and procedures, after approval.
- Performs related duties similar to the above in scope and function as required.
- Facilitates staff training.

**Working Conditions:** Works partially indoors and partially in the field at wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, toxic gases, hazardous materials, and noise; hot and cold temperatures, heavy lifting/moving, standing, and climbing. May work at heights, in confined spaces, near traffic, road hazards and around heavy equipment, and in inclement weather conditions. Must be available to cover in emergency situations-as required. Job or task assignment may require wearing of personal protective equipment as appropriate. May interact with distressed staff and/or public and private representatives in interpreting and enforcing District policies and procedures.

**Physical Demands:** Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to effectively move materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to ascend and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

## **7020 - WASTEWATER PLANT OPERATIONS SUPERVISOR**

### **EMPLOYMENT STANDARDS**

**Position Characteristics:** Under administrative supervision, provides daily lead supervision, participates in the daily operations and maintenance of wastewater plant facilities; performs a variety of highly skilled technical duties and semi-skilled labor in the operation and maintenance of the District's wastewater treatment plant; performs adjustments and repairs to plant equipment; assesses and provides training to assigned staff; may collect and document samples for laboratory testing as needed; and performs a variety of related duties as assigned. May act as Wastewater Plant Superintendent as directed or Chief Plant Operator in his/her absence.

**Distinguishing Characteristics:** The Wastewater Plant Operations Supervisor is a single-position, working, first-line supervisory class, responsible for the reliable and accurate operation of wastewater collections and treatment systems. This classification recommends improvements, and processing changes to assure efficient use of District resources. The Wastewater Plant Operations Supervisor is distinguished from Wastewater Plant Operators I and II, and Wastewater Plant Senior Operator in that the former acts as a working supervisor.

**Supervision Exercised and Received:** Receives direction from the Wastewater Plant Superintendent. Exercises direct and general supervision over operational and maintenance staff.

**Minimum Qualifications:**

**Education:** Graduation from high school or G.E.D., supplemented with college level coursework in chemistry, biology, wastewater treatment or a closely-related field. Associate of Science degree in chemistry, biology, wastewater treatment or a closely related field, or specialized training in mechanical and/or electric trades, supplemented by management coursework is desirable.

**Experience:** Five years progressively responsible experience in the operation and maintenance of a wastewater treatment plant, with two or more years of Grade III level-experience; and one year of lead supervisory duties.

OR any combination of education, training and/or work experience to demonstrate knowledge, skills, and abilities to meet the above minimum requirements.

**Possession of:** A valid Grade III Wastewater Treatment Plant Operators Certificate issued by the State Water Resources Control Board is required. A valid California class C driver's license with a satisfactory driving record is required. May be required to possess a valid California Class "A" or "B" driver's license, or the ability to obtain one within six months of hire, subject to the United States Department of Transportation (DOT) Drug and Alcohol

testing requirements. Must have and maintain a satisfactory driving record to be insurable to operate District vehicles.

Knowledge of:

- Wastewater treatment process theory and principles for primary and secondary processes, disinfection, solids handling and wastewater collections systems and related state and federal regulations.
- The operation, cleaning and preventive maintenance of wastewater treatment and disposal facilities and equipment.
- The operation and preventive maintenance of piping systems, including hydraulics, telemetry, valves and related appurtenances.
- Supervisory principles and practices, including work planning, scheduling, assignment, review and evaluation.
- Maintenance and repair principles of mechanical, hydraulic, electrical, and instrumentation systems commonly used in wastewater treatment plants.
- Wastewater laboratory testing procedures and standards and standard process control analysis. Fundamentals of laboratory chemistry and mathematics.
- The operation and maintenance principles of pumps, motors, valves, blowers, electrical motor control centers, and electronic instrumentation systems.
- Basic and advanced arithmetic and statistical techniques, including percentages.
- Techniques for assessing and training staff in work procedures.
- Safety practices, rules and regulations involved in working on electrical, mechanical and hydraulic systems related to the work, including the handling and storage of hazardous chemicals, and other safety practices consistent with Cal/OSHA standards.
- Laboratory and other operational safety and equipment care.
- Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.
- The effective and efficient use of computers and other technology systems, including the operation and maintenance of Supervisory Control and Data Acquisition (SCADA) systems.
- Principles and practices of excellent customer service

Ability to:

- Supervise plant operations; assure proper adjustment of plant processes; coordinate sampling operations to assure proper balance of treatment steps and meeting effluent requirements; ensure the proper conduct of laboratory tests performed by operations staff
- Plan, prioritize, organize, and communicate assignments clearly to staff.
- Communicate effectively, both orally and in writing.
- Make sound, independent decisions within established policy and procedural mandates and guidelines.
- Effectively assess, train, schedule, evaluate, and supervise assigned staff.
- Follow written and oral directions.
- Establish and maintain effective working relationships with those contacted in the course of employment, using diplomacy and tact.

- Assess operations and laboratory procedures to recommend changes.
- Prepare a variety of reports and other written materials on operations activities in a clear and concise manner, using proper English, grammar, spelling, vocabulary, and punctuation.
- Effectively and efficiently implement operations changes.
- Act effectively and efficiently with regard to operations in the absence of the Plant Superintendent.
- Take a proactive approach to problem solving, including recognizing and correcting unusual, inefficient or dangerous operations conditions.
- Troubleshoot operations problems and/or maintenance problems and determine materials and supplies required for repair; react quickly and effectively to emergency situations.
- Read and interpret construction plans.
- Meet the physical requirements necessary to safely and effectively perform required duties.
- Skillfully use hand and power tools, electrical testing equipment, and equipment typically used in facilities and equipment maintenance.
- Read facility system and equipment drawings and wiring diagrams.
- Operate a variety of equipment ranging from small tools to heavy equipment.
- Attend work and perform duties on a regular and consistent basis.
- Lift 50 lbs. in the normal course of work.

#### Typical Duties:

Duties may include, but are not limited to, the following:

- Schedules, trains, evaluates, and supervises assigned staff.
- Inspects and monitors various system processes for adherence to standard operating, maintenance, and safety procedures.
- Supervises and performs accurate record keeping related to operations, and preventative maintenance, including graphs, charts, and logs.
- Performs the most difficult wastewater collections and treatment plant operations, maintenance, and repair duties requiring advanced journey-level specialized knowledge and provides skilled technical assistance to operators.
- Initiates purchase requests and work orders for needed services and materials.
- Participates in the administration of preventive maintenance.
- Plans and lays out operations and maintenance projects.
- Adjusts work schedules to meet changing conditions and emergencies.
- Prepares and maintains a wide variety of reports, both regulatory and administrative related to operations, maintenance, training programs and safety.
- Operates and maintains facilities in a safe, clean, and orderly manner.
- Coordinates operational activities with staff.
- May oversee and/or coordinate permit applications and renewals; research and analyze data.
- Reviews sewer maps to locate underground sewer utilities; marks sewer lines above ground; contacts utilities to provide underground service alerts.

- Participates in the annual budget preparation and project development.
- Operates computer system utilizing various menu driven programs.
- Operates a variety of equipment, vehicles, hand and power tools including trucks, dump truck/trailer, articulated loader, light crane, welders, presses, etc.
- Performs related duties similar to the above in scope and function as required.
- Performs general plant facility maintenance and performs various grounds maintenance duties as required.
- Works weekends and standby on rotating schedule and work emergency call-back and overtime as required.

Working Conditions: Work in wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, toxic gases, hazardous materials, and noise; hot and cold temperatures, heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, near traffic, road hazards and around heavy equipment, and in inclement weather conditions. Job or task assignment requires wearing of personal protective equipment as appropriate. May interact with distressed staff and/or public and private representatives in interpreting and enforcing District policies and procedures.

Physical Demands: Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to effectively move materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to ascend and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

## **7025 – WASTEWATER PLANT SENIOR OPERATOR**

### **EMPLOYMENT STANDARDS**

**Position Characteristics:** Under limited supervision, participates in the daily operations and maintenance of wastewater plant facilities; performs a variety of advanced skilled technical duties and semi-skilled labor in the operation and maintenance of the District's wastewater treatment plant; performs adjustments and repairs to plant equipment per standards; may provide team leader oversight and/or training to assigned staff; may assist in the collection and documentation of samples for laboratory testing; and performs a variety of related duties as assigned. May act as Wastewater Operations Supervisor as directed. May be designated as "operator-in-charge" as defined by the State Water Resources Control Board (SWRCB), Chapter 26, Title 23 of the California Code of Regulations.

**Distinguishing Characteristics:** The Wastewater Plant Senior Operator is an advanced journey-level class, responsible for reliable and accurate operation of wastewater collections and treatment systems. This classification recommends improvements, and processing changes to assure efficient use of District resources. The Wastewater Plant Senior Operator is distinguished from Wastewater Plant Operators I and II in that the former has an increased level of independence, responsibility and complexity of assigned duties within established guidelines; and may also be assigned as a team leader for a limited group of operators in general operations and/or special projects. Advancement to the Wastewater Plant Senior Operator classification is through a competitive recruitment process.

**Supervision Exercised and Received:** Receives limited supervision from the Wastewater Plant Operations Supervisor and Wastewater Plant Superintendent. May exercise team leader duties over operations and maintenance staff as assigned.

**Minimum Qualifications:**

**Education:** Graduation from high school or G.E.D. Specialized training in mechanical and/or electric trades desirable.

**Experience:** Three years progressively responsible experience in the operation and maintenance of a wastewater treatment plant.

OR any combination of education, training and/or work experience to demonstrate knowledge, skills, and abilities to meet the above minimum requirements.

**Possession of:**

A Grade III Wastewater Treatment Plant Operators Certificate issued by the State Water Resources Control Board; and a valid California Class "C" driver's license, with a satisfactory driving record. The Wastewater Plant Senior Operator may, at a future time, be required to obtain a California Class "A" or "B" driver's license, subject to the United States Department of Transportation (DOT) Drug and Alcohol testing requirements. Must

have and maintain a satisfactory driving record to be insurable to operate District vehicles.

Knowledge of:

- Principles and practices of wastewater treatment operations and related state and federal regulations.
- The operation, cleaning and preventive maintenance of wastewater treatment and disposal facilities and equipment.
- The operation and preventive maintenance of piping systems, including hydraulics, telemetry, valves and related appurtenances.
- Maintenance and repair principles of mechanical, hydraulic, electrical, and instrumentation systems commonly used in wastewater treatment plants.
- Wastewater laboratory testing procedures and standards and standard process control analysis. Fundamentals of laboratory chemistry and mathematics.
- The operation and maintenance principles of pumps, motors, valves, blowers, electrical motor control centers, and electronic instrumentation systems.
- Basic arithmetic and statistical techniques, including percentages.
- Basic supervisory techniques; and techniques for training staff in work procedures.
- Safety practices, rules and regulations involved in working on electrical, mechanical and hydraulic systems related to the work, including the handling and storage of hazardous chemicals.
- Laboratory and other operational safety and equipment care.
- Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.
- The effective and efficient use of computers and other technology systems, including the operation of Supervisory Control and Data Acquisition (SCADA) systems.
- Principles and practices of excellent customer service

Ability to:

- Independently perform plant operations; assure proper adjustment of plant processes within established procedures; perform sampling to assure Chain of Custody, and proper balance of treatment steps and meeting effluent requirements; perform the proper conduct of laboratory tests.
- Plan, prioritize, and organize assigned work.
- Make sound, independent decisions within established policy and procedural guidelines.
- Provide effective guidance and oversight to less experienced staff as assigned.
- Communicate effectively, both orally and in writing.
- Follow written and oral directions;
- Establish and maintain effective working relationships with those contacted in the course of employment, using diplomacy and tact.
- Prepare a variety of reports and other written materials on operations activities in a clear and concise manner, using proper English, grammar, spelling, vocabulary, and punctuation.
- Effectively and efficiently implement operations changes.

- Take a proactive approach to problem solving, including recognizing and correcting unusual, inefficient or dangerous operations conditions.
- Independently troubleshoot operating equipment, maintenance problems and determine materials and supplies required for repair; react quickly and effectively to emergency situations.
- Read and interpret construction plans.
- Skillfully use hand and power tools, electrical testing equipment, and equipment typically used in facilities and equipment maintenance.
- Read facility system and equipment drawings and wiring diagrams.
- Meet the physical requirements necessary to safely and effectively perform required duties.
- Operate a variety of equipment ranging from small tools to heavy equipment.
- Attend work and perform duties on a regular and consistent basis.
- Lift 50 lbs. in the normal course of work.

Typical Duties:

Duties may include, but are not limited to, the following:

- Performs assigned treatment plant rounds; operates and maintains facilities in a safe, clean, and orderly manner; mixes and add treatment chemicals.
- Inspects and monitors various system processes for adherence to standard operating, maintenance, and safety procedures.
- Performs accurate record keeping related to operations, and preventative maintenance including graphs, charts, and logs.
- Performs complex wastewater collections and treatment plant operations, maintenance, and repair duties and provides skilled technical assistance to operators.
- Participates in preventive maintenance program.
- Plans and lays out operations and maintenance projects.
- Performs general plant facility maintenance and performs various grounds maintenance duties as required.
- Prepares and maintains a wide variety of reports, both regulatory and administrative related to operations, maintenance, training programs and safety.
- Operates computer system utilizing various menu driven programs.
- Operates a variety of equipment, vehicles, hand and power tools including trucks, dump truck/trailer, articulated loader, light crane, welders, presses, etc.
- Performs related duties similar to the above in scope and function as required.
- Works weekends and standby on rotating schedule and works emergency call-back and overtime as required.

Working Conditions: Work in wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, toxic gases and hazardous materials, and noise; hot and cold temperatures, heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, near traffic, road hazards and around heavy equipment, and in inclement weather conditions. Job or task assignment requires wearing of personal

protective equipment as appropriate. May interact with distressed staff and/or public in interpreting and enforcing District policies and procedures.

Physical Demands: Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to effectively move materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to ascend and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

## **7030 – WASTEWATER PLANT OPERATOR II**

### **EMPLOYMENT STANDARDS**

**Position Characteristics:** Under general supervision, participates in the daily operations and maintenance of wastewater plant facilities; performs a wide variety of technical duties and semi-skilled labor in the operation and maintenance of the District's wastewater treatment plant; performs adjustments and repairs to a variety of plant equipment per standards; may provide training to other operators, as assigned; assists in the collection and documentation of samples for laboratory testing; and performs a variety of related duties as assigned. May be designated as "operator-in-charge" as defined by the State Water Resources Control Board (SWRCB), Chapter 26, Title 23 of the California Code of Regulations.

**Distinguishing Characteristics:** The Wastewater Plant Operator II is a full journey-level class, responsible for reliable and accurate wastewater collections and treatment systems. Incumbents may recommend improvements, and processing changes to assure efficient use of District resources. This classification is distinguished from Wastewater Plant Operators I in that the Wastewater Plant Operator II maintains a Grade II certification and may work independently on assigned duties within established guidelines. The Plant Operator II may be flexibly staffed with a Plant Operator I (Grade I certificate). The Plant Operator I must attain Grade II certification within one year of date of hire. To advance to the Plant Operator II classification, the candidate must demonstrate the ability to perform the work of the higher-level class, and have overall satisfactory work performance, prior to approval from the appointing authority to advance.

**Supervision Exercised and Received:** Receives general supervision from the Wastewater Plant Operations Supervisor and the Wastewater Plant Superintendent. No supervisory duties; however, may provide training to less experienced operators.

**Minimum Qualifications:**

**Education:** Graduation from high school or G.E.D. Specialized training in mechanical and/or electric trades desirable.

**Experience:** Two years experience in the operation and maintenance of a wastewater treatment plant.

OR any combination of education, training and/or work experience to demonstrate knowledge, skills, and abilities to meet the above minimum requirements.

**Possession of:**

A Grade II Wastewater Treatment Plant Operators Certificate issued by the State Water Resources Control Board; and a valid California Class "C" driver's license, with a satisfactory driving record. The Wastewater Plant Operator II may, at a future time, be required to obtain a California Class "A" or "B" driver's license, subject to the United States Department of Transportation (DOT) Drug and Alcohol testing requirements. Must have

and maintain a satisfactory driving record to be insurable to operate District vehicles.

Knowledge of:

- Basic principles and practices of wastewater treatment operations and related state and federal regulations.
- The operation, cleaning and preventive maintenance of wastewater treatment and disposal facilities and equipment.
- The operation and preventive maintenance of piping systems, including hydraulics, telemetry, valves and related appurtenances.
- Maintenance and repair principles of mechanical, hydraulic, electrical, and instrumentation systems commonly used in wastewater treatment plants.
- Wastewater laboratory testing procedures and standards and standard process control analysis. Fundamentals of laboratory chemistry and mathematics.
- The operation and maintenance principles of pumps, motors, valves, blowers, electrical motor control centers, and electronic instrumentation systems.
- Basic arithmetic and statistical techniques, including percentages.
- Basic techniques for training staff in work procedures.
- Safety practices, rules and regulations involved in working on electrical, mechanical and hydraulic systems related to the work, including the handling and storage of hazardous chemicals.
- Laboratory and other operational safety and equipment care.
- Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.
- Basic effective and efficient use of computers and other technology systems, including the operation of Supervisory Control and Data Acquisition (SCADA) systems.
- Principles and practices of excellent customer service

Ability to:

- Perform plant operations; assure proper adjustment of plant processes within established procedures; perform sampling to assure Chain of Custody, and proper balance of treatment steps and meeting effluent requirements; perform the proper conduct of laboratory tests.
- Plan, prioritize, and organize assigned work.
- Use good judgment within established policy and procedural guidelines.
- Provide effective guidance and oversight to less experienced staff as assigned.
- Establish and maintain effective working relationships with those contacted in the course of employment, using diplomacy and tact.
- Prepare a variety of basic reports and other written materials on operations activities in a clear and concise manner, using proper English, grammar, spelling, vocabulary, and punctuation.
- Follow written and oral directions.
- Communicate effectively, both orally and in writing.
- Effectively and efficiently implement operations changes.
- Take a proactive approach to problem solving, including recognizing and correcting unusual, inefficient or dangerous operations conditions.

- Troubleshoot basic maintenance problems and determine materials and supplies required for repair; react quickly and effectively to emergency situations.
- Read and interpret basic construction plans.
- Meet the physical requirements necessary to safely and effectively perform required duties.
- Skillfully use hand and power tools, electrical testing equipment, and equipment typically used in facilities and equipment maintenance.
- Read facility system and equipment drawings and wiring diagrams.
- Operate a variety of equipment ranging from small tools to heavy equipment.
- Attend work and perform duties on a regular and consistent basis.
- Lift 50 lbs. in the normal course of work.

Typical Duties:

Duties may include, but are not limited to, the following:

- Performs assigned treatment plant rounds; operates and maintains facilities in a safe, clean, and orderly manner; mixes and add treatment chemicals.
- Inspects and monitors various system processes for adherence to standard operating, maintenance, and safety procedures.
- Performs accurate record keeping related to operations, preventative maintenance, including graphs, charts, and logs.
- Performs wastewater collections and treatment plant operations, maintenance, and repair duties and provides technical assistance to operators.
- Participates in preventive maintenance program.
- Performs general plant facility maintenance and performs various grounds maintenance duties as required.
- Prepares and maintains a wide variety of reports, both regulatory and administrative related to operations, maintenance, training programs and safety.
- May oversee research and analyze data.
- Operates computer system utilizing various menu driven programs.
- Operates a variety of equipment, vehicles, hand and power tools including trucks, dump truck/trailer, articulated loader, light crane, welders, presses, etc.
- Performs related duties similar to the above in scope and function as required.
- Works weekends and standby on rotating schedule and works emergency call-back and overtime as required.

Working Conditions: Work in wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, toxic gases and hazardous materials, and noise; hot and cold temperatures, heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, near traffic, road hazards and around heavy equipment, and in inclement weather conditions. Job or task assignment requires wearing of personal protective equipment as appropriate. May interact with distressed staff and/or public in interpreting and enforcing District policies and procedures.

Physical Demands: Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to effectively move materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to ascend and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

## **7035 – WASTEWATER PLANT OPERATOR I**

### **EMPLOYMENT STANDARDS**

**Position Characteristics:** Under direct supervision, participates in the daily operations and maintenance of wastewater plant facilities; performs a variety of technical duties and semi-skilled labor in the operation and maintenance of the District's wastewater treatment plant; performs adjustments and repairs to a variety of plant equipment per standards; may assist in the collection and documentation of samples for laboratory testing; and performs related duties as assigned.

**Distinguishing Characteristics:** The Wastewater Plant Operator I is the entry-level class, responsible for reliable and accurate wastewater collections and treatment systems. This classification is distinguished from Wastewater Plant Operator II by grade certification, experience requirements, and by the level of responsibilities and assigned duties which must be performed within established guidelines. The Wastewater Plant Operator I classification is solely for flexible staffing of the Wastewater Plant Operator II. The Wastewater Plant Operator I must attain grade II certification within one year of date of hire and advance to Wastewater Plant Operator II within probationary period. To advance to the Wastewater Plant Operator II classification, the incumbent must possess a grade II certificate, demonstrate the ability to perform the work of the higher-level class, and have overall satisfactory work performance, prior to approval from the appointing authority to advance.

**Supervision Exercised and Received:** Receives direct supervision from the Wastewater Plant Operations Supervisor and Wastewater Plant Superintendent. This classification has no supervisory duties.

**Minimum Qualifications:**

**Education:** Graduation from high school or G.E.D. Specialized training in mechanical and/or electric trades desirable.

**Experience:** One year of experience in the operation and maintenance of a wastewater treatment plant.

OR any combination of education, training and/or work experience to demonstrate knowledge, skills, and abilities to meet the above minimum requirements.

**Possession of:**

A Grade I Wastewater Treatment Plant Operators Certificate issued by the State Water Resources Control Board; and a valid California Class "C" driver's license, with a satisfactory driving record. Must have and maintain a satisfactory driving record to be insurable to operate District vehicles.

**Knowledge of:**

- Basic principles and practices of wastewater treatment operations and related state and federal regulations.
- Basic operation, cleaning and preventive maintenance of wastewater treatment and disposal facilities and equipment.
- Basic operation and preventive maintenance of piping systems, including hydraulics, telemetry, valves and related appurtenances.
- Basic maintenance and repair principles of mechanical, hydraulic, electrical, and instrumentation systems commonly used in wastewater treatment plants.
- The basic operation and maintenance principles of pumps, motors, valves, blowers, electrical motor control centers, and electronic instrumentation systems.
- Basic arithmetic and statistical techniques, including percentages.
- Safety practices, rules and regulations involved in working on electrical, mechanical and hydraulic systems related to the work, including the handling and storage of hazardous chemicals.
- Basic operational safety and equipment care.
- Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.
- Basic effective and efficient use of computers and other technology systems, including the operation of Supervisory Control and Data Acquisition (SCADA) systems.
- Principles and practices of excellent customer service.

Ability to:

- Perform basic plant operations; assure proper adjustment of plant processes within established procedures; perform sampling to assure Chain of Custody, and proper balance of treatment steps and meeting effluent requirements; perform the proper conduct of laboratory tests.
- Plan, prioritize, and organize assigned work.
- Use good judgment within established policy and procedural guidelines.
- Establish and maintain effective working relationships with those contacted in the course of employment, using diplomacy and tact.
- Complete a variety of basic reports and other written materials on operations activities in a clear and concise manner, using proper English, grammar, spelling, vocabulary, and punctuation.
- Follow written and oral directions.
- Communicate effectively, both orally and in writing.
- Effectively and efficiently implement operations changes.
- Take a proactive approach to problem solving, including recognizing unusual, inefficient or dangerous operations conditions.
- Recognize basic maintenance problems; react quickly and effectively to emergency situations.
- Read and interpret basic construction plans.
- Skillfully use hand and power tools, electrical testing equipment, and equipment typically used in facilities and equipment maintenance.
- Read facility system and equipment drawings and wiring diagrams.
- Operate a variety of equipment ranging from small tools to heavy equipment.

- Meet the physical requirements necessary to safely and effectively perform required duties.
- Attend work and perform duties on a regular and consistent basis.
- Lift 50 lbs. in the normal course of work.

Typical Duties:

Duties may include, but are not limited to, the following:

- Performs assigned treatment plant rounds; operates and maintains facilities in a safe, clean, and orderly manner; mixes and add treatment chemicals per standards.
- Inspects and monitors various system processes for adherence to standard operating, maintenance, and safety procedures.
- Performs accurate record keeping related to operations, preventative maintenance, including graphs, charts, and logs.
- Performs wastewater collections and treatment plant operations, maintenance, and repair duties.
- Participates in preventive maintenance program.
- Performs general plant facility maintenance and performs various grounds maintenance duties as required.
- Prepares and maintains reports as directed.
- Operates computer system utilizing various menu driven programs.
- Operates a variety of equipment, vehicles, hand and power tools including trucks, dump truck/trailer, articulated loader, light crane, welders, presses, etc.
- Performs related duties similar to the above in scope and function as required.
- Works weekends and standby on rotating schedule and works emergency call-back and overtime as required.

Working Conditions: Work in wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, toxic gases and hazardous materials, and noise; hot and cold temperatures, heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, near traffic, road hazards and around heavy equipment, and in inclement weather conditions. Job or task assignment requires wearing of personal protective equipment as appropriate. May interact with distressed staff and/or public in interpreting and enforcing District policies and procedures.

Physical Demands: Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to effectively move materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to ascend and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

## 7042 – LABORATORY TECHNICIAN

### EMPLOYMENT STANDARDS:

**Position Characteristics:** Under limited supervision of the Wastewater Plant Superintendent, collects samples and performs a variety of routine analyses of water, wastewater, reclaimed water and sludge in support of treatment plant operations and to meet regulatory requirements. Supports the operations staff by performing basic plant operational activities.

**Distinguishing Characteristics:** The Laboratory Technician is designed to serve as the District Lab Director; perform technical Laboratory duties, and support operations functions as an Operator. The Laboratory Technician requires a CWEA Grade I Laboratory analyst Certification.

#### Minimum Qualifications:

**Education:** Graduation from high school or G.E.D. Bachelor's degree in chemistry, biochemistry, biology, microbiology environmental, sanitary or public health engineering, natural or physical science is desirable.

**Experience:** Minimum of six months experience with water or wastewater lab equipment.

OR any combination of education, training and/or work experience to demonstrate knowledge, skills, and abilities to meet the above minimum requirements.

**Possession of:** A Grade I or higher certification from the California Water Environmental Agency (CWEA) or California-Nevada American Water Works Association (CA-NV/AWWA) certification as a Lab Analyst/Water Quality Analyst and a valid Class "C" California driver's license, with a satisfactory driving record. Must have and maintain a satisfactory driving record to be insurable to operate District vehicles. State Water Resources Control Board Operator-in-Training within three months of hire. Grade I Operator certification within two years of hire.

#### Knowledge of:

- General principles, methods and techniques of wastewater sampling.
- Performing biological and chemical test analyses and treatment processes.
- Principles and practices of qualitative and quantitative chemistry, biology and bacteriology.
- Principles of chemical and physical analysis.
- Fundamentals of laboratory chemistry and intermediate mathematics.
- Use and care of laboratory equipment.
- Aseptic laboratory techniques; laboratory hazards.
- Proper laboratory safety precautions and procedures as required by federal and state mandates, industry standards, and District procedures.
- Quality assurance and quality control procedures.

- Proper methods and disinfection.
- Laboratory equipment care.
- Principles and practices of excellent customer service.

#### Ability to:

- Perform accurate chemical, physical, and biological analyses of water, wastewater, and sludge.
- Operate, maintain, and calibrate analytical instrumentation and equipment.
- Utilize proper sampling collection and handling techniques with speed and accuracy.
- Meet the physical requirements necessary to safely and effectively perform required duties.
- Generate accurate reports; complete data analysis and provide graphical representations of the data.
- Operate laboratory equipment; prepare laboratory reagents and solutions.
- Plan, prioritize, and organize assigned work.
- Learn practices and techniques of wastewater pumping, disinfection, and collection activities.
- Learn the operation and maintenance of a variety of wastewater treatment equipment.
- Read meters and gauges correctly.
- Learn to make routine adjustments and minor repairs to motors, pumps, and other equipment.
- Learn to perform and interpret tests and adjust chemical feed equipment accordingly.
- Operate a variety of equipment ranging from small tools to heavy equipment.
- Use good judgment within established policy and procedural guidelines.
- Provide effective guidance and oversight to less experienced staff as assigned.
- Understand and follow written and oral directions.
- Use computers and spreadsheets.
- Communicate effectively, both orally and in writing.
- Establish and maintain effective working relationships with those contacted in the course of employment, using diplomacy and tact.
- Prepare a variety of basic reports and other written materials on division activities in a clear and concise manner, using proper English, grammar, spelling, vocabulary, and punctuation.
- Keep accurate and legible records.
- Effectively and efficiently implement operations changes.
- Take a proactive approach to problem solving, including recognizing and correcting unusual, inefficient or dangerous conditions.
- Lift 50 pounds in the normal course of work.

#### Typical Duties:

Duties may include, but are not limited to, the following:

- Performs a variety of laboratory chemical, physical and biological tests to characterize plant and industrial waste streams, and to determine plant compliance with state and

federal regulatory agencies requirements, and process control parameters.

- Analyzes and interprets routine test results.
- Collects water, wastewater, sludge and receiving water samples from a variety of sources including creeks, spill sites, manholes, sewer lines and storm drains and maintains automatic samplers in proper working condition.
- Prepares chemical reagents, lab supplies and glassware for use in analysis.
- Follows established Chemical Hygiene Plan, Laboratory Quality Assurance (QA) program and chain of custody procedures. Recommends changes in collection, analyses, QA procedures or lab manuals.
- Monitors system by reading gauges, graphs, meters, and control panels.
- Monitors level of laboratory supplies and recommends requisitions of supplies as needed.
- Monitors condition of analytical instruments and performs preventative maintenance of equipment. Observes proper safety precautions and procedures and maintains the laboratory in a safe, clean, neat and orderly condition.
- Operates a variety of wastewater equipment.
- Maintains logs and worksheets of operation.
- Compiles equipment readings and test results.
- Maintains wastewater treatment plant facilities, including grounds, buildings, and structures.
- Performs related duties similar to above in scope and function as required.

**Working Conditions:** Work in wastewater treatment plant, wastewater collection system environments; exposure to the environment, water, chemicals, hazardous materials, noise, and traffic; heavy lifting/moving, standing, and climbing. Wear personal protective equipment as appropriate for job assignments. May work at heights, in confined spaces, and in inclement weather conditions.

**Physical Demands:** Must possess strength, stamina and mobility to work in a wastewater treatment plant, collections system, and laboratory setting, to move materials weighing up to fifty (50) pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to ascend and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

## **7050 - BOOKKEEPER/SECRETARY**

### **EMPLOYMENT STANDARDS**

**Position Characteristics:** Performs a wide variety of responsible administrative and financial support activities, which may include data entry, organization and retrieval; processing payments and disbursements; automated and manual record keeping; document preparation, extensive public contact and assistance in person, over the phone and in writing; report preparation and filing; and other related work as assigned. Capable of performing a wide variety of work to ensure that financial operations run smoothly and that the public and staff receive the highest standards of customer service. Responsibilities include performing work independently in day-to-day situations, although supervision is available in difficult or unusual situations. The work may have technical aspects, requiring the interpretation and application of District policies, procedures, regulations and automated business, administrative, records management applications.

**Distinguishing Characteristics:** The Bookkeeper/Secretary is a single class administrative support position that provides financial, administrative and confidential support to the District Administrator, and works independently on assignments using established District procedures and guidelines.

**Supervision Exercised and Received:** Under limited and specific supervision of the District Administrator. This classification has no supervisory duties.

**Minimum Qualifications:**

**Education:** Equivalent to graduation from high school or G.E.D., supplemented by 30 semester units of college level coursework in accounting.

**Experience:** Two years of experience and knowledge of the activities, operations, procedures and policies of at least two financial support systems such as accounts receivable, business tax, utility billing, accounts payable, account maintenance, payroll or accounts reconciliation; and two years executive administrative support experience in a professional office setting, documents/records management and experience dealing with the public.

OR any combination of education, training and/or work experience to demonstrate knowledge, skills, and abilities to meet the above minimum requirements.

**Possession of:**

A valid California Class "C" driver's license, with a satisfactory driving record. Must have and maintain a satisfactory driving record to be insurable to operate District vehicles.

**Knowledge of:**

- Methods, principles and practices of financial and statistical record keeping.

- Standard business arithmetic and basic statistical techniques.
- Standard office practices and procedures, including filing and the use of standard office equipment.
- Business letter writing and the standard format for reports, documents and correspondence.
- Correct business English, including vocabulary, spelling, grammar and punctuation.
- Principles and practices of excellent customer service.
- Computer applications related to the work, including intermediate word processing, basic presentation graphics, and intermediate spreadsheet applications.
- Website maintenance, including uploading data and documents.
- Preparation of correspondence, reports, forms, receipts, vouchers, work orders, contracts, certificates and specialized documents related to Board of Directors agenda preparation.

#### Ability To:

- Perform a variety of financial support duties following standard guidelines requiring the use of independent judgment as appropriate.
- Make accurate arithmetic and statistical calculations and receipting and balancing money.
- Enter data and filing with speed and accuracy: word-processing speed of 45 wpm and operation of a ten-key calculator at 8,000 keystrokes per hour.
- Interpret and implement policies, procedures and computer applications related to the finance system to which assigned.
- Compose standard correspondence and reports independently or from brief instructions.
- Use English effectively to communicate in person, over the telephone and in writing.
- Use independent judgment within established procedural guidelines and written directions.
- Type 55 words per minute from legible copy.
- Prepare and present professional reports, documents and correspondence.
- Follow written and oral directions.
- Effectively and efficiently implement changes.
- Take a proactive approach to problem solving, including recognizing unusual, inefficient or dangerous conditions.
- Establish and maintain effective working relationships with those contacted in the course of the work.
- Compile information from various sources and preparing accurate records, reports and files.
- Use specialized software related to assigned duties at an intermediate level.
- Effectively maintain the District website, including uploading data and documents.
- Develop effective team relationships with Plant staff at all levels.
- Attend work and perform duties on a regular and consistent basis.
- Lift up to 25 lbs. in the normal course of work.

#### Typical Duties:

Duties may include, but are not limited to, the following:

- Performs a variety of complex financial duties in support of accounting and customer service operations.
- Processes accounts receivable: reviews and processes invoices; balances cash receipts; enters payments, adjustments and new accounts; maintains payment ledgers; and reviews open balances making adjustments as necessary.
- Processes accounts payable; reviews vouchers for proper account number and authorization; prepares voucher batches for data entry and proofs data entry; processes encumbrances; processes monthly bills; and prepares payments on contracts in compliance with contract stipulations.
- Prepares balance sheets, month-end closing entries and other financial and statistical reports.
- Processes payroll: reviews timecards for accuracy; calculates new information and any necessary adjustments; proofs and corrects data entry; prepares vouchers for payment of payroll deductions; balances data to controls; and prepares reports.
- Performs cashiering duties: calculates, receives, records and processes payment for utility bills, accounts receivable and other fees; balances cash register.
- Performs account reconciliation functions: prepares journal entries; coordinates reports, resolutions, contracts, agreements, and budget requests for input into accounting system; provides support to other District divisions in analyzing and correcting operating budget information.
- Records data and maintains statistical and financial records and logs; performs data entry; checks, verifies, and files financial data.
- Establishes and maintains financial and office files, following an established records management system; compiles information from such files.
- Prepares, reviews and/or enters employee time card information and maintains related records for staff.
- Explains financial-related policies.
- Composes standard correspondence, such as transmittal letters, from prior materials or brief instructions.
- Proofreads materials for accuracy, completeness, compliance with District policies, formatting and correct English usage including grammar, punctuation and spelling.
- Enters, edits, updates and retrieves data from narrative reports or spreadsheets and prepares periodic or special reports, following established formats and menus; creates new District forms.
- Maintains and purges District files pursuant to District Records Management Systems.
- Explains District policies.
- Processes and distributes incoming and outgoing mail.
- Operates standard office equipment, including job-related computer hardware and software applications, electronic ten-key calculators, facsimile equipment and multi-line telephones; may operate a two-way radio or other communications equipment.
- Provides assistance and information to the public and other District employees; answers telephone and assists public at counter.
- Completes standard forms (both online formats and hard copy) with information from

the public.

- Provides instruction, direction and work review to less experienced, part-time staff or volunteers on a project basis.
- Serves on a variety of project teams or committees as assigned.
- Performs related duties similar to the above in scope and function as required.

**Working Conditions:** Work in the office of a wastewater treatment plant, wastewater collection system environments; some exposure to water, chemicals, hazardous materials, and noise; lifting/moving, standing, climbing.

**Physical Demands:** Must possess mobility to work in a standard office setting, to use standard office equipment (including a computer) and to move between various facility locations; strength to lift and carry office materials weighing up to twenty-five pounds; vision to read printed materials and a computer screen; and hearing and speech to communicate in person and over the telephone or two-way radio.

## **7060 – WASTEWATER PLANT OPERATOR-IN-TRAINING INTERN**

### **EMPLOYMENT STANDARDS**

**Position Characteristics:** Under direct supervision, performs a variety of skilled and semi-skilled duties in the operation, maintenance, and repair of the District's wastewater treatment plant and associated facilities.

**Distinguishing Characteristics:** The Wastewater Plant Operator-In-Training is the trainee-level class. Employment in this position will last for a maximum of one year for the purposes of learning the skills and knowledge base necessary to receive certification as a Grade I operator under the California State Operator Certification regulations. To advance to the Plant Operator I classification, the incumbent must possess a Grade I certificate, demonstrate the ability to perform the work of the higher-level class, and have overall satisfactory work performance, prior to approval from the appointing authority to advance.

**Supervision Exercised and Received:** Receives direct supervision from the Wastewater Plant Operations Supervisor or a Wastewater Plant Senior Operator as assigned. This classification has no supervisory duties.

**Minimum Qualifications:**

**Education:** Graduation from high school or G.E.D.

**Experience:** Experience performing basic construction and maintenance of pipes, valves, mechanical electrical equipment and fittings, general mechanical/electrical knowledge preferred, but not required.

OR any combination of education, training and/or work experience to demonstrate knowledge, skills, and abilities to meet the above minimum requirements.

**Possession of:**

A valid California Class "C" driver's license, with a satisfactory driving record. Must have and maintain a satisfactory driving record to be insurable to operate District vehicles.

**Knowledge of:**

- Basic math skills, including unit conversion and application of formulas to solve basic mathematical problems.
- Basic computer functions, including file maintenance and basic application program operation and other technology systems.
- Basic materials and equipment used in construction.
- General mechanical and electrical operations, maintenance, and repair.
- Safe work practices including chemical storage and handling.
- Principles and practices of excellent customer service
- Basic report preparation techniques.

- Techniques for providing a high level of customer service to public and District staff, in person and over the telephone.

Ability to:

- Meet the physical requirements necessary to safely and effectively perform required duties.
- Learn the operation and maintenance of a variety of water and wastewater treatment equipment.
- Read meters and gauges correctly.
- Learn to make routine adjustments and minor repairs to motors, pumps, and other equipment.
- Complete a variety of basic reports and other written materials on operations activities in a clear and concise manner, using proper English, grammar, spelling, vocabulary, and punctuation.
- Follow written and oral directions.
- Communicate effectively, both orally and in writing.
- Establish and maintain an effective working relationship with those contacted in the course of employment, using diplomacy and tact.
- Learn to perform and interpret tests and adjust disinfection equipment accordingly.
- Operate a variety of equipment ranging from small tools to heavy equipment.
- Lift 50 lbs. in the normal course of work.
- Keep accurate and legible records.
- Attend work and perform duties on a regular and consistent basis.

Typical duties:

Duties may include, but are not limited to, the following:

- Assists in plant operations.
- Assists in routine maintenance.
- Regularly monitors system through reading gauges, graphs, meters, and control panels.
- Operates a variety of wastewater equipment.
- Operates computer system utilizing various menu driven programs.
- Maintains logs, work sheets of operations, compiles equipment readings and test results into logs.
- Collects and analyzes wastewater samples.
- Works closely with the water distribution team.
- Performs related duties as assigned.

Working Conditions: Works in wastewater treatment plant, water distribution and wastewater collection system environments; some exposure to water, chemicals, toxic gases, hazardous materials, and noise, hot and cold temperatures; heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, near traffic, road hazards and around heavy equipment, and in inclement weather conditions. Required to wear personal protective equipment appropriate for job assignments.

Physical Demands: Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to effectively move materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to ascend and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

## **7061 - MAINTENANCE ASSISTANT**

### **EMPLOYMENT STANDARDS**

**Position Characteristics:** Performs a variety of basic skilled and semi-skilled duties in the maintenance, and repair of the District's wastewater treatment plant and associated facilities.

**Distinguishing Characteristics:** The Maintenance Assistant position is distinguished from the Operator classification series in that the Maintenance Assistant is not required to be certified by the State Water Resources Control Board as an operator and does not perform operator duties.

**Supervision Exercised and Received:** Receives general supervision from the Wastewater Plant Operations Supervisor and the Wastewater Plant Superintendent. No supervisory duties are assigned to this classification.

**Minimum Qualifications:**

**Education:** Graduation from high school or G. E. D., with general mechanical/electrical knowledge.

**Experience:** Two years of experience performing basic construction and maintenance of pipes, valves, mechanical electrical equipment and fittings.

OR any combination of education, training, and/or work experience to demonstrate knowledge, skills and abilities to meet the above minimum requirements.

**Possession of:** A valid Class "C" California driver's license, with a satisfactory driving record. Must have a satisfactory driving record to be insurable to operate District vehicles. A California Water Environment Association (CWEA) Collection System Grade is desirable.

**Knowledge of:**

- Materials and equipment used in construction, general mechanical and electrical operations, facility, equipment and grounds maintenance, and repair.
- Basic math used in construction.
- Principles and practices of excellent customer service.
- Safe work practices including chemical storage and handling.
- Basic use of computers.

**Ability to:**

- Meet the physical requirements necessary to safely and effectively perform required duties.
- Perform or assist with a wide variety of general facility and grounds maintenance functions at the direction of Wastewater Plant Operators.

- Learn the operation and maintenance of a variety of water and wastewater treatment general maintenance and grounds maintenance equipment.
- Learn to make routine adjustments and minor repairs to motors, pumps, and other equipment.
- Follow written and oral directions.
- Communicate effectively, both orally and in writing.
- Establish and maintain a effective working relationship with those contacted in the course of employment, using diplomacy and tact.
- Operate a variety of equipment ranging from small tools to heavy equipment.
- Lift 50 lbs. in the normal course of work.
- Keep accurate and legible records.
- Attend work and perform duties on a regular and consistent basis.
- 

#### Typical Duties:

Duties may include, but are not limited to, the following:

- Performs routine maintenance on facility equipment.
- Performs a variety of grounds maintenance duties.
- Operates a variety of mechanical equipment including riding mowers, street sweepers and other motorized equipment.
- Maintains logs, work sheets of operations.
- Works closely with operators assisting with the maintenance of equipment.
- Performs related duties as assigned.

**Working Conditions:** Work in wastewater treatment plant, and wastewater collection system environments; some exposure to wastewater, chemicals, hazardous materials, and noise; heavy lifting/moving, standing, climbing. May work at heights, in confined spaces, and in inclement weather conditions. Required to wear personal equipment appropriate for job assignments.

**Physical Demands:** Must possess strength, stamina and mobility to work in a wastewater treatment plant and laboratory setting, to effectively move materials weighing up to fifty pounds and to use specialized test equipment, hand and power tools and instrumentation; stamina to work in confined spaces around machines and to ascend and descend ladders; vision to read printed materials, charts, gauges and a computer screen; hearing and speech to converse in person and over the telephone or radio.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

**EMPLOYEE GRIEVANCE FORM**

Employee's Name: \_\_\_\_\_ Date: \_\_\_\_\_

State specific reference to any law, policy, rule, regulation and/or instruction that was violated, misapplied or misinterpreted:

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Statement of Grievance and what occurred to have violated, misapplied or misinterpreted the above reference, and on what date(s).

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Circumstances involved, and specific examples/incident applied to violations:

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Decision rendered by the informal conference:

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Specific remedy sought:

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Employee's Signature

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Received by

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Date

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

**PRE-EMPLOYMENT**

**CONSENT AND RELEASE FORM**

**DRUG/ALCOHOL TESTING**

I hereby authorize South San Luis Obispo County Sanitation District and any laboratories or medical facilities designated by South San Luis Obispo County Sanitation District to perform a urinalysis and/or blood test to detect the presence of illicit drugs and/or alcohol in my body. I further authorize reporting of the results of such test(s) to South San Luis Obispo County Sanitation District and its authorized personnel. I recognize that the results of such test will be used to determine my suitability for employment or for continued employment with South San Luis Obispo County Sanitation District.

Any attempt to switch a sample, dilute, or adulterate a sample will be considered the same as a positive result. The laboratory may use one or more tests for adulteration.

The only drugs, medicine or mind-altering substances, including drugs prescribed by a physician and over-the-counter medications, by brand name if possible (e.g., Extra Strength Tylenol™, Robitussin-DM™, Allerest™, Mediprin™, etc.), that I have used in the last forty-five (45) days are as follows:

DRUG/MEDICATION	WHEN USED	ISSUED BY: (IF PRESCRIPTION)

NAME OF EMPLOYEE: \_\_\_\_\_

FACILITY PERFORMING TEST: \_\_\_\_\_

SIGNATURE OF APPLICANT/EMPLOYEE: \_\_\_\_\_

DATE: \_\_\_\_\_

SUPERVISOR REQUESTING TEST:

NAME: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

# **SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

## **CORE VALUES**

Our Core Values are as follows and not subject to compromise:

1. Honesty, integrity and fairness in dealing with all representatives from regulating agencies, District employees, contractors, visitors and employees of member agencies.
2. Mutual respect and dignity for all representatives from regulating agencies, District employees, contractors, visitors and employees of member agencies.
3. A daily dedication to quality operation and maintenance and all other duties that District employees engage in.
4. Commitment to contribute value through the work that each employee does.
5. With regard to people:

Each District employee will support one another in everything that they do. They will treat everyone fairly and respectfully - employees, contractors, visitors to the facilities and the general public.

6. With regard to work:

Each employee will bring a daily passion for quality and excellence in the work that they do at the District facilities and wherever their work takes them inside the District boundaries and outside. Each employee acknowledges that this dedication increases the value of the work that we provide to our member agencies and to the community at large.

# **SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

## **CODE OF CONDUCT**

All employees are bound by the following of Code of Conduct:

### **1 Theft, Fraud, Embezzlement and Other Acts of Dishonesty**

No employee shall engage in any conduct that constitutes theft, fraud or embezzlement from the District or any other acts of dishonesty that either affects the District or its employees financially or affects the District's reputation in the community.

### **2 Harassment or Intimidation**

Employees of the District understand that harassment or intimidation in any form is improper and subject to discipline. Harassment or intimidation to include but not limited to; race, color, creed, religion, sex, or sexual preference shall not be tolerated.

### **3 Reporting False or Misleading Information; Falsifying District Documents and/or Records**

Employees acknowledge that it is a violation of the Code of Conduct to provide false or misleading information relating to the District or District operations to any person, vendor or agency. This provision extends to the falsifying of District documents and/or records.

### **4 Gifts, Stipends, or Gratuities**

Employees acknowledge that the solicitation of and/or receipt of gifts, stipends, or gratuities in any monetary amount or in any non-monetary form, associated with the District or District operations is strictly prohibited.

### **5 Alcohol, Prescribed Medication, Illegal and/or Controlled Substances**

The use of alcohol or being under the influence of alcoholic beverages while engaged in work activity at the District is prohibited. Prescribed medication that adversely affects the employee's ability to perform District work activities in a safe, responsible manner are not permitted under this section. Employees under prescribed medication should consult his or her supervisor if the prescribed substance may affect the safety and well-being of the employee or other employees at the District. (Refer to Policy Manual Section 5060 Substance Abuse for further information regarding Illegal/Controlled Substances).

### **6 Unlawful Conduct**

District employees are prohibited from engaging in any unlawful conduct. This includes conduct that may occur away from the facility that damages or discredits the image and/or reputation of the District.

### **7 Insubordination**

The District's chain of command is outlined in the District Personnel Policy. For the purposes of this section, insubordination means the failure to demonstrate respect for the

chain of command, the failure to take reasonable and proper work direction from supervisors, to include specific direction pertaining to work-related procedures and the handling of information. Insubordination may also include engaging in, displaying or encouraging any form of adverse behavior directed at anyone in the employee's chain of command.

## **8 Disrupting the Work Environment**

It is important for the District's safe, efficient and effective operation that the work environment be free of disruption. No employee through his conduct may disrupt that work environment through his or her actions, words, or in any way by his or her conduct.

## **9 Excessive Absenteeism or Unacceptable Patterns of Absenteeism**

District employees acknowledge that each employee performs a critical function for the District. The District policy provides for sick leave and vacation time and other personal necessity time away from work. However, absenteeism not handled in accordance with the District policies is not acceptable. All employees acknowledge that work vital to the successful operation of the District, is performed by those that report promptly for work as scheduled.

## **10 Use of Communication Equipment and Services:**

District telephones, cell phones and computers shall not be used for any purpose other than to conduct the business and daily operation of the District. Occasional private use of District communication equipment shall be consistent with Personnel Policy Manual Section 5091 - Technology. All general records and files relating to telephones, cell phones and computers are considered "public records." No right of privacy shall attach to the use of a telephone, cell phone or computer owned by the District.

## **11 General Conduct and Behavior**

District employees acknowledge that they are representatives of the District. As such, employees must not engage in any form of conduct or behavior that discredits the image or reputation of the District. Such conduct is prohibited by District Policy.

**12 Open Communications and Positive Work Environment** Supervisors and employees should encourage and motivate one another to follow the provisions of the Code of Conduct. Questions or concerns should be discussed and resolved in a positive and constructive manner. Any unresolved issues should be addressed through proper procedures as described in the Personnel Policy Manual.







11. Top applicants that are recommended to an eligibility list in the recruitment process, will be contacted to submit the following documents, which must be received by all candidates within prescribed timeframes:

- (a) Signed Statement of Physical Requirements.
- (b) A signed Notification and Authorization to Conduct Employment Background Investigation, which includes criminal convictions (excluding some marijuana convictions more than two years old, any post-trial diversion program, or any legally expunged or eradicated conviction).
- (c) DMV issued driving record (Motor Vehicle Record (MVR)), dated within the last thirty (30 days\*.)
- (d) Valid required job-related certificate(s) issued by the appropriate authority.

It is the applicants' responsibility to respond timely in order to move forward with the recruitment process

\* If the job description requires employee to operate District vehicle, your application will not be considered if DMV printout is not attached.

12. **EXPERIENCE:** Show your present job first; then list all other jobs in order, working down from the most recent. Use a separate block for each position held, **even though with the same organization**. List any job-related volunteer experience. If hours worked per week varied, give average. **Account for all time for the last ten years.** Attach additional sheet, if necessary.

Dates/Hours	Exact Job Title and Duties	Employer's Name/Address/Phone
__/__/__ to __/__/__ ____ Hours Per Week  May we contact this employer? Yes      No	Title: _____ Duties: _____ _____ Reason for Leaving: _____ _____	_____ _____ _____ Supervisor: _____ _____

Dates/Hours	Exact Job Title and Duties	Employer's Name/Address/Phone
__/__/__ to __/__/__ ____ Hours Per Week  May we contact this employer? Yes      No	Title: _____ Duties: _____ _____ Reason for Leaving: _____ _____	_____ _____ _____ Supervisor: _____ _____

Dates/Hours	Exact Job Title and Duties	Employer's Name/Address/Phone
<p>__/__/__ to __/__/__</p> <p>____ Hours Per Week</p> <p>May we contact this employer?</p> <p>Yes      No</p>	<p>Title: _____</p> <p>Duties: _____</p> <p>_____</p> <p>_____</p> <p>Reason for Leaving: _____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>Supervisor: _____</p> <p>_____</p>

Dates/Hours	Exact Job Title and Duties	Employer's Name/Address/Phone
<p>__/__/__ to __/__/__</p> <p>____ Hours Per Week</p> <p>May we contact this employer?</p> <p>Yes      No</p>	<p>Title: _____</p> <p>Duties: _____</p> <p>_____</p> <p>_____</p> <p>Reason for Leaving: _____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>Supervisor: _____</p> <p>_____</p>

Dates/Hours	Exact Job Title and Duties	Employer's Name/Address/Phone
<p>__/__/__ to __/__/__</p> <p>____ Hours Per Week</p> <p>May we contact this employer?</p> <p>Yes      No</p>	<p>Title: _____</p> <p>Duties: _____</p> <p>_____</p> <p>_____</p> <p>Reason for Leaving: _____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>Supervisor: _____</p> <p>_____</p>

Dates/Hours	Exact Job Title and Duties	Employer's Name/Address/Phone
<p>__/__/__ to __/__/__</p> <p>____ Hours Per Week</p> <p>May we contact this employer?</p> <p>Yes      No</p>	<p>Title: _____</p> <p>Duties: _____</p> <p>_____</p> <p>_____</p> <p>Reason for Leaving: _____</p> <p>_____</p>	<p>_____</p> <p>_____</p> <p>_____</p> <p>Supervisor: _____</p> <p>_____</p>

13. Were you ever discharged or asked to resign from a position? YES NO

Would you object to contacting of previous/current employer? YES NO

If you have answered yes to either of the above, please explain:

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14. Have you ever initiated an act of violence in your workplace? YES NO

A yes answer will not necessarily disqualify you. Please explain any "yes" answer above fully so individual circumstances can be considered. Use additional paper if needed.

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15. The South San Luis Obispo County Sanitation District is an equal opportunity employer and does not discriminate in employment. No questions on this application and any supplemental information received is used for the purpose of limiting or excusing any Applicant from consideration for employment on a basis prohibited by local, state or federal law.

16. The South San Luis Obispo County Sanitation District has a policy that any offer of employment shall be contingent upon the applicant successfully passing a District physician's exam and a urine and blood test for illicit drugs pursuant to Personnel Policy Manual Section 5060 of the South San Luis Obispo County Sanitation District. Persons who do not receive said physician's certification of qualification to do the type of work required by the position applied for, or who test positive for the presence of illicit drugs in their body will not be considered further. If you have reason to believe that you will not pass a physician's examination or will register positive on a drug test, or if you are unwilling to consent to such a test or examination, it is recommended that you do not submit an application. Immediately prior to reporting for drug testing, all applicants shall complete a Consent and Release Form to be kept on file in the District office, attached hereto.

17. Before date of hire, Applicant shall be required to pass a physical exam by a physician at District's designation and expense. Applicant shall submit proof of United States citizenship or legal right to remain and work in United States, be fingerprinted and submit proof of age.

18. Please attach any additional job-related information with your application which you feel will help the District in its evaluation of your qualifications.

19. Prior to turning in your application to the District, re-check it to make sure it is correct, accurate, and complete.

20. I understand that it is the District's policy not to refuse to hire a qualified individual because of this person's need for a reasonable accommodation that would be required by the ADA/FEHA.

21. If job description requires employee to operate a District vehicle, I give the District the right to investigate my DMV records.

22. CERTIFICATION OF APPLICANT: I certify that all the statements made in this application are true, accurate, and complete to the best of my knowledge. I understand that all statements are subject to verification by the District and any false statements, misrepresentation of fact, or omissions of material facts may be considered sufficient to subject me to disqualification or if employed, may be cause for dismissal.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

*PURSUANT TO LABOR CODE SECTION 432.9, THIS FORM SHALL ONLY BE USED AFTER AN INDIVIDUAL HAS BEEN RECOMMENDED TO AN ELIGIBILITY LIST AS TOP CANDIDATE*

**Notification and Authorization to  
Conduct Employment Background Investigation**

I hereby authorize \_\_\_\_\_ an Agent for South San Luis Obispo Community Sanitation District, to investigate my background to determine any and all information of concern to my record, whether same is of record or not, and I release employers and persons named in my application from all liability for any damages on account of his/her furnishing said information. I understand that this form indicates that a background search will be conducted and that this is my notification of that intent. I understand that the purpose of this background investigation is to determine my suitability for employment and may elicit information on my character, general reputation, personal characteristics and mode of living.

Additionally, you are hereby authorized to make any investigation of my personal history, educational background, military record, motor vehicle records, criminal records and credit history (as applicable to the position for which I have applied) through an investigative or credit agency or bureau of your choice. I authorize the release of this information by the appropriate agencies to the investigating service.

This authorization, in original or copy form, shall be valid for this initial report only.

**PLEASE PRINT CLEARLY**

FULL NAME: \_\_\_\_\_

OTHER NAMES USED/DATES: \_\_\_\_\_

CURRENT ADDRESS:

\_\_\_\_\_ PHONE: \_\_\_\_\_

LIST ALL ADDRESSES FOR PAST 10 YEARS:

\_\_\_\_\_ Dates: \_\_\_\_\_

\_\_\_\_\_ Dates: \_\_\_\_\_

\_\_\_\_\_ Dates: \_\_\_\_\_

SOCIAL SECURITY #: \_\_\_\_\_

VALID DRIVER LICENSE# \_\_\_\_\_ STATE ISSUED: \_\_\_\_\_

\*\*\* HAVE YOU EVER BEEN CONVICTED OF A CRIME? (You may omit minor traffic offenses, any convictions that have been sealed, expunged or statutorily eradicated, and misdemeanors for which probation was completed and the case judicially dismissed). **DO NOT** include any conviction under California Health and Safety Codes § 11357 (a or b), 11360 (c), 11365 or 11557 related to marijuana more than two years ago, or any post-trial diversion program. If you have been convicted of a crime please briefly describe the nature of the crime(s) (please see exclusions listed above), the date and place of conviction, and the legal disposition of the case.

\_\_\_\_\_ YES \_\_\_\_\_ NO

If yes, please explain:

\_\_\_\_\_  
\_\_\_\_\_

\*\*\***Note:** No applicant will be denied employment solely on the grounds of conviction of a crime. The nature of the offense, the date of the offense, the surrounding circumstances, and the relevance of the offense to the position will be considered.

I certify that all the statements made in this authorization are true, accurate, and complete to the best of my knowledge. I understand that all statements are subject to verification by the District and any false statements, misrepresentation of fact, or omissions of material facts may be considered sufficient to subject me to disqualification or if employed, may be cause for dismissal.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

**Please check this box if you would like a copy of the background investigation mailed to you.**

NOTICE: Under federal law, you have the right to request disclosure of the nature and scope of our investigation by providing us with a written request within 60 days of our background investigation.

**SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT**

**STATEMENT OF PHYSICAL REQUIREMENTS AND ENVIRONMENTAL FACTORS**

**RECEIPT OF JOB DESCRIPTION ACKNOWLEDGEMENT FORM**

Name:

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Job

Title:

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Job Description: Attached.

Receipt of above-stated job description is hereby acknowledged.

SIGNATURE: \_\_\_\_\_

Date: \_\_\_\_\_

# SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

## STATEMENT OF PHYSICAL REQUIREMENTS AND ENVIRONMENTAL FACTORS

Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Job Description: Attached, receipt of which is hereby acknowledged.

### PHYSICAL ACTIVITY REQUIREMENTS

<b>Work Position</b>	approx. 20%	approx. 30%	approx. 50%	70% or more
Standing				
Walking				
Sitting				

### Body Movements

None = 0

Occasional = 0 to 1/4 work day

Some = 1/4 to 1/2 work day

Frequently = 1/4 to 3/4 work day

Continuously = 3/4 to full work day

<b>Lifting:</b>	0 – 20 lbs	20-40-lbs	40-60 lbs	more than100 lbs
None				
Occasional				
Some				
Frequently				
Continuously				

<b>Push and/or Pull Loads:</b>	0 – 20 lbs	20-40-lbs	40-60 lbs	more than100 lbs
None				
Occasional				
Some				
Frequently				
Continuously				

<b>Carrying:</b>	0 – 20 lbs	20-40-lbs	40-60 lbs	more than100

				lbs
None				
Occasional				
Some				
Frequently				
Continuously				

**STATEMENT OF PHYSICAL REQUIREMENTS  
AND ENVIRONMENTAL FACTORS**

<b>Bending:</b>	None	Occasional	Some	Frequent	Continuous
<b>Kneeling/Squatting:</b>	None	Occasional	Some	Frequent	Continuous
<b>Reaching Overhead</b>	None	Occasional	Some	Frequent	Continuous
<b>Stretching:</b>					
<b>Climbing Stairs:</b>	None	Occasional	Some	Frequent	Continuous
<b>Climbing Ladders:</b>	None	Occasional	Some	Frequent	Continuous
<b>Crawling:</b>	None	Occasional	Some	Frequent	Continuous
<b>Working on Rough and/or Uneven Terrain:</b>	None	Occasional	Some	Frequent	Continuous
<b>Handling and Dexterity:</b>	None	Occasional	Some	Frequent	Continuous

**ENVIRONMENTAL FACTORS  
Related to Job Description**

Outside	Outside and inside	Excessive heat
Excessive cold	Excessive humidity	Excessive dampness or chilling
Dry atmospheric conditions	Excessive noise, intermittent	Constant noise
Dust	Silica, asbestos, etc	Fumes, smoke, or gases
Solvents (degreasing agents)	Grease and oils	Radiant energy
Electrical energy	Slippery or uneven walking surfaces	Working around machinery with moving parts

Working around moving objects or vehicles	Working on ladders or scaffolding	Working below ground
Unusual fatigue factors (specify below)	Working with hands in water	Working closely with others (occasionally)
Working alone (occasionally)	Protracted or irregular hours of work	Other (specify below)

COMMENTS: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

**STATEMENT BY APPLICANT**

**Applicant Read and Sign:**

I hereby certify that I know of no reason (medical or otherwise) that would prevent me from performing the essential job functions or the physical activity and environmental requirements of the job listed above.

I understand that District will require me to be examined by a medical doctor selected by District to determine my ability to perform the job-related function described above as a condition of any offer of employment by District.

I further understand that any false statement or material omission by me in connection with such medical examination or concerning my job-related physical abilities will disqualify me from employment or be cause for dismissal when the false statement or omission is discovered.

I hereby authorize the release of all medical information obtained during my medical examination to the South San Luis Obispo County Sanitation District.

Date: \_\_\_\_\_

\_\_\_\_\_  
 Applicant Signature

**STATEMENT BY PHYSICIAN**

I have considered the Job Description and the Physical Activity Requirements listed above in my medical examination and evaluation of this applicant and his/her ability to perform the functions as stated above. In my opinion the applicant:

\_\_\_\_\_ is medically able to perform the job-related functions of the job applied for as set forth above.

\_\_\_\_\_ is **not** medically able to perform the job-related functions of the job applied for as set forth above.

\_\_\_\_\_ is medically able to perform the job-related functions with the reasonable accommodations set forth below.

**Comments and Recommendations:**

(Give an evaluation of any above conditions affecting applicant's ability to perform the job-related functions and any recommendations concerning reasonable accommodations.)

\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Examining Physician

Name of Examining Physician: \_\_\_\_\_