PERSONNEL COMMITTEE
Directors Farrington and Molinelli Jr. (as alternate)
October 14, 2020
1:30 p.m.
12800 Ridge Road, Sutter Creek, CA

PUBLIC NOTICE: Members of the public will have the opportunity to directly address the committee concerning any item listed on the Agenda below before or during consideration of that item.

*There is a three minute time limit per person*

AGENDA
*There is a three minute time limit per person*

Anyone wishing to participate in this meeting may do so by using the information below:

United States (Toll Free): 1 866 899 4679
- One-touch: tel:+18668994679,,867550517#

Access Code: 867-550-517

1. CALL TO ORDER

2. EMPLOYEE HANDBOOK
   A. Review and recommendation regarding draft updated employee handbook

3. ADJOURNMENT
Amador Water Agency

EMPLOYEE HANDBOOK

PERSONNEL POLICIES, RULES AND PROCEDURES

Adopted
Resolution No.

Effective:
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Chapter 1

General Administration of Personnel System

Section 1.01 Purpose of the Employee Handbook

This Handbook is intended to provide all employees of Amador Water Agency (Agency) with a general understanding of the Agency's employment policies, procedures and benefits. It is intended to familiarize employees with important information about the Agency as well as provide information regarding the privileges and responsibilities of Agency employment.

All employees are expected to read, understand and comply with the provisions of this Handbook. Failure of an employee to comply with any policy will subject the employee to discipline, up to and including termination.

Policies may be changed from time to time by the Agency, and employees will be timely notified of all substantive changes made. Employees should keep this Handbook and all future changes on file for reference.

All employees are responsible for reviewing this Handbook at the start of their employment and periodically thereafter. This Handbook is maintained electronically and is available to all employees.

This Handbook cannot anticipate every situation or answer every question about employment, nor can it provide information that answers every possible scenario. Accordingly, if you have any questions regarding this Handbook, please see your department manager or the Human Resources Manager.

Section 1.02 Administration of Personnel System

These policies in this Handbook shall be interpreted, applied and enforced by supervisory and managerial employees of the Agency. Ultimate authority for interpretation, application and enforcement rests with the General Manager or designee.

Section 1.03 Access to Personnel File

Agency files maintained on its employees are confidential property of the Agency and are to be treated as such.
Accordingly, access to personnel files is limited. Employees may inspect their file in the presence of a designated Human Resource officer upon reasonable advance notice, during normal office hours. Personnel records may not be removed from the file or altered.

Otherwise, personnel records and files are not disclosed except to those persons on a "need to know" basis. Except as otherwise required by law, access is limited to: Human Resources staff in the course of their normal duties; and Management personnel with a "need to know". Documents containing medical information regarding employees are maintained in a separate confidential file.

An employee may request a copy of their personnel file in accordance with applicable law.

**Section 1.04 Change in Employee Information**

Employees must inform Human Resources immediately whenever there are changed in personal data such as address, telephone numbers, number of dependents, and person(s) to notify in case of emergency. It is the employee’s obligation to keep the preceding information current.

**Section 1.05 Medical Information**

1. **Separate Confidential Files**

   All medical information about an employee is kept separately and treated as confidential, in accordance with applicable law. Medical information files are accessible only to the Agency's workers' compensation administrator or Human Resources department and are not be shared with other employees, supervisors or managers.

2. **Information in Medical Files**

   The Agency does not obtain medical information about an employee or applicant, except in compliance with applicable law. The Agency is legally permitted to obtain a description of the functional limitations of the employee that may entitle the employee to reasonable accommodation, or that may, limit the employee’s ability to perform their present employment. The Agency does not require or invite any statement of medical cause or diagnosis.

3. **Access to Medical Information**
Access to employee medical information is limited only to those with legitimate business need. Such access may also be required by law, subpoena or court order. In the case of an employee who needs a reasonable accommodation, managers and supervisors with a need to know may be informed regarding medical restrictions on the employee’s ability to work without disclosure of the underlying medical diagnosis or condition.

**Section 1.06 References and Release of Information in Personnel Files**

1. **Public Information/Legal Process**

In accordance with a Public Records Act request or other legal process, the Agency will release information about its employees to the extent required by law, which may include your name and compensation. The Agency will not disclose personnel information if it believes that doing so would constitute an unwarranted invasion of personal privacy, or would otherwise be contrary to law. The Agency will attempt to give the affected employee reasonable advance notice before it releases information about them.

2. **Reference Checks**

All requests from outside the Agency for reference checks or verification of employment concerning any current or former employee must be referred to Human Resources. Such information will be released only if the employee signs an Authorization for Release of Employment Information form (either attached with the request or available from Human Resources). Without such authorization, only the following limited information will be provided: dates of employment, job classification held and salary upon departure. Department Managers and Supervisors should not provide information in response to requests for reference checks or verification of employment, unless specifically approved by the Human Resources Manager on a case-by-case basis.

**Section 1.07 Equal Employment Opportunity**

It is the Agency’s policy to provide equal employment opportunities for all individuals with respect to recruitment, hiring, performance appraisal, promotion, training, employment, retention, termination, compensation, or any other personnel-related activities and otherwise to treat employees and job applicants on the basis of merit, qualifications, experience and competence. This policy shall be applied without regard to sex (including pregnancy, childbirth, breastfeeding or related medical condition), sexual orientation, race, creed, color,
national origin, ancestry, citizenship, religion, marital status, registered domestic partner status, age, physical or mental disability, medical condition, veteran/military status, gender, gender identification, gender expression, genetic information or any other consideration made unlawful by federal, state or local law. All employment decisions are based upon policies and practices that further the principles of equal employment opportunity.

**Section 1.08 Americans with Disability Act**

The Americans with Disability Act (ADA) and Fair Employment Housing Act (FEHA) are intended to enhance and protect the rights of individuals with disabilities in all life activities and to provide clear, consistent, enforceable standards for addressing discrimination against individuals with disabilities.

The ADA and FEHA ensure that qualified individuals with disabilities, including both applicants and employees, have the same employment opportunities available to them as people without disabilities. The Agency is committed to full compliance with ADA and FEHA.

**Section 1.09 Request for Reasonable Accommodation – Interactive Process**

It is the policy of the Agency to provide reasonable accommodation to qualified individuals with disabilities.

**Request for Accommodation**

An employee who desires a reasonable accommodation to perform any job functions should make such a request to any one of the following: 1) supervisor; 2) manager; and/or 3) Human Resources Department. It is helpful if the request identifies; 1) the job-related functions at issue; and 2) the desired accommodation(s).

**Reasonable Documentation of Disability**

Upon being made aware of the need, or request, for accommodation, the Human Resources Department will generally require additional information, such as medical documentation, confirming the work-related restrictions, and/or supporting the need for accommodation, provided by a health care professional.

**Interactive Process**
As part of the accommodation process, the Agency will arrange for a discussion, in person or via telephone, with the employee, and their representative, if any. The purpose of the interactive process discussion is to work together in good faith to discuss and devise an effective, reasonable accommodation(s), if one is possible.

**Case-by-Case Determination**

The Agency determines, in its sole discretion, whether reasonable accommodation(s) can be made, and the type of accommodation(s) to provide on a case-by-case basis. The Agency will not provide accommodation(s) that would pose an undue hardship upon the Agency, or that would endanger the health and safety of the employee or others. The Agency will inform the employee of its decision as to reasonable accommodation(s) in writing.

**Section 1.10 Employment of Relatives and Personal Relationships While Employed Policy**

The Agency does not discriminate in employment on the basis of marital or familial status. Nonetheless, the Agency may refuse to appoint a person to a position where the person’s marital, familial, or other relationship with another employee has the potential to be a conflict of interest, to have an adverse impact on supervision, confidentiality, safety, security or morale, or to be otherwise incompatible with or adverse to the best interests of the Agency. The Agency has the sole discretion to determine the existence of such a potential for adverse impact or conflict of interest.

For the purposes of this policy, marital or familial status includes the following relationships: spouse, parent, grandparent, child, grandchild, sibling, aunt, uncle, niece, nephew, or any person with whom the employee has a close personal relationship such as a domestic partner, romantic partner or co-habitant.

In the event that two current employees of the Agency marry or otherwise become subject to the restrictions of this policy after they are hired, and the Agency determines that a potential for adverse impact or conflict of interest as described above exists as a result of that relationship, the Agency will attempt to avoid or minimize the potential issues through, e.g., reassignment of duties, relocation and/or transfer. If these concerns cannot be minimized to the satisfaction of the Agency, then the employees will be notified that one of them must separate from employment with the Agency. The choice of who will separate from Agency employment will be the employees’ to make, initially. In the event that the employees are unable to make this decision within 30 days of such notification by the Agency, then both employees will be terminated.
Chapter 2
Selection, Orientation and Probationary Period

Section 2.01  Job Posting and Employee Selection Process

The selection techniques used in the interview and/or examination of prospective new or promotional employees shall be impartial, of a practical nature and be job related.

It is generally the policy of the Agency to promote employees from within the organization to vacant or new higher-level positions when qualified employees are available and deemed suitable in all respects. However, it is also in the Agency’s best interest to fill all positions with the most qualified individuals, regardless of whether or not the individual is a current employee. When a position vacancy occurs, that vacancy will be posted in-house for a period of time deemed appropriate by the Agency for the position, as well as solicited elsewhere if deemed appropriate. All vacancies posted will include an application deadline.

The posting of job vacancies does not necessarily mean that the selection process will be confined to existing employees. Upon the close of the posting period, the Human Resources Department will review any and all applications to determine whether further solicitation among non-Agency employees is desirable.

Section 2.02  Examination Process

Only applicants who meet all minimum qualifications as established in the job announcement and class specification will be considered for advancement to the examination process. The examination process generally includes one or more of the following:

1. An appraisal by Human Resources of qualifications presented in the application materials. A quantifiable rating will be assigned to distinguish those candidates most qualified to be advanced further in the process to establish rank if no further exam process is conducted.
2. A written examination specifically related to the job functions of the classification may be conducted.
3. Oral examination board or panel or individual manger may conduct interviews.

Appointments

After completing the recruitment, qualification and examination process, vacancies will be filled by the most qualified internal or external applicant. Human Resources, along with the review panel or the hiring manager, will analyze all applicable information and select the most qualified final candidate based on the results of the recruitment process.

At the conclusion of the selection process, internal candidates who were not selected for the position may request a meeting with Human Resources to discuss how they might better prepare for future opportunities.

Section 2.03 Transfers

Transfers between available Agency positions may be possible to enhance the employee’s career advancement and growth possibilities, if such transfer is also in the best interests of the Agency. An employee who wishes to be considered for an open position in a different work unit must submit a letter of interest to the Human Resources Department for consideration.

Employees may be considered for lateral and/or promotional transfers subject to the following conditions:

- The employee must have completed a minimum of six months of active service in their present job;
- The employee’s performance in their current position must be satisfactory or better;
- A written reprimand received within the six-month period preceding the request for a transfer may preclude the employee from being considered for a lateral or promotional transfer; and
- The employee must possess the minimum qualifications required for the position to which a transfer is sought.

Upon receipt of a letter of interest, the Human Resources Department will generally consider the employee along with other applicants for a vacant position, provided the above conditions are met.
Section 2.04 Employment Status Categories

**Probationary Employees:** New, or newly rehired or promoted employees who serve a prescribed initial period of close supervision and evaluation in order to assess their ability and adaptation to employment with the Agency.

**Regular Full Time Employees:** An employee who is regularly scheduled to work a minimum of 40 hours per week on a regular basis following satisfactory completion of an Probationary period.

**Regular Part-Time Employees:** An employee who satisfactorily completes a Probationary period and is regularly scheduled to work fewer than 40 hours, but at least 20 hours per week on a regular basis.

**Standby Employees:** An employee hired on an as-needed basis whose schedules is subject to variable hours, schedules and conditions. Such employee shall be paid on an hourly basis and is not eligible for any discretionary benefits (e.g., paid vacation time, paid holidays, etc.) as provided in these policies.

**Temporary Employees:** An employee holding a job of limited or specified duration arising out of special projects, position vacancy pending appointment, abnormal workloads, emergencies or other reasons established by the Agency. Temporary employees may work either full or part-time work schedules, but are not eligible to receive discretionary benefits, except to the extent required by law, accrue any form of service credit, or use the Grievance Procedures to file formal grievances.

If a temporary employee is employed with the Agency for more than 125 days or exceeds 1,000 hours of service in a fiscal year, the employee shall be eligible for:

- Enrollment effective no later than the first day of the next pay period after completion of 1,000 hours or 125 days in the CalPERS system, or payment into the system if already a member; and
- Paid regular holidays if such holidays fall within the temporary employee's service period/scheduled work days, and in accordance with the holiday policy.

The above classifications of employees are also categorized in one of the following:

**Non-Exempt Employees:** Employees covered by overtime pay provisions of the Fair Labor Standards Act. Such employees are entitled to overtime pay for
work in excess of 40 hours per workweek. *(note: move the “in excess of 8 hours per day or per their alternative scheduled work day” to MOU).*

**Exempt Employees:** Employees classified by the Agency as exempt are ineligible for overtime pay as provided for in the Fair Labor Standards Act and applicable State laws. Exempt employees are paid a salary that is intended to compensate them for all hours worked. Generally, exempt employees are those occupying executive, administrative or qualified professional positions.

**Section 2.05 Probationary Period: Purpose**

The probationary period is an intrinsic part of the employee selection process, during which the employee will be considered in training, and as an "at-will" employee. At will employment means the probationary employee may be terminated for any reason, or no reason, with or without cause or advance notice, and without right under these policies to appeal or grieve their release from employment.

Promotional probationary employee are not “at will” employees, and remain eligible for the grievance and appeal procedures.

Probationary employees are subject to particularly careful observation and evaluation by supervisory personnel. Generally, this period is utilized to train the employee and to evaluate the employee’s effective adjustment to work tasks, conduct, observance of rules, attendance and job responsibilities.

**Section 2.06 Length of Probationary Period**

Non-exempt employees will serve a six-month probationary period, and exempt employees shall serve a one-year probationary period. At the recommendation of the Department Head, and subject to approval by the General Manager, probationary periods may be extended for an additional period of up to six months.

An employee who is laterally transferred, demoted or reclassified does not serve a probationary period.
Section 2.07  During Probationary Period

Probationary newly-hired employees may not be eligible for some leave benefits otherwise available to regular employees of the Agency. Promotional probationary employees remain eligible for Agency leave benefits provided they satisfy any other eligibility requirements of the various benefit programs. Leave benefits are more particularly described in Chapter 7.

Section 2.08  Release of Promotional Probationary Employee

A regular employee who is promoted generally serves a six-month or a one-year probationary period, depending on the requirements of the promotional position. A promoted employee who does not successfully complete this probationary period will be either reinstated to their former position (if available), or released from Agency service. If terminated, a promotional employee who previously held regular status in another Agency position remains eligible to appeal or grieve the decision, in accordance with these policies.

Section 2.09  Professional Requirements

Obtaining Required Certifications

If an employee's position requires certification, the employee is responsible to obtain the certification at their expense and must test for the certification within the first twelve (12) months of employment, and must pass/acquire certification within eighteen (18) months of hire or promotion.

The above timeline is intended to give the employee 2-3 opportunities to test for the required certification.

Failure to acquire required certification within eighteen (18) months will result in the employee being unqualified for the job, and thus, may subject the employee to termination.

Professional Registration, Certification and Licensing

The Agency will pay the associated fees when registration, certification or licensing (other than a Class C driver's license) is a specified requirement of an employee's position. Some positions that require special certification are: registered engineers, water and wastewater treatment plant operators and supervisors, and distribution operators. The employee is responsible for
obtaining requirements at their expense; the Agency shall pay the fees to maintain required registration, certification or license.

Professional Activities & Association Memberships

The Agency encourages participation in professional organizations, association memberships and committees when they are compatible with, and an enhancement to Agency functions. The Agency may pay reasonable costs associated with employee participation in these activities when they are directly aligned with an employee’s scope of work and intended to enhance job performance. Agency payment of such participation fees is subject to approval by the General Manager.

Section 2.10 Rehired Employees

Employees who are rehired following a break in service in excess of one (1) year, other than an approved leave of absence, must serve another initial probationary period, whether or not such a period was previously completed. Such employees are considered new employees from the effective date of their re-employment for all purposes, including for purposes of measuring benefits.
Chapter 3
Position Classification and Allocation

Section 3.01 Position Classification

The Agency maintains job descriptions on each Agency position. The Agency retains the right to revise job descriptions as it deems appropriate.

Section 3.02 Position Reclassification

Positions whose duties and responsibilities have changed so substantially that the job description is no longer accurate, or positions which have been structurally affected by organizational changes may be approved by the General Manager for reclassification.

Reclassification requests may be initiated by individual employees, or supervisory personnel. All such requests must be submitted in writing to Human Resources and the General Manager. The request must include specific detail regarding those duties and responsibilities performed that are different from the employee’s current job description.

If approved for reclassification, a new job description will be prepared for the position and a salary comparison survey may be conducted for the reclassified position.

Section 3.03 Promotion

It is the desire of the Agency to promote from within whenever there are employees who meet the qualifications for the promotional position and are deemed the best qualified for the position.

Upon promotion, an employee shall receive the minimum of the salary range of the promotional position or will receive a five percent (5%) pay increase from their current position, whichever is greater.

The Agency reserves the right to cancel, put on hold, or leave unfilled any vacant position as it deems necessary.
Section 3.04  Transfers

A lateral transfer is an approved change by an employee between classifications where the salary range for each classification is the same.

An employee may request a voluntary transfer. A voluntary transfer must be approved by the Human Resources Manager and by the Department Manager(s) of both the employee’s current and new department(s). An employee requesting the transfer must possess the qualifications required for the position to which the transfer is requested.

The Agency may involuntarily transfer any employee, whether represented or unrepresented at any time. Whenever possible, an employee involuntarily transferred from one position to another position in the same class, or a comparable class at the same salary level, will receive ten (10) day’s working notice.

The transferred employee will not be paid in excess of the maximum of the pay range.

Section 3.05  Demotion

Demotions occur when an existing employee is appointed to a classification having a lower salary range. An employee will be demoted only to a position for which they are qualified. A demotion may occur for various reasons, including:

- Not possessing required certification and/or license
- The employee’s desire to voluntarily take another position
- Unsatisfactory job performance or other disciplinary reason
- Organizational changes, considerations and the needs of the Agency
- By mutual agreement

Section 3.06  Job Abandonment

An employee may be regarded as having voluntarily resigned from or abandoned the employee’s position if the employee fails to report for duty for five (5) consecutive working days after being given notice to return to work, or if the employee fails to give notice or to report for duty immediately upon the expiration of an approved leave of absence.
In the event the employee is deemed to have abandoned their job, they will be subject to termination.
Chapter 4

Operations Standards and Conditions

Section 4.01 General Conduct During Employment, Obligation to Report Improper Practices

The Agency expects its employees to conduct themselves in a professional businesslike manner and perform their duties conscientiously, honestly, efficiently and in accordance with the best interests of the Agency. Employees are required to adhere to all Agency policies, rules, directives and procedures prescribed by supervisory and/or management personnel.

A. All employees have a duty to immediately report, orally or in writing, any improper practice of which they are aware that is related to Agency operations. As used here, the term “improper practice” means any allegedly illegal, fraudulent, dishonest, negligent or otherwise unethical action arising in connection with Agency operations or activities.

B. Reports of improper practice should be submitted by the reporting employee to their supervisor, except when the alleged impropriety appears to involve a supervisor. In such cases, the report should be referred to the General Manager or Human Resources Manager.

C. Employees are expected to take great care when working with Agency vendors, suppliers, and contractual consultants, as well as with the public.

Section 4.02 Conflicts of Interest

As a means of maintaining the integrity of the Agency and to prevent employees from any potential conflict of interest, all employees shall comply with the following standards.

A. Use of an Agency position or Agency facilities, equipment and/or supplies for private gain (including personal, family, charity, etc.), advantage or influence is prohibited.

B. Soliciting or accepting any favors or gifts from persons, concerns or corporations who have, or seek to have, business contacts with the Agency is prohibited.
C. Employees are precluded from divulging Agency confidential information without prior authorization.

D.

Section 4.03 Security and Confidentiality

It is the policy of the Agency to maintain strict control over entrance to the premises, access to work locations and records, any information stored, created, or received on Agency computer systems, and over any other Agency property. For reasons of safety and security, friends, relatives or other unauthorized persons are not permitted to visit Agency employees at Agency work without the express permission of supervisory personnel.

Except in the course of their normal job duties, employees are not permitted to divulge confidential information about the Agency, its business contacts, agents, suppliers or other employees without prior authorization. If the employee is in doubt as to whether they may appropriately disclose certain Agency information, the employee must not make any disclosure without first obtaining authorization for disclosure appropriate supervisory, management or Human Resources personnel.

Confidential information obtained as a result of employment with the Agency is not to be used by an employee for the purposes of furthering any private interest, or personal gains.

Section 4.04 Agency and Personal Property

Use and Care of Agency Property

Employees are expected to exercise due care when using Agency property, and are only permitted to use Agency property for authorized business-related purposes. Unauthorized removal of Agency property from Agency premises or improper personal use or negligence in the use of Agency property is not permitted.

Return of Agency Property

Agency property issued to an employee must be returned to the Agency at the time the employee terminates employment or when the Agency requests its return. The employee may be required to reimburse the Agency for the value of any property issued to that employee that is not returned to the Agency.
Personal Property on Agency Premises

The Agency assumes no responsibility for any loss or damage to the personal property of employees that is voluntarily brought on to Agency premises.

Management has the authority to inspect any package or other container brought onto Agency premises, including any employee personal property brought to an Agency worksite. Similarly, the Agency reserves the right to inspect employee-assigned desks, vehicles, cabinets and storage areas belonging to the Agency.

Agency Key System

The Human Resources Department maintains the key system, including insuring an adequate supply of keys. All employees of the Agency will be assigned keys as necessary to perform their job duties. All keys are deemed Agency property and should be treated as such. The employee will be required to sign for any keys needed and is responsible for returning any Agency keys upon request or termination.

Duplication of Agency keys is strictly prohibited.

Identification Badge Policy

Amador Water Agency is committed to providing a safe and healthful workplace for all employees. As part of this goal, the Agency provides employees with Agency-issued identification badges.

An Identification Badge serves the dual purpose of readily identifying Agency employees and other authorized personnel, while providing measured protection against unauthorized personnel and intruders from entering designated Agency work areas.

The identification badge or an Agency-issued fob permits access to Agency facilities through a keyless system.

All individuals issued identification badges, including regular full time, regular part-time, temporary/intermittent employees must wear or have them in their possession at all times and on all Agency worksites.

Control and Issuance of Badges:

A. Damaged, Lost or Stolen Badges

When a badge/fob is damaged, lost, or stolen, the individual assigned the badge/fob must immediately report the incident to their supervisor or department head and the Human Resources Department. The
identification badge/fob provides significant advantages over a lost key, as the system can maintain its integrity by deactivating the lost/stolen card. Therefore immediate reporting of lost or stolen badges/fobs is essential.

Identification badges that become damaged or unrecognizable shall be returned to the Human Resources Department so re-issuance of a new identification badge can occur.

No individual may have more than one Agency identification badge and/or fob in their possession at any time.
B. Issuance of Badges

Identification badges will be issued by the Human Resources Department. The Human Resources Department will schedule a time to have the individual's picture taken and have the individual sign an acknowledgment form signifying receipt and agreement to abide by the Identification Badge Policy. Human Resources will then issue the employee the identification badge.

A lanyard or badge reel will be provided to all individuals when the identification badge/fob is issued.

C. Separation, Retirement or Leave from the Agency

Badges/Fobs are the property of the Agency and are to be returned to the Human Resources Department upon separation, termination or retirement from the Agency.

An employee who is on approved leave (30 days or more) will be required to turn in their identification badge/fob to Human Resources pending return to work.

Identification Badge Holder Responsibilities:

All individuals issued an identification badge/fob are required to comply with the following:

- Do not lend your identification badge to anyone.
- Do not allow unauthorized individuals onto Agency property.
- Ensure that all external access points (doors, sliders, etc.) are properly secured.
- Do not leave your identification badge/fob unattended, or in your vehicle or other locations where it may be exposed to extreme temperatures or theft.
- Do not fold, bend, pry open or mutilate your identification badge.
- Do not deface or alter the identification badge with stickers, decals, markings, or by any other means.
- Do not use your identification badge improperly.
- Immediately notify your supervisor, manager and the Human Resources Department if your identification badge/fob is damaged, lost, stolen, or no longer in your possession.
- Immediately notify your supervisor or manager and the Human Resources Department of any difficulties or problems with your identification badge/fob.
- Immediately return found identification badge/fob you may find to your supervisor, department head, or the Human Resources Department.
Section 4.05  Injury and Illness Prevention (IIPP)

The Agency has adopted an Injury and Illness Prevention Plan (IIPP), also known as the Safety Manual, designed to protect the health and safety of all employees. A complete hard copy (binder) is located at key Agency locations (Human Resources Department, Operations Department, etc.). Electronic copies and updates will be provided to all employees through email. All employees are required to know and comply with the Agency's Safety Manual and to follow safe and healthful work practices at all times.

Section 4.06  Vehicles Used for Agency Business

The purpose of this policy is to define for what purposes Agency vehicles may be used and under what circumstances personal vehicles may be used for Agency business. This policy also establishes driver requirements for using a vehicle to conduct Agency business.

Agency vehicles shall be used to conduct official Agency business only, pursuant to this policy, and may not be used by employees without authorized assignment by Agency management.

A. Responsibility Assignments
   1. The General Manager or designee is responsible for designating to which employees an Agency-owned vehicle shall be assigned. Employees assigned a vehicle may use the vehicle to commute between home and work only as outlined in this policy. Only On Call personnel are allowed to take vehicles home on a routine basis. Employees wishing to take Agency vehicles home after emergencies or pending storm situations must obtain management approval.

B. Compliance Procedure
   1. Definitions
      a. DMV – State Department of Motor Vehicles
      b. Acceptable DMV Driving Record – This is a determination made by the Human Resources Department that the employee’s DMV record does not reveal violations or DMV citations that are considered an unacceptable risk for the Agency.
      c. Proof of Auto Insurance – the Agency's insurance provider requires all employees who drive an Agency vehicle and/or who drive their personal vehicle for Agency business to provide, annually,
proof that they carry auto insurance. Proof must be submitted annually upon renewal of policy.

d. Authorized Driver – An employee who has been granted permission by the Agency to drive an Agency vehicle for the purpose of conducting Agency business only. An Authorized Driver must be in possession of a valid California driver’s license appropriate to the class of vehicle being driven. Authorized Drivers must have completed the Agency’s defensive driver training course within the first six months of employment and must have an acceptable DMV driving record.

e. Agency Pool Vehicle – An Agency vehicle available to any Authorized Driver for the purpose of conducting Agency business. Agency Pool Vehicles are generally used only for a single trip or specific job assignment that is short in duration.

f. De Minimis personal Use – In connection with use of an Agency vehicle, this means a stop for a personal errand between work and the employee’s home; a stop for lunch between two Agency related activities.

g. Assigned Vehicle – An Agency vehicle specifically assigned to an Authorized Driver.

h. Private Vehicles used for Agency Business – An employee-owned vehicle that is authorized for use in conducting Agency business when an Agency vehicle is not available, or when it is not practical or economical to use an Agency vehicle. Regular commuting using one’s personal vehicle is not considered “use for Agency business” under this policy.
C. Driver Training and DMV Record Review
   1. Employees who regularly drive an Agency vehicle must complete an Agency defensive driver-training course within the first six months. The Human Resources Department shall be responsible for scheduling and coordinating the training course for employees.

   2. The privilege of driving an Agency vehicle may be suspended or permanently revoked if the DMV record or license review reveals citations or violations that pose an unacceptable risk for the Agency or that result in the driver being deemed uninsurable..

D. General Requirements Pertaining to all Agency Vehicles
   1. Unless specifically permitted in this policy, Agency vehicles shall be used for Agency business-related activities only.

   2. Unless on official Agency business-related activities, or in the case of Employee Assigned Vehicles in route between home and work, Agency vehicles shall remain within the Agency’s geographical boundaries (Amador County).

   3. Authorized Drivers of Agency vehicles are personally responsible for any fines or other penalties based upon parking and traffic violations and citations, or violations of law involving their use of the vehicle.

   4. The privilege of driving an Agency vehicle may be suspended or permanently revoked for noncompliance with a requirement of this policy and/or for repeated traffic violations resulting in an unacceptable DMV Driving Record, whether or not the violations involved the use of an Agency vehicle.

   5. The Agency is not responsible for personal items left in Agency vehicles.

   6. Smoking in Agency vehicles is prohibited.

   7. Agency vehicles and toolboxes located on vehicles must be locked when the vehicle is unattended. Keys must never be left in the vehicle.

   8. Authorized Drivers of Agency vehicles must follow monthly inspections and maintenance procedures.
9. The Agency's decal shall be clearly displayed on all Agency vehicles. No other decals, signs or logos may be placed on Agency vehicles.

10. Any Authorized Driver whose license is suspended/revoked must report this situation to the driver's Department Head and the Human Resources Department within one business day.

11. Authorized Drivers driving Agency vehicles must comply with all federal, state and local laws pertaining to the use of the vehicle.

12. Cell phones are to be used in compliance with all federal, state and local laws. Employees are not to use their cell phone while driving unless it is connected through Bluetooth to allow for hands-free operation. Otherwise, the employee will pull over to use their phone or wait until they are at their destination to reply/return a call/text.

E. Improper Use of Agency Vehicle

1. Authorized Drivers are not permitted to engage in any misuse of an Agency vehicle. Misuse of an Agency vehicle includes, but is not limited to, the following:

   a. Using an Agency vehicle for other than official Agency business, except as specifically permitted by the policy.

   b. Noncompliance with applicable traffic laws.

   c. Unsafe driving practices.

   d. Failure to comply with any requirement of this policy.

   e. Carrying any persons in the vehicle other than those directly related with official Agency business.

   f. Violating any Agency policy, either during or after regular work hours, while using an Agency vehicle, including, but not limited to, driving while under the influence of alcohol or controlled substances, or any other drugs.

F. Driver Safety
1. Each Authorized Driver who operates an Agency vehicle shall complete a daily pre-use safety inspection of any vehicle they operate to ensure that all safety features (light, brakes, turn signals, etc.), are operating satisfactorily before the vehicle is driven. The first driver of the day shall be responsible for performing a daily pre-use safety inspection on Agency Pool Vehicles.

2. Drivers must report any safety concerns detected during the pre-use inspection to the Operations & Engineering Manager prior to driving the vehicle. The Operations & Engineering Manager shall take the vehicle out of service until the safety concern has been resolved.

3. Sharp tools or other potentially dangerous equipment, or any other cargo that could pose a hazard to the occupants of the vehicle, shall not be carried in the cab of the vehicle, unless the equipment is in a covered box or container.

4. Equipment such as fire extinguishers and first aid kits should be secured to the body of the vehicle.

5. Flammable liquids shall never be carried in the cab of a vehicle.

G. Servicing and Maintenance
1. Each vehicle shall be regularly serviced and inspected by the employee assigned to the vehicle.

2. If an Authorized Driver notes minor mechanical difficulty or needed repairs while a vehicle is in the Authorized Driver's care, the driver shall report the problem to the Operations & Engineering Manager no later than the end of the driver's work shift. An Agency Vehicle and Equipment Service Request form shall be used to report the difficulty or repair.

3. If a vehicle becomes inoperable or unsafe to drive while the vehicle is in an Authorized Driver's care, the driver shall immediately report the problem to their Supervisor and/or Operations & Engineering Manager. The Supervisor or Operations & Engineering Manager shall be responsible for assessing the situation and providing assistance to the driver. If the Operations & Engineering Manager is not available, the Purchasing Agent shall be notified.

H. Pool Vehicles
1. The Agency maintains pool vehicles for use by Authorized Drivers in circumstances where such use would benefit the efficient and effective operation of the Agency.

2. Unless authorized by the General Manager or Department Manager, a pool vehicle may not be reserved for overnight use. When an employee attends a conference/training for which a vehicle is needed overnight, the employee is encouraged to use their own personal vehicle and submit an Expense Report requesting reimbursement for the work-related travel expense.

I. Assigned Vehicles
1. Agency vehicles authorized to be kept overnight at an Authorized Driver's home shall be locked and parked in the driver's garage or driveway so as to reduce the hazard of accidental damage, theft or vandalism.

2. Except during the Authorized Driver's lunch break or in route to or from work-related activities, Assigned Vehicles shall not be used to conduct personal business. Personal business during a lunch break or en route to or from work or related activities shall be kept to a minimum. Only De Minimis Personal Use is permitted.

3. Assigned Vehicles shall be temporarily parked at the Agency when an Authorized Driver is on vacation or extended leave for a period of five working days or longer.

J. Personal Vehicle Used for Agency Business
1. Employees must receive written approval prior to the use of a personal vehicle for Agency Administrative business from their Supervisor, who will inform Human Resources.

2. It is the responsibility of the Human Resources Department to verify that the employee has a valid California driver's license and appropriate insurance for this purpose.

3. For any accident that occurs during use of personal vehicle on Agency business, employees must file the accident claim through their own insurance company. All personal insurance deductibles are the responsibility of the employee.

4. An employee who has been permitted to use a personal vehicle for Agency business is responsible for fines or other penalties based upon parking and traffic violations and
K. Vehicle Accidents

1. A vehicle accident is defined as any circumstance involving the use of an Agency vehicle, or privately owned vehicle used while on Agency business, which results in death, injury or property damage regardless of who was injured, what property was damaged or who was responsible.

2. If an Authorized Driver of an Agency vehicle, or privately owned vehicle used while on Agency business, is involved in a vehicle accident, the Authorized Driver shall:

   a. If the accident occurs during working hours, immediately notify their supervisor or manager and summon the police or Highway patrol and medical aid if necessary. At the earliest opportunity, the Operations & Engineering Manager shall inform the General Manager and Human Resources Manager of the accident.

   b. Do not move the vehicle until authorized to do so by a police officer, Highway Patrol officer or the Operations & Engineering Manager, unless the accident is very minor (e.g.: only property damage and the vehicle appears safe to drive).

   c. If the accident involved is an Agency vehicle, complete the forms in the Vehicle Accident Reporting Kit located in the glove compartment of each vehicle.

   d. If the accident occurred while using a personal vehicle for Agency business, coordinate the reporting of the accident and completion of any necessary forms with your private insurance company and the Human Resources Department.

   e. Take photos of the accident scene, vehicle damage and property damage if it is safe to do so.

   f. Make no comment or statement regarding the accident to anyone except law enforcement officers and Agency representatives investigating the accident.
g. Cooperate with Agency representatives regarding post-accident reports and immediately forward all communications regarding any accident-related claims, including summons or complaints regarding the accident, to the Human Resources Department upon receipt.

Section 4.07 Public Relations

The Agency provides a vital service to the community, and works closely with a diverse range of individuals and groups. The Agency wishes to stress the importance of having every employee exercise tact, diplomacy, patience and good business judgment at all times when interacting with the public, with vendors or contractors, with other employees, and with anyone else contacted in the course of employment.

Section 4.08 Dress Code Policy

As a professional organization, Amador Water Agency staff can expect customers, developers, vendors, the general public and other visitors in our office at any time. The general public frequently forms its initial impression of professional credibility solely on employee appearance.

The standard for Amador Water Agency employees is professionalism. As a representative of Amador Water Agency, an employee is responsible for maintaining the standard by presenting a professional image to those they interact with including, but not limited to, city and government officials, co-workers, management and the general public.

This policy applies to all employees, regardless of classification, and sets forth an Agency-wide guideline for standards of professional appearance.

The policy is intended to provide general guidelines on dress and appearance and is not meant to address all situations. There may be differences in some department's dress guidelines depending on the nature of the work environment, nature of work performed, involvement with the public, required uniforms or other circumstances.
POLICY AMPLIFICATION

1. Clothing
   a. Employees who wear uniforms are expected to report for duty in the departmentally assigned uniform. Uniforms are expected to be clean and well fitting. Additional standards are communicated through the Safety Manual for PPE (Personal Protective Equipment) per job duties.
   b. Employees who are not required to wear uniforms are expected to wear business clothing appropriate to the position held. Attire is expected to be clean and well fitting.
   c. Acceptable attire includes suits, dresses, skirts, slacks/trausers, or capri style pants worn with blouses, dress shirts, pollo shirts, sweaters and/or jackets.
   d. Except as noted herein, or as dictated by specific departmental rules, employees may not wear the following:
      i. Overalls or coveralls
      ii. Shorts of any type (exception: Meter Readers per Uniform Policy)
      iii. Tee shirts or hats with graphics including any messages and/or logos, except Agency-related logos
      iv. Sweatshirts
      v. Gym or sweat pants, workout wear, uncovered spandex pants/leggings
      vi. Excessively tight fitting or oversized (baggy) garments.

This list is by way of example only and does not include all items of clothing that may be deemed inappropriate by the Agency.

2. Footwear and Accessories
   a. All footwear must be consistent with a business or business casual dress code. Shoes are to be neat, clean and in good repair. Heels should not be more than three inches high. Flip-flops, bare feet, rubber beach thongs or Birkenstock-type shoe are prohibited for all employees.
3. Tattoos and Jewelry
   a. Facial tattoos and facial piercing jewelry, such as nose rings, tongue studs, eyebrow rings, or lip studs is prohibited. If in questions, the General Manager will make the ruling.

4. Personal Hygiene
   a. Personal hygiene is essential and expected of all employees as part of a professional work appearance.
   b. Strong odors caused by perfumes/cologne, scented hair sprays, and aftershave lotions can be offensive and are discouraged. If these products are used in the workplace, they must be used in moderation.
   c. Employees are expected to maintain appropriate and professional hairstyles. Beards, sideburns and mustaches must be clean and neatly groomed. Hair must be properly restrained as appropriate for job assignment.

5. Casual Days
   Fridays are considered business casual dress days for office staff. “Casual dress” is a benefit, not a right, and was established by the Agency to allow a relaxed, comfortable end to the workweek.

   Casual dress means employees may wear jeans, provided they are not frayed, torn or too tight. Clean athletic shoes are acceptable. Shirts, blouses and tops should follow the above appropriate guidelines. Keep in mind that even when wearing business casual attire employees are expected to present a neatly groomed, polished image. When in doubt, ask your supervisor or Human Resources.

RESPONSIBILITIES AND PROCEDURES

   The Agency has the sole discretion to determine whether the appearance of any employee violates this Dress Code Policy. Issues or disagreements arising out of the enforcement of this policy shall be reviewed by the Department Head or designee and/or Human Resources.

   An employee’s religious beliefs or medical conditions that may require deviation from this policy will be considered, and accommodated, to the extent required by law.

**Section 4.09 Off-Duty/Secondary Employment**
The Agency generally discourages Agency employees from engaging in off-duty employment. However, employees may engage in off-duty employment provided that all of the following are met:

1. The secondary employment does not conflict or adversely affect the employee’s work schedule, duties, and/or work responsibilities or work performance for the Agency.

2. The secondary employment does not create, or have the potential to create, a conflict of interest with Agency employment.

3. No work is done for the secondary employment during employee’s hours of work with the Agency.

4. Written approval of the General Manager is obtained for the secondary employment.

Self-employment is considered off-duty employment for the purposes of this policy.

Section 4.10 Information Technology Policy

1. Personal Telephone Calls

The Agency recognizes that employees will occasionally need to place and receive personal telephone calls during the workday. In all such cases, any personal calls should only be conducted during the employee’s breaks or lunch, regardless of whether the employee uses an Agency phone or the employee’s personal phone. Personal long distance toll calls are not permitted on Agency phones. Receiving and placing excessive personal calls during work hours is disruptive to others and is therefore prohibited.

2. Electronic Media

Agency Electronic Media includes, but is not limited to, any of the following on Agency equipment or Agency systems: computers (including desktop or laptop workstations, smart phones, servers), computer peripherals (including monitors, printers, scanners), electronic connections (including phone calls, radio transmission, instant message, chat), computer software (including executable programs, databases, files), voice mail, electronic mail (email), internet access (including the World Wide Web and on-line information services), intranet access, electronic facsimile (fax) files (including document images), copiers and any other electronic type of equipment that the Agency deems as electronic media.
3. **IT/Media Policy/Uses**

The principle purpose of this policy is to effectively and appropriately define the use and application of Agency Electronic Media. This policy is also to establish and insure that all forms of electronic communication and equipment are used for Agency-related business only with no right or expectation of personal privacy.

**Acquisition, Installation & Repair of Hardware and Software**

Information technology ("IT") acquisitions, both hardware and software requires prior review and approval from Management. All hardware and software installations and modifications are performed and managed by Management and the Agency’s contracted IT provider. Repairs related to IT equipment shall be performed or procured by the Agency’s IT provider.

Employees must not undertake equipment repairs or procure outside repair services without the approval of Management and Agency IT provider.

**E-mail / Internet / Intranet Access**

Employees are expected to use Agency Electronic Media only for appropriate, professional, and work-related reasons. Inappropriate activity or use of the Agency’s Internet, Intranet, E-mail systems or any other Agency electronic communication or transmission device, is strictly forbidden. Prohibited activities include, but are not limited to:

1. Illegal activities;
2. Obscene/offensive sites, messages, materials, images, links to pornographic sites, etc.;
3. Threats, slander, defamation, harassment;
4. Private commercial purposes;
5. Any act that violates the Agency’s policy prohibiting harassment and discrimination, including offensive comments and messages based any protected status;
6. Sabotage/compromise of the integrity of the Agency’s IT systems in any way, such as:
   a. Introduction of computer viruses;
   b. Performing an act that places an excessive load on a computer or network; or
   c. Exploiting security weaknesses of the Agency’s Electronic Media.
7. Sending copies or documents in violation of copyright laws; or
8. Entering into contractual agreements on behalf of the Agency via the Internet, or by any other means, without advance written approval of the Agency.
Amador Water Agency reserves the right to monitor and access records of internet use through monitoring software whenever there is a legitimate purpose to do so.

**E-mail Protocols**

Electronic mail created, sent or received by your Agency mailbox, or that can be opened via a web page or any other source that is viewed via Agency IT resources may qualify as Agency property and is not considered private. No employee has any expectation of privacy in any material or document or communication created on, sent by, stored in, or received by Agency Electronic Media.

These materials may also be considered to be a public record, and thus, subject to disclosure or inspection in accordance to the Public Records Laws.

Amador Water Agency reserves the right to monitor and access e-mail records or any other electronic transmissions, or any other material or document or communication created on, sent by, stored in, or received by Agency Electronic Media whenever it deems there is a legitimate purpose to do so.

Users are required to exercise good judgment regarding any personal use of Agency Electronic Media, including e-mail or other electronic communications. Only brief and occasional messages of a personal nature may be sent and received on Agency Electronic Media. Personal messages must not impede Agency business.

Original e-mail and/or copies are retained for the specified period as set by the Record Retention policy.

**Laptops/Tablets**

Agency laptops/tablets are for work use only. Agency-issued laptops/tablets are for the employee’s sole use and not for use by family members or any other persons.

The employee will immediately notify the Agency upon discovery of and/or upon return to work if the Agency laptop/tablet has been lost, misplaced, damaged, stolen or is otherwise out of the employee’s protection/possession.

The employee must use the Agency laptop/tablet for the purposes it was provided and must provide suitable care and security of the Agency laptop/tablet at all times.

**Security**
Any files or software installed on the Agency's IT resources through media such as CD-ROM, DVD, tapes or USB devices or received via the Internet must be checked in advance for viruses and disinfected by the Agency's IT provider. Every user is responsible for preventing the spread of viruses in Electronic Media. All users must adhere to instructions by Agency Management or IT provider regarding security threats and internet/e-mail safety to Agency Electronic Media.
Section 4.11 Alcohol and Drug Free Workplace

The Agency recognizes that behavior resulting from the use of alcohol and/or drugs, including marijuana, may detrimentally affect the safety and work performance of employees and can present a risk to the health and welfare of its employees and the public. To maintain a safe, drug-free work environment, the Agency prohibits, and acts to eliminate, any substance abuse and/or being under the influence at work, or in a work-related situation.

For the purposes of this policy, the following is prohibited at work or in a work-related situation: use, possession, or being under the influence of, or offering for sale any drug or controlled substance or alcohol while on duty, when representing the Agency, either during or after work hours, or while on Agency premises at any time. The sole exception to this prohibition is use of prescription medication as prescribed by the treating doctor, or appropriate use of over-the-counter medication, provided such use does not render the employee "under the influence," or otherwise impact their ability to perform their work duties.

Violation of this Alcohol and drug Free Workplace Policy will result in disciplinary action, up to and including dismissal.

Medications: Employees shall notify their supervisor if they are taking any medication that may impact their ability to perform assigned tasks. Employees are not required to disclose the fact of, or particulars regarding, the condition for which they are taking medication.

Searches

In order to promote a safe, productive and efficient workplace, the Agency has the right to search and inspect all Agency property, including, but not limited to, lockers, storage areas, furniture/desks, Agency vehicles, etc. The Agency may also search and inspect any personal item, including bags, backpacks, cars, etc. brought onto Agency premises, including Agency parking lots.

Drug and Alcohol Testing

The Agency has discretion to test any employee for alcohol or drugs in the following instances:

1. Reasonable Suspicion Testing
   The Agency may require a blood test, urinalysis, or other drug and/or alcohol screening of any employees reasonably suspected or using or being under the influence of a drug or alcohol at work.
“Reasonable suspicion” is based on objective factors, such as behavior, speech, body odor, appearance, or other such evidence that would lead a reasonable person to believe that the employee is using, or is under the influence of drugs or alcohol. In order to receive authority to test under this section, the supervisor must record the factors that support reasonable suspicion and obtain approval from the Human Resources Manager or Department Manager.

If there is a reasonable suspicion of drug or alcohol use, the employee will be temporarily relieved from duty and placed on unpaid leave until the test results are received. A supervisor will ensure that the employee is transported to the contracted testing laboratory.

2. Post-Accident Testing
The Agency may require alcohol or drug screening following any work-related accident or any violation of safety precautions or standards, whether or not an injury resulted from the accident or violation, provided the Agency has reasonable suspicion to believe the accident/incident resulted from the employee’s use of alcohol or drugs.

Not all accident require post-accident testing. The supervisor should use their reasonable suspicion training to make any decision about post-accident testing and must obtain approval for this testing from the Human Resources Manager or the Department Manager.

If reasonable suspicion exists, then an alcohol test will be administered within two hours, but not later than eight hours, following an accident/incident. A controlled substance test will be administered within 32 hours following an accident/incident where reasonable suspicion exists.

A supervisor must be notified immediately following an accident to ensure proper post-accident instructions. If the driver cannot drive the vehicle due to damage, the employee’s supervisor will see that the driver is transported as appropriate.

3. Pre-employment Testing
All applicants for classifications which are covered by the DOT regulations or that are designed as safety-sensitive positions, as well as all employees who transfer from classifications which are not covered to classifications which are covered by DOT regulations or safety-sensitive designation, will be required to submit to pre-employment/pre-duty drug and alcohol testing following their receipt of a conditional job offer/transfer offer.

A positive test indicating the presence of alcohol or controlled substances may result in disqualification of the applicant or transfer employee for the position for a period of six months.
4. Random Testing
   Only employees in job classifications covered by the DOT regulations will be subject to random alcohol and drug testing as follows:

1. Consistent with federal law, the Agency will subject at least 25% of total number of DOT-covered employees to random alcohol testing per year.
2. Consistent with federal law, a random drug test will be administered to at least 50% of the total number of DOT-covered employees per year.
3. Some employees may be tested more than once a year, while others are not tested at all, depending upon the random selection.
4. On the date an employee is selected for random drug testing, their supervisor will ensure the employee’s duties are covered during the testing process. The employee will receive a written notice in the morning indicating the time they must report to the lab for testing. Time spent under this provision is considered compensable work time.

Testing for Prohibited Substances

   Testing will be conducted in a manner to assure a high degree of accuracy and reliability, using techniques, equipment, and laboratory facilities approved by the Department of Health and Human Service (DHHS).

   Controlled substance testing will include testing for marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP). An initial controlled substance screen will be conducted on each specimen. For specimens that test above initial screen thresholds, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels are above the minimum thresholds established in the DOT guidelines.

   Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing (EBT) device operated by a trained Breath Alcohol Technician (BAT). If the initial test indicates an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. An employee who has a confirmed alcohol concentration of 0.02 but less than 0.04 will be removed from their position for at least 24 hours. A breath alcohol concentration of 0.04 or greater will be considered a positive alcohol test.

Consequences of Failing an Alcohol and/or Drug Test

   A positive result from an alcohol or drug test may result in disciplinary action, up to and including termination.

   If a covered employee is not terminated, the employee:
a. Must be removed from performing any safety-sensitive function;
b. Must submit to an examination by a substance abuse professional.
   Upon a determination by a substance abuse professional, the 
   employee may be required to undergo treatment to cure their alcohol 
   or drug abuse.
c. The Agency is not required to pay for this treatment.
d. May not be returned to their former safety-sensitive position until the 
   employee submits to a return-to-duty controlled substance and/or 
   alcohol test (depending on which test the employee failed) which 
   indicates an alcohol concentration level of less than 0.02 or a negative 
   result on a controlled substance test.
e. Will be required to submit to unannounced follow-up testing after they 
   return to their safety-sensitive position.
f. The employee will not be paid for any time they are unable to work 
   because of failure to pass an alcohol or drug test.

Employee Responsibilities

An Agency employee must:

1. Not report to work or be on standby or on-call status while their ability 
   to perform job duties is impaired due to alcohol or drug use;
2. Not possess or use controlled substances (illegal drugs or prescription 
   drugs without a prescription) at any time, or use alcohol at any time, 
   while on Agency property or while on duty for the Agency at any 
   location;
3. Neither directly nor through a third-party, manufacture, sell, distribute, 
   dispense, or provide controlled substances to any person, including 
   any employee, at any time; nor manufacture, sell, distribute or provide 
   alcohol to any employee while either or both are on duty;
4. Notify their supervisor, before beginning work, when taking any 
   medications or drugs, prescription or non-prescription, which may 
   interfere with the safe and effective performance of duties or operation 
   of Agency equipment.
5. Notify the Department Manager of any criminal conviction for a drug 
   violation that occurred in the workplace within five days after such 
   conviction. A report of conviction must be made to the Human 
   Resources Department within five days after conviction, as mandated 
   by the Federal Drug-Free Workplace Act of 1988 and the California 
   Drug-Free Workplace Act of 1990;
6. Notify the supervisor immediately if they observe behavior or other 
   evidence that a fellow employee is violating this policy; and
7. Consent to drug or alcohol testing and searches under these policies 
   and applicable law.
Drug-Free Awareness Program

In conjunction with the Agency's drug-free awareness program, the Agency will:

1. Distribute a brochure on the dangers of drug abuse to each Agency employee; and
2. Notify each Agency employee of the availability of counseling and treatment of alcohol- and drug-related problems through the Agency's Employee Assistance Program provider.

Refusal to Submit

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

Failure to Appear for Testing

Failure to appear for testing without a legitimate deferral will be considered refusal to participate in testing, and will subject an employee to the range of disciplinary actions, including dismissal, and an applicant to the withdrawal of a conditional offer of employment. If an individual fails to appear at the collection site at the assigned time, the collector will contact the Human Resources Manager.

Voluntary Referral

A fundamental purpose of the Agency's Drug and Alcohol Policy is to assist employees who themselves are seeking treatment for drug use and/or alcohol abuse. Employees who believe they may have a substance abuse problem are encouraged to take the initiative to voluntarily seek assistance.

Those voluntarily seeking help can make a confidential request for assistance to their supervisor or Human Resources. The requesting employee will be referred to the Employee's Assistance Program for evaluation and rehabilitation recommendations. If the employee is granted an unpaid leave for rehabilitation purposes, the employee may use their accumulated Sick and Vacation leaves to receive compensation during their leave. The Agency is not responsible for rehabilitation program costs.

After approval from the attending physician, the employee may return to work and may be subject to unannounced follow up testing, based on the attending physician's recommendations and an individual agreement with the employee.
Health insurance plans may provide coverage for rehabilitation costs. Health benefits information can be obtained from the Agency's Human Resources Department.

**Section 4.12 Policy Prohibiting Harassment and Discrimination**

The Agency is committed to providing a work environment that is free of unlawful discrimination and harassment. In keeping with the commitment, the Agency strictly prohibits harassment on the basis of an employee's race, sex, religious creed, color, national origin, ancestry, age, marital status, medical condition, veteran status, sexual orientation, physical or mental disability, or any other characteristic protected by law, or based on a perception that an individual has any of these characteristics, or based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. Harassment of, or discrimination against, any Agency employee or Agency service provider on any of these bases is strictly prohibited.

Violation of this policy will result in disciplinary action, up to and including termination.

Examples of conduct prohibited under this policy include, but are not limited to, the following:

- Verbal conduct such as jokes, derogatory comments or slurs based on a Protected Characteristic or unwanted sexual advances, invitations or comments;

- Physical conduct such as assault, impeding or blocking movement, or any physical interference with normal work or movement when directed at an individual based on a Protected Characteristic;

- Visual harassment such as derogatory posters, cartoons, drawings based on a Protected Characteristic;

- Threats or demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, or offers of employment benefits in return for sexual favors;

- Conduct which does, or which has the potential to, affect an employee's work performance negatively and/or create an intimidating, hostile or otherwise offensive work environment;
• Retaliation for reporting harassment and/or discrimination or assisting another to report harassment or discrimination.

Internal Complaint Procedure

If you believe you have been or are being harassed, discriminated, or retaliated against in violation of this policy, or if you are aware of or suspect the occurrence of any conduct in violation of this policy, you should immediately report this to your manager, any other Agency manager, the Human Resources Department or the General Manager.

Supervisors who receive a complaint under this policy must report it to Human Resources. The Agency will conduct a fair, timely and thorough investigation of such complaints promptly and, to the extent possible, discreetly. The investigation will be performed by impartial and qualified personnel, and will be appropriately documented. Following the investigation, those deemed by the Agency to have violated this policy will be subject to appropriate corrective action, including possible termination of employment. Thereafter, the Agency will timely close the matter.

There will be no retaliation against anyone for complaining of, reporting, or participating in any investigation of alleged harassment or discrimination.

Agency Complaint Procedure

Both the State and Federal governments have agencies whose purpose is to address unlawful discrimination in the workplace. If an individual who provides services to the Agency believes they have been harmed by an unlawful practice, and is not satisfied with the Agency’s response to the problem, they may file a written complaint with these agencies. For the State of California, the agency is called the Department of Fair Employment and Housing (“DFEH”). The local address for the DFEH is: 2218 Kausen Drive, #100, Elk Gove, CA 95758. For the Federal Government, the agency is called the Equal Employment Opportunity Commission (“EEOC”). The local address for the EEOC is: 1301 Clay Street, #1170, Oakland, CA 94612.

If, after an investigation hearing, either of these agencies finds that unlawful discrimination has occurred, the injured employee may, depending on the circumstances, be entitled to reinstatement or promotion, with or without back pay.

Retaliation

Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by Agency policy from retaliation for opposing unlawful discriminatory
practices, for filing an internal compliant under this policy or for filing a complaint with DFEH or EEOC, or for otherwise participating in any proceedings conducted by the Agency under this policy and/or by either of these agencies.

Section 4.13 Whistleblower Policy

Agency employees are required to observe and uphold a high standard of professional and personal conduct and ethics while fulfilling their job duties. All employees of the Agency should promptly report occurrences of illegal or unethical behavior or workplace wrongdoing (including violation of any law or Agency policy), and may do so without fear of retribution.

No employee shall directly or indirectly retaliate or cause retaliation to occur against any employee or person doing business with the Agency who reports alleged wrongdoing, including, but not limited to, intimidation, threatening, coercing, commanding or influencing another person to refrain from filing a good faith report of wrongdoing.

False Allegations

The Agency recognizes that making false accusations of workplace wrongdoing in bad faith can have serious consequences for those who are wrongly accused. To that end, the Agency prohibits employees from making knowingly false and/or malicious allegations, as well as knowingly providing false or materially incomplete information during an investigation.

Written Statements

Any Agency employee who wishes to report a work-related concern under this policy is encouraged to submit to the Human Resources Manager a written statement disclosing the relevant facts. If at all possible, this written statement should be filed within sixty (60) calendar days of the act or event giving rise to the allegation. The complaint must include the following information:

- The name, job title and department of the reporting employee;
- A clear statement of the complaint, including the date(s) upon which the event giving rise to the complaint occurred;
- The date of filing of the complaint; and
- The signature of the complainant.

Upon receipt of the written complaint, the Human Resources Manager will investigate the complaint, confer with the complainant in an attempt to solve the problem, and make a decision in writing. These steps will be completed within fourteen (14) calendar days after receipt of the complaint.
If the complainant is dissatisfied with the Human Resources Manager's written decision, they must so advise the Human Resources Manager within seven (7) calendar days after the decision. The Human Resources Manager will then forward the complaint and related documents to the General Manager for handling. Within twenty-one (21) calendar days after such notification, the General Manager will render a decision in writing. The General Manager's decision will be final.

If an employee is raising a complaint about the General Manager, Human Resources will direct the complaint to the Board of Directors and Agency Counsel.
Section 4.14 Gifts and Entertainment

Employees shall not accept or receive from any individual or entity outside the Agency any gift, gratuity, present, property or service of any kind or nature regardless of value, which may be directly or indirectly offered as a result, or in anticipation, of any employee's position with the Agency or performance of duties with the Agency.

Exceptions to the above include, for example:

- Unsolicited advertising or promotional materials of nominal intrinsic value such as pens and calendars;
- Awards for meritorious civic service contributions;
- Unsolicited consumable items that are donated to an individual employee or an entire work group during holidays; and
- Business related meals paid by a non-Agency employee where it is within general custom to do so (e.g. dinner provided by consultant at a conference; lunch included in a training/conference).

Section 4.15 Solicitation Policy

Solicitation (e.g. request to purchase or participate in an event) by employees during working hours is prohibited. Solicitation is allowed during breaks, lunch periods and before and after work hours, but solicitation is not permitted if it interrupts other employees' work performance or work hours. Subject to approval by the General Manager, solicitation documents may be posted on designated boards or routed through inner-office mail or email systems.

Non-employees may not solicit employees or distribute literature of any kind on Agency premises. Agency premises includes, but is not limited to: treatment plants; shop/equipment areas; pump station facilities, etc.

Section 4.16 Visitors

For reasons of safety and security, friends, relatives or other unauthorized persons should not visit Agency employees during working hours or at work locations without the express permission of supervisory personnel in advance of the visit. Should such advance notice not be practical or possible, employees are expected to exercise good judgment in their handling of an unforeseen visit, and should inform the visitor of the Agency's policy prohibiting such visits.
Visits for legitimate business reasons, such as touring the Agency's facilities or the employee's work location must be approved in advance by supervisory personnel. If the purpose is for an Agency tour, visitors will be required to complete Facility Tour documents and must comply with any safety requirements.

Section 4.17 Telecommuting Policy

Telecommuting is defined as working on a temporary, defined basis at home or at another remote location away from the primary workplace. The remote location must be linked electronically (via computer, telephone, internet service provider, etc.) to Agency systems and information resources.

Telecommuting may be approved temporarily based on business needs, emergency, reasonable accommodation, or otherwise to the extent required by law. Approval of a telecommuting arrangement must be in advance of the telecommuting time period, and is subject to approval by the General Manager or their designees. Any approved time periods for telecommuting must be indicated on the timesheet using the telecommuting project number designated annually by the Finance Department.

If a telecommuting arrangement is approved by the General Manager or designee, then a Telecommuting Agreement will be entered into by the employee and the Agency prior to the start of the telecommuting. Any such agreement is subject to the terms and conditions in the Policy.

Telecommute Assignment

Non-exempt employees are assigned a work schedule in the Agreement, including rest and meal breaks ("Work Schedule"). Any deviation from the Work Schedule must be approved in advance, in writing, by management. Non-exempt employees must take meal and rest breaks while telecommuting, just as they would if they were reporting to work at their Agency worksite.

Non-exempt employees who telecommute, just like those who work on-site, are not permitted to work outside their normal work hours without prior written authorization from their Supervisor. Failure by a non-exempt employee to secure such written authorization may constitute working unauthorized overtime.

Employees are required to maintain an accurate record of all hours worked at the remote worksite and must complete and turn in timesheets just as they would if they were working at their Agency worksite. In addition, employees must record all non-productive work time during the Work Schedule on their timesheet. Employees must notify their Supervisor promptly when unable to
perform work assignments because of equipment failure or other unforeseen circumstances.

**General Duties, Obligations and Responsibilities**

Employees authorized to telework, must meet the same standards of performance and professionalism expected of Agency employees at the worksite in terms of, e.g., job responsibilities, work product, timeliness of assignments and response to requests from other Agency employees and the public.

Employees who telework must continue to abide by practices, policies and procedures for requests of sick, vacation and other leaves of absence. That is, requests to work overtime, to take vacation, or take other time off from work must be pre-approved in writing by each employee’s Supervisor. If an employee becomes ill while working under an Agreement, they must notify their Supervisor immediately and record on their timesheet any hours not worked due to illness/injury.

Employees must report any work-related injuries that occur at the remote location to their Supervisor and Human Resources immediately.
Chapter 5

Hours, Meals and Rest Periods

Section 5.01  General Hours of Work

Normal days and hours of work for Agency employees are as follows:

A. Work Day: for full time positions the workday shall be eight (8) hours per day (excepting unpaid meal periods and those working an approved alternative work schedule) between the hours of 7:00 a.m. to 7:00 p.m.

B. Work Week: the workweek typically begins at 12:01 a.m. Monday and ends at 12:00 midnight Sunday.

C. Work Schedules: will be established for each employee by supervisory personnel who may change such schedules based on the needs and requirements of each position. Supervisory personnel, with Human Resources approval and notice to the affected employee, if possible, may also require an employee to work an unscheduled day in place of a scheduled day within the same workweek.

Each employee shall be scheduled to work a shift with regular starting and quitting times. Except in emergencies, the Agency shall try to give at least 72 hours’ advance notice of any changes in the established work schedule, including planned starting and ending dates of the changed schedule.

Section 5.02  Attendance

Consistent attendance and punctuality are considered imperative for efficient Agency operations and, therefore, an integral part of the expectations for each employee’s performance. Poor, uncertain or irregular attendance produces disruptive to Agency operations and continuity of work, lowers overall productivity, and often is burdensome to other employees.

The Agency expects every employee to arrive to work on time and fully prepared on each day that the employee is scheduled or required to work.
Employees are required to report to their designated work location at the prescribed time that their work activity is to commence. Tardiness, unexcused absence, or failure to report as required may result in disciplinary action. In the event an employee cannot report to work as scheduled, the employee must so notify supervisory personnel prior to their scheduled reporting time, or be prepared to provide evidence of extenuating circumstances. In all cases of an employee's absence or tardiness, the employee shall provide supervisory personnel with a truthful reason for the absence and, if applicable, probable duration of absence.

Section 5.03 Overtime, Call Back and Emergency Work Hours

As business or specific operational needs of the Agency dictate, it may become necessary for employees to be available for work beyond their daily or weekly work schedule, or to return to work after completion of their normal work schedule. Non-exempt employees who work more than 40 hours in the workweek, are eligible for overtime pay.

When calling employees to return to work for emergency duty, supervisors will attempt to provide as much of the following information as possible to enable employees to be prepared for the types of circumstances they may encounter when reporting for emergency work:
1. Supervisor’s name;

2. Nature and location of work employee will be performing;

3. If known, any safety and/or health equipment, clothing, environmental considerations, etc., of which the employee should be aware; and

4. If known, approximate duration of emergency duty assignment.

Section 5.04 Meal and Rest Periods

Employees are permitted to take meal and rest periods as scheduled by supervisory personnel. It is the intent of this policy to ensure that employees have the opportunity to meet their dietary and health needs, as well as to rest and relax periodically from assigned work tasks.

Unpaid meal periods of at least 30 minutes are provided to all full-time non-exempt employees. Employees are relieved of duty entirely and may leave the Agency’s premises if so desired during the meal period. An employee may be required under special operational circumstances to consume their meal while engaged in work. In such case, the employee will be paid for the meal period.

Employees will also be provided one 15-minute paid rest period during each continuous four-hour work period. Full-time employees may take two such rest periods; one during the first half of their work schedule and the other during the second half of their work schedule. Part-time employees working a schedule of four or fewer hours per day may take one paid rest period during each workday. Rest periods may not be combined with or added to an employee’s meal period, nor taken during the first or last work hour of scheduled worked, unless special conditions warrant the supervisor’s approval.
Chapter 6
Compensation and Payroll Practices

Section 6.01 Compensation Policy

It is the policy of the Agency to pay its employees in a competitive and equitable manner in order to attract and retain the most capable employees. To accomplish the basic intent of this policy, the Agency has established the following plan, provisions and standards for employee compensation.

Section 6.02 Pay Plan

The Agency has established a pay plan that assigns each different classification and position to a particular pay scale that the Agency believes is representative of prevailing rates in our locale and industry, taking into account the nature, scope and responsibilities of each different job. Pay rates can be found on the Agency’s website.

To assure that the Agency pay plan remains competitive and fair, a periodic review of pay rates will be conducted by the General Manager or designee. Based on the results of these reviews, and Board approval, some position pay rates may be adjusted. Individual pay rate increases may be granted, in the sole discretion of the Agency, based on the employee’s annual performance evaluation where meritorious work has been demonstrated during the preceding year, and where other factors, including the Agency’s fiscal condition, permits the increase. There is no guarantee of pay increase at the time of the annual review, or any other time.

A. Hiring Rate

All new employees are advised at the time of hire as to their starting rate of pay and their exempt or non-exempt classification status.

New non-exempt employees are generally be hired at a pay rate equal to the minimum rate assigned to the position. A new employee may be hired at a pay rate greater than the minimum in consideration of such relevant factors as advanced or specialized education/training, level of experience, possession of highly developed technical skills, demonstrated achievements, or labor
market competitiveness. However, no employee shall be hired at a pay rate higher than the mid-point of the respective pay range assigned for the position without prior approval of the General Manager and Board of Directors. Any proposed new hire rate above the minimum must be approved in advance by the General Manager.

B. Anniversary Date Pay Adjustment Eligibility
Employees may be considered eligible for pay adjustment consideration after completion of one year of service in the position, and approximately annually thereafter until the employee reaches the salary range or rate maximum based on annual performance evaluations.

Section 6.03 Exempt/Non-Exempt Classifications

Exempt employees who are absent from work for more than four hours in a given workday shall charge such time to accrued vacation, sick or personal leave, as appropriate.

Non-exempt employees are not be paid for time not worked unless the employee uses their accrued paid time off, such as holiday, vacation, sick or personal leave as described in Chapter 7 to cover the absence.

Section 6.04 Part-Time and Temporary Employees

Regular part-time employees are generally assigned a pay rate in the hourly equivalent of the rate established for the same full-time classification or position to which they are assigned. Such employees may be eligible for merit increase consideration in the same manner as full-time employees. Regular part-time employees working in a classification in which no full-time employees work shall have their base pay rate determined by the General Manager of Human Resources Department.

Temporary employees, whether full-time or part-time, will generally receive a base pay hourly rate equivalent either to the established full-time rate for their assigned position or a rate determined by the General Manager or Human Resources.
Section 6.05 Compensation for Work in a Higher Position and/or Special Assignment

The Agency may temporarily increase the compensation of employees who temporarily perform work in a higher position or for special temporary assignments to a higher classification.

Eligible employees will generally be compensated at the minimum salary of the higher position, or at least five percent above the employee's present salary.

Section 6.06 Overtime Compensation

It is the general policy of the Agency to avoid the necessity for overtime work whenever possible. Overtime shall be held to a minimum consistent with efficient operations.

All non-exempt employees are eligible to receive overtime compensation at the rate of one and one-half (1 ½) times their regular rate of pay for hours worked in excess of the 40-hour workweek.

The employee’s supervisor must approve all overtime worked by a non-exempt employee in advance. Overtime hours worked without supervisory approval is not permitted.

Hours taken off work by employees, but which are paid through the employee’s accrued paid vacation, paid holiday or paid sick time are not counted as time worked for the purpose of calculating overtime compensation.

Employees may elect to receive their overtime compensation either in paid time or in compensatory time off in accordance with Section 6.09. Employees who work overtime must record such time worked on their timesheet, and must indicate whether such time is to be paid for credited their compensatory time accrual.

A. Weekend Work

Employees who work on a Saturday and/or Sunday are not automatically eligible for overtime compensation. Rather, they are eligible for overtime compensation only if the weekend work results in the employee exceeding 40 hours worked in a single workweek. If work assigned on a Saturday and/or Sunday is part of an employee’s normal 40-hour weekly work schedule, such work is compensable at the employee’s basic rate.
B. **Holiday/Vacation Work**

Recognized holidays are days in which normal business operations are generally not performed. Eligible employees are compensated for recognized Agency-paid holidays at their base pay rate commensurate with the employee's normal work schedule. If the non-exempt employee is not scheduled to work, and does not work, on a recognized Agency-paid holiday, the holiday is generally not compensable. Eligible employees who work on paid holidays may be eligible for overtime compensation only if the holiday work results in the employee exceeding 40 hours worked in a single workweek.

If a fulltime employee is not scheduled for work on a recognized Agency-paid holiday due to an alternative work schedule, the employee will be allowed to take another day off in the same work week, providing the alternate day off is approved by the supervisor.

C. **Call Back Work**

If, after completing a normal work shift and having left Agency property, an employee is required to respond to an authorized order to return to duty or to perform emergency or non-scheduled work, the employee shall be provided a minimum of two hours of call back pay. Call back hours are normally compensated at 1.5 times the employee's normal hourly compensation. If the employee called back to work is required to work more than two hours, the employee will be compensated at the call back pay rate for the actual hours worked.

**Section 6.07 Compensatory Time Off**

In lieu of receiving pay for overtime hours worked, non-exempt employees may request, in writing, that their overtime hours be credited toward compensatory time off (CTO) at the rate of 1 ½ CTO hours for each 1 hour of overtime worked. Projects that re Grant or Loan Funded are not eligible for CTO; they must be compensated with overtime pay. CTO hours shall not be accumulated accrue in excess of 40 hours. The use of earned CTO time must be approved, in advance, by the requesting employee’s Supervisor and/or Department Manager.

Provided the employee gives seven (7) working days’ advance written notice to Human Resources, an eligible employee who has accrued CTO hours
may request that all or any portion of such hours be paid to them at their current regular hourly rate of pay on the next regular payroll.

Employees who accumulate the maximum 40 CTO hours shall have all subsequent overtime worked compensated at their overtime rate of pay in conjunction with the applicable payroll cycle. Once an employee has been paid out sufficient CTO time to reduce their CTO balance below the 40-hour maximum, the employee may again request that overtime compensation be in the form of CTO.

At the time of employment separation, employees who have any CTO hours shall be paid for such hours at their regular hourly rate of pay at the time.

Section 6.08 On Call/Standby Compensation/Guidelines

On Call staff provide emergency service during off hours (non-business hours), including weekends and holidays. The Operations & Engineering Manager is responsible for ensuring adequate on call coverage at all times. The Agency will normally assign employees on a rotating basis to serve as On Call staff.

The assigned On Call staff generally will cover the period of 7:00 a.m. Monday through 7:00 a.m. the following Monday.

Non-exempt employees who are required to make themselves available for On Call Duty shall be compensated at the Standby rate in the prevailing MOU. Calls requiring the employee to respond to duty for up to 2 hours will be compensated at a minimum of two hours paid at 1 1/2 the employee's regular hourly rate. In the event the employee is required to work in excess of two hours, the employee is paid at 1.5 times their normal hourly rate of pay for all actual hours worked. Generally, the On Call employee will be considered performing compensable work duties from the time they leave home to respond to the call until the time they return home.

On Call employees are expected to check SCADA twice each day on weekends and holidays. These checks are done from the employee's home by use of a laptop computer provided by the Agency. The few minutes spent performing the SCADA checks are compensated by the employee's daily on call rate.

On Call employees who are called in to work are expected to respond, to the extent possible, in 30 minutes or less. In order to facilitate an adequate response time when on call, on call staff may use their assigned Agency vehicle for transportation for Agency calls.
On Call staff will keep with them at all times an assigned pager (if applicable) and cellphone as described in the Cell Phone Policy. In addition, on call staff responding to calls to duty are required to wear some form of external identification such as an Agency shirt, hat or other form of Agency identification.

Employees on call are required to refrain from ingesting drugs, marijuana and/or alcohol during the on call period so they are able to safely operate a motor vehicle and/or perform work duties should they be required to report to work.

In cases when an on call employee is required to respond to a call, and works for three or more hours after 11:00 p.m., the employee may request the supervisor to reschedule the next day's work if needed.

On occasions when on call personnel may be required to work in dangerous street conditions, confined spaces, around hazardous chemicals, dangerous ditch situations, or in electrical panels, etc., a second person shall be called in by the Supervisor for safety purposes.

For call outs for major problems that involve particular health or safety concerns, the on call person shall inform the Operations & Engineering Manager, who will coordinate, direct and manage the situation.

If the on call employee is faced with problems that develop in the field that they are unable to handle individually, the employee should first contact the Supervisor. If the Supervisor is not available, then a Department Manager may be contacted, including the General Manager.

Section 6.09 Inclement Weather Compensation

Report for Duty

Any employee who is unable to work as scheduled because of inclement weather or other natural emergency may be entitled to receive pay for the full normal work day, provided they have reported to work and remain available for Agency duty. Under these circumstances, such employees may be required to assist with emergency calls, safety duties, or other assignments, or they may be required to perform miscellaneous duties as assigned.

Inability to Report

Employees who are prevented from reporting to work because of inclement weather may elect to use either accrued paid time off, or CTO, or to receive no compensation.
In both cases, if an employee has the ability to work remotely, the Supervisor or Manager may grant the ability to perform tasks remotely.

Section 6.10  Compensation - Attendance at Seminars, Outside Meetings and Travel

Job Related/Required Training and Development

Periodically, the Agency may request or direct individual employees to attend work-related activities away from the normal work location. Such activities may include attendance at lectures, meetings, training programs, conferences or specialized courses of instruction.

The employee may request to participate in such activities, but it will be regarded as an officially authorized activity only if the Department Manager, Human Resources and the General Manager have granted advance approval of the outside activity. Employees seeking approval to attend such training must submit a request to the supervisor detailing relevant information such as the date, hours, location, costs and expenses, nature and purpose of activity, and justification for attending. The Supervisor will submit to the Department Manager, Human Resources and General Manager for approval.

Classes or other specialized training that is not sought for the purposes of maintaining/improving existing job skills are not covered by this section.

Travel Compensation

Reasonable travel costs in connection with approved and bona fide business activities will be paid by the Agency. Whenever possible, the least expensive mode of travel should be used. The Human Resources Department typically arranges transportation for training and development opportunities.

Where an employee's personal vehicle has been selected as the approved mode of travel for a business-related activity, the employee is responsible to ensure that the vehicle is in sound and safe operating condition, and is adequately insured. In cases of business-related travel by personal vehicle, the employee will be reimbursed for mileage by the Agency at the standard IRS rate.

Travel time in connection with Agency-approved travel is considered compensable hours worked for non-exempt employees as follows:
1. One day travel, and travel that is done as part of the employee’s principal job activities (such as travel between job sites), is compensable hours worked, excluding the employee’s usual meal period and normal travel time between the employee’s residence and work location.

2. Overnight travel is compensable only for the time in which the employee is engaged in travel that occurs during the employee’s normal work hours and any travel time during which work-related activities are conducted.

Meal Allowance

Employees are eligible to seek reimbursement from the Agency for reasonable work-related meal expenses incurred while attending conferences, training seminars or other functions on behalf of the Agency. To be eligible for reimbursement, employees must submit to their supervisor a detailed expense report with supporting receipts attached, which shall be submitted to Human Resources.

Section 6.11 Cell Phone Stipend

Employees who are required to use their personal cell phones for work purposes are eligible for an stipend to cover these work related costs. The dollar amount of the stipend shall be $50.00 per month or the prevailing rate within respective MOUs.

This stipend does not constitute an increase in base pay and is not included in any percentage calculations for increased base pay. The stipend is taxable income and is paid through the payroll process.

The employee shall assume all responsibility for their personal cell phone. If their cell phone is damaged and/or destroyed for any reason, the Agency will not provide any compensation toward a new/replacement phone.

Section 6.12 Payroll Periods and Records

The Agency utilizes a bi-weekly payroll system consisting of 26 annual paydays. All non-exempt employees are required to complete accurate electronic payroll timesheets provided by Human Resources. Employees shall be provided
with the How to Complete a Timesheet Process as a guide for completing timesheets accurately during the Orientation Process.

Employees are required to provide their supervisor with complete bi-weekly timesheets no later than the Monday following the completed work period. The supervisors will review, approve, and forward the completed timesheets to the Administrative Office for processing. Entries on the timesheets should include:

A. The number of hours worked during each day on which the employee performs work for the Agency, excluding meal period. Non-exempt employees are cautioned not to commence work more than seven minutes prior to the designated starting time unless otherwise instructed by their supervisor.

B. Any time take as unpaid meal periods, paid absences, personal leaves, vacation, holidays and other such paid and unpaid status hours that are not actual work hours. Supervisors are required to review and verify the employee’s entries. Employees must initial any corrections.

C. Entries on the timesheets shall be rounded up to increments of .25 hours. For example: if the employee works for 10 minutes, the time entered on the timesheet shall be reflected as .25 hours.

No unauthorized employee, is permitted to enter any information on another employee’s time card, or to falsify information on their own time card. Any errors discovered in an employee’s timesheet while process, may be fixed by Human Resources, or require the employee to submit a corrected timesheet with Supervisor approval.

Should an employee need to make a change on a timesheet that has already been submitted, the employee must provide Human Resources with a signed note or email of the change to be made.

Section 6.15 Paydays

Paydays will be every other Friday to date with adjustments made as necessary and appropriate based on the prior two-week timesheets for, e.g., time off, chargeable tasks, on call, CTO use/accrual and overtime. Paycheck information is generally distributed by email no later than noon each payday. All employees are encouraged to receive paychecks through direct deposit (electronic banking). When paydays fall on an Agency holiday or bank holiday, paychecks are normally provided on the preceding workday.
Employees may make quarterly written requests of cash payouts for their accumulated CTO or accrued but unused vacation. The employee must maintain a minimum balance of 40 hours when requesting vacation cash out. A Request for Cash Out form must be completed and submitted to Human Resources for processing. The request will be processed with the next available payroll unless otherwise designated on the form.

Section 6.16 Payroll Deductions and Attachments

Mandatory Deductions

Mandatory deductions are those deductions from employee paychecks that are required to be made by law. Such deductions include, for example, state and federal income tax withholding, social security and wage garnishments.

Voluntary Deductions

Voluntary deductions are those requested by employees to be made on their behalf, and may include such items as the employee's contribution to a recognized employees' association, deferred compensation plan and/or credit union. Voluntary deductions are not be made without the employee's written request or authorization and advance approval by the Human Resources Department.
Section 6.17  Compensation Upon Employment Separation

It is the policy of the Agency to provide final compensation to separating employees in a timely and accurate manner. Discharged employees will generally receive their final paycheck at the conclusion of their last workday.

Resigning employees who give a minimum of 72 hours' advance written notice generally receive their final paycheck at the conclusion of their last workday; otherwise the paycheck will be sent by mail to their last known address on the next regular payday.
Chapter 7

Employment Benefits

Section 7.01 General Provisions and Applications

The Agency strives to provide the most reasonable, most equitable, and cost-effective benefits for employees in recognition of the importance employment benefits have on the economic and personal welfare of each employee. Employees should likewise recognize that the benefit program described herein is a significant supplement to each eligible employee’s pay.

The Agency’s benefit programs generally apply to all regular full-time and regular part-time employees, whether exempt or non-exempt status, unless otherwise provided in a particular benefit plan or policy.

Section 7.02 Pro-rata Benefits and Cost

Where regular part-time employees work a regularly scheduled workweek of twenty (20) or more hours per week, but fewer than forty (40) hours per week, some benefits, as designated, are determined on a prorated amount based on the number of hours the employee is regularly scheduled to work. Similarly, regular part-time employees may be eligible to receive a proportional amount of Agency contribution toward Agency-sponsored plans.

Section 7.03 Mandated Benefits

Social Security/Medicare

Employees and the Agency are required to contribute toward federal Social Security and Medicare benefits from the first day of employment. The amount deducted from an employee’s wages, together with the Agency’s contribution, funds social security benefits. Both the employee’s and the Agency’s contribution rate is established by law and represents a percentage of the employee’s earnings. Social Security provides four basic benefit provisions consisting of: retirement income, disability benefits, death benefits and retirement healthcare. Eligibility varies among the benefits, and entitlements are subject to individual circumstances too detailed for explanation here. Booklets explaining these details are available by contacting the nearest Social Security office.
Workers' Compensation

The Agency pays the entire amount of the workers' compensation insurance premium that provides benefits to employees who experience injury or illness in connection with Agency employment. Coverage for workers' compensation automatically begins on the first day of employment. Benefit entitlements are governed by state law. If employees have questions concerning their rights or benefit amounts, they should contact the Human Resources Department, the Agency's workers' compensation carrier (ACWA/JPIA), or the Public Information Officer at the State Workers' Compensation Appeals Board.

When an employee is injured on the job, the employee and supervisor must complete an injury report form within 24 hours immediately following the injury or illness and submit the form to the Human Resources Department.

Family and Medical Leave Act and California Family Rights Act (FMLA and CFRA) Leaves of Absence

The federal Family and Medical Leave Act and the California Family Rights Act (FMLA/CFRA) provide eligible employees the opportunity to take unpaid, job-protected leave for certain specified reasons. The maximum amount of leave employees may use under this policy is twelve (12) weeks within a twelve (12) month period, except as otherwise required by law.

To be eligible for FMLA/CFRA leave under this policy, employees must:

1. Have worked at least twelve (12) months for TTSA in the preceding year; and
2. Have worked at least one thousand two hundred fifty (1,250) hours for TTSA over the twelve (12) months preceding the date the leave would commence.

In addition, to be eligible to take an FMLA leave, an employee must work at a location where there are at least 50 employees within a seventy-five (75) mile radius.

FMLA and/or CFRA leave may be taken for any of the following reasons:

1. To care for or bond with a newborn child.
2. To care for or bond with a child placed with the employee for adoption or foster care.
3. To care for an immediate family member (employee's spouse, registered domestic partner, child, parent, grandparent, grandchild, or sibling) with a serious health condition.
4. Because of the employee's serious health condition that makes the employee unable to perform their job.
5. A "qualifying exigency" arising out of the fact that the employee's spouse, domestic partner, child, or parent is on, or has been notified of an impending call to, "covered active duty."

Once Amador Water Agency determines an absence is for an FMLA/CFRA-qualifying reason, it will designate the absence as FMLA/CFRA.

Generally, a "serious health condition" is an illness, injury, impairment or physical or mental condition that involves either an inpatient care in a medical care facility or continuing treatment by a health care provider, and either prevents the employee from performing the functions of their job or prevents the qualified family member from participating in school or other daily activities.

The Agency measures the period of twelve (12) months in which leave is taken by a rolling calendar period. This means that when an employee requests leave for a qualifying reason, the Agency will look back over the past twelve (12) months to determine whether the employee has any remaining FMLA/CFRA time.

FMLA/CFRA leave for the birth of a child, or placement of a child for adoption or foster care, must be concluded within twelve (12) months of the child's birth or placement.

Eligible employees may take FMLA/CFRA leave in a single block of time, or intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member.

Intermittent leave for the birth of a child, to care for a newborn child or for the placement of a child for adoption or foster care generally must be taken in at least two-week increments, with shorter increments allowed on two occasions.

Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Agency's operations.

Employees are required to use applicable accrued paid time off (such as paid sick time, vacation, administrative or compensatory time, etc.) concurrently with the FMLA/CFRA leave, to the extent permitted by law.

The only exception to the above is during any period in which the employee is receiving temporary disability benefits (e.g., for workers' compensation or short-term disability, including pregnancy-related disability), or if the employee is taking FMLA leave for pregnancy-related disability, then the employer cannot require the employee to substitute their accrued paid time off in coordination with those disability benefits. However, the employer and employee may agree to do so.
Once the employee's accrued paid time off is exhausted, the remainder of the FMLA/CFRA leave is unpaid time off.

The Agency maintains health care coverage for employees on approved FMLA/CFRA leave on the same terms as if employees had continued to work. Use of FMLA/CFRA leave does not result in the loss of any employment benefit that accrued prior to the start of leave.

When seeking leave under this policy, employees must provide to HR the following:

1. Thirty (30) days’ advance notice of the need to take FMLA/CFRA leave if the need for leave is foreseeable, or notice as soon as practicable in the case of unforeseeable leave.
2. Medical certification supporting the need for leave due to a serious health condition affecting the requesting employee or an immediate family member.
3. Medical certification of release to return to work, including any restrictions on the ability to work and the duration of such restrictions, if the leave was due to the employee’s serious health condition.

The Agency will inform employees whether they are eligible for leave under the FMLA/CFRA. Should employees be eligible for FMLA/CFRA leave, the Agency will provide them with a notice that designates the leave as FMLA/CFRA, and that specifies any additional information required, as well their rights and responsibilities, and a guarantee of reinstatement to the same position or a comparable position upon conclusion of their protected leave. If employee is not eligible for FMLA/CFRA leave, the Agency will provide a reason for the ineligibility.

Upon returning from FMLA/CFRA leave, employees will be restored to their original position or to an equivalent position with equivalent pay, benefits and other employment terms and conditions, to the extent required by law.

For more information regarding leave under this policy, employees should contact Human Resources.

**Pregnancy Disability Leave**

An employee disabled by pregnancy, childbirth or related medical conditions may have a right to take pregnancy disability leave (PDL). Employees may take up to four (4) months of unpaid PDL, depending upon the period(s) of the employee’s actual disability as certified by the treating health care provider. When medically necessary, PDL may be taken in intermittent periods, provided that the total leave taken does not exceed four (4) months.
An employee returning from PDL will be reinstated upon the conclusion of the leave to the extent required by law. Employees on PDL will continue to be provided health insurance coverage under the same terms and conditions as if the employee were actively employed during the leave.

If possible, the employee must provide reasonable advance notice of the need for leave. Employees requesting leave under this policy must submit a medical certification from their health care provider to supporting the request for leave. Upon conclusion of the leave, the Agency requires the employee to submit a medical certification from their health care provider stating that the employee is able to resume work, with or without restrictions.

Employees on PDL may elect to use accrued vacation and/or compensatory time off during the leave. Employees wishing additional information regarding pregnancy disability leave, or to request a leave, should contact the Human Resources Department.

**Parental Leave**

Under the Parental Leave Act, employees may be eligible for up to twelve (12) weeks of unpaid parental leave to bond with an employee's new child within one year of the child's birth, adoption or foster care placement.

To be eligible for the leave, the employee must: 1) have been employed by the Agency for at least twelve (12) months; and 2) have at least 1,250 hours of service during the previous 12-month period.

Upon return from a parental leave, the employee will be reinstated to the same or comparable position to the extent required by law.

During the leave, the employee is entitled to use accrued vacation pay, paid sick time, or other accrued paid time off. The employee will continue to receive group health insurance during the leave under the same terms and conditions as if the employee were actively employed during the period.

**Section 7.03 Agency Sponsored Discretionary Benefits**

**Healthcare Insurance**

The Agency makes the following healthcare insurance plans available to: all regular full-time employees; those regular part-time employees who are regularly scheduled to work an average minimum of 20 or more hours per week; and eligible dependents of either of the above:

1. **Medical:** Basic benefits of this plan consist of routine medical care, hospitalization, prescription drugs, and major medical expenses.
The types of coverage and benefit payment schedules are described on ACWA/JPIA’s website, or on the bswift employee site, or available from Human Resources.

2. Dental: Basic benefits of this plan consist of preventive dental care which includes diagnostic and preventive treatment, oral surgery, restorative, and prosthodontic benefits. The types of coverage and benefit payment schedules are described in the Delta Dental Group Dental Plan booklet available to all eligible employees through the Human Resources Department.

3. Vision: Basic benefits of this plan consist of routine vision examination, professional services, lenses and frames. The types of coverage and benefit payment schedules are described in the Vision Service Plan pamphlet available to all eligible employees through the Human Resources Department.

**Agency Contributions for Eligible Employees**

Medical Plan: Eligible employees become qualified to participate in the Agency’s Medical Plan effective the first day of the month following their hire date and completion enrollment. For all eligible employees and their eligible dependents, the Agency contributes an amount towards funding the Medical Plan benefits as per the respective MOUs.

Dental Plan: Eligible employees become qualified to participate in the Agency’s Dental Plan effective the first day of the month following completion of sixty (60) days of continuous employment. For all eligible employees and their eligible dependents, the Agency pays 100% of dental plan premiums.

Vision Plan: Eligible employees become qualified to participate in the Agency’s Vision Plan effective the first day of the month following the completion of sixty (60) days of continuous employment. For all eligible employees and their eligible dependents, the Agency pays 100% of vision plan premiums.

Employee Assistance Program: Eligible employees becomes qualified to participate in the Agency’s Employee Assistance Plan (EAP) effective the first day of the month following completion of sixty (60) days of continuous employment. For all eligible employees and their eligible dependents, the Agency pays 100% of EAP plan premiums.

**Retirement Healthcare Program Enrollment**

Eligible employees are required to complete and be actively participating in the Agency’s healthcare programs prior to retirement. Enrollment forms and
policy booklets describing benefit provisions of each plan are available from the Human Resources Department.

Retiree Medical Benefit Tiers are described below. Employees hired prior to January 8, 2018 will continue to have a right to the Agency’s group retiree medical insurance program at the Tier in which they were hired, including (i) the right to access the same group plan as active employees, (ii) the right to have their insurance premiums paid by the Agency in accordance with the Vesting Schedule below or the requirement of the Tier they were hired into, and (iii) the right to remain in the same insurance risk pool as active employees. This right is perpetual. At age 65 (or Medicare eligibility), the Agency’s health plan will continue as a right, but will become secondary or supplemental to Medicare, depending on the Tier hired into. If the employee and/or dependent does not enroll in Medicare, the Agency’s plan will be terminated. If in Tier 3, the Agency insurance terminates at Medicare eligibility.

The retiree must enroll in the plan he/she wishes to retire into during the open enrollment period prior to retirement. There can be no lapse in coverage between the date of retirement and the date retiree benefits begin. The employee must transfer directly from active to retired status. The employee and his/her dependents at the time of retirement are eligible. If the employees does not elect retiree medical insurance by the date of retirement, he/she will not be eligible in the future. If the retiree and/or dependent(s) is removed from coverage for any reason (including nonpayment), he/she and/or they will not be eligible for reinstatement.

Extension, Termination or Conversion of Healthcare Plans
1. Retirement Tier 1. Employees hired by Amador Water Agency on or before November 1, 2004: Upon retirement from Agency service, regular full-time or eligible part-time employees who have reached the age of fifty (50) and have served a minimum of five (5) years of accumulated CalPERS service, are eligible for continued medical insurance coverage. Such insurance shall include the employee and his/her eligible dependents at the time of retirement. At such time the employee and/or his/her dependents become eligible for Medicare coverage, the Agency’s policy will provide only supplemental or secondary coverage to Medicare. Retired employees will be required to contribute toward the cost of such insurance as provided in the prevailing memorandum of understanding.

2. Retirement Tier 2. Employees hired by Amador Water Agency after November 1, 2004 and prior to July 24, 2014: Upon retirement from Agency service, regular full-time and regular part-time employees who have reached age fifty (50), have served a
minimum of ten (10) years of continuous service with Amador Water Agency immediately preceding retirement are eligible for retiree medical insurance coverage which shall include the employee and their eligible dependents at the time of retirement. At such time the employee and/or his/her dependents become eligible for Medicare coverage, the Agency’s policy will provide only supplemental or secondary coverage to Medicare. Retired employees will be required to contribute toward the cost of such insurance, per CalPERS Government Code Section 22893 and Resolutions 2004-58 and 2004-59, as follows:
Credited Years of Service with CalPERS | % Agency Contribution | % Employee Contribution
---|---|---
10 | 50% | 50%
11 | 55% | 45%
12 | 60% | 40%
13 | 65% | 35%
14 | 70% | 30%
15 | 75% | 25%
16 | 80% | 20%
17 | 85% | 15%
18 | 90% | 10%
19 | 95% | 5%
20 | 100% EE/90% Dep | 10% Dep

Note: at 20 years of service the Agency will pay 100% of the employee's premium and 90% of the dependent premium up to the Base Plan (Anthem Advantage PPO).

3. Retirement Tier 3. Employees hired between July 24, 2014 through January 7, 2018 will be eligible to receive medical insurance coverage upon retirement up to the employee's eligibility for Medicare, either age 65 or the age as set forth by US Federal Government Medicare Policy. Coverage will terminate upon employee Medicare eligibility for the employee and dependents. If the dependent reaches Medicare eligibility prior to the employee, the dependent's coverage will terminate upon his/her Medicare eligibility. Retired employees will be required to contribute toward the cost of such retiree insurance per the Vesting Schedule in Tier 2.

4. Retirement Tier 4. Employees hired on or after January 8, 2018 will not be eligible to participate in Retiree Medical Benefits. Upon hire, employees in this tier will be enrolled in the Agency’s ICMA-RC Retiree Health Savings Program. The Agency will contribute $100 per month into an account for the employee to use for future retiree medical expenses. The Agency will match up to an additional $100 per month if the employee chooses to contribute to the plan.

Death of an Employee. Enrollment shall be continuous following the death of the employee so long as the surviving family members meet the eligibility requirements. No person is eligible if he/she becomes a family member of a surviving spouse after the member’s death. If a surviving spouse remarries and is eligible to enroll in his/her spouse’s plan, the Agency’s coverage will terminate. This provision is in effect for all Tiers.
Medicare. Retirees and family members eligible for Medicare in Tiers 1-2 must enroll in Medicare Part A and Part B. The Agency's plan shall become secondary or supplemental. Retirees and family members shall not enroll in Medicare Part D if they wish to continue Agency health coverage. If a retiree or family members enrolls in Medicare Part D, the Agency's coverage for the retiree and family will be terminated.

Premiums. Failure to timely pay the required premiums and costs, or cancelation by the retiree, shall terminate coverage without the option to reenroll. If payment is not received by the Agency within 30 days of the due date, the Agency shall make one attempt to contact the retiree. If the premium still remains unpaid, the retiree and/or family members shall be deemed to have canceled their coverage and the Agency shall terminate coverage.

Termination. Agency contributions towards healthcare benefit coverage under the Agency's healthcare insurance plan for active employees terminate as of the last date of the month following the month in which an employee resigns, or is terminated from, employment for reasons other than retirement meeting the criteria above.

Section 7.04 Agency Sponsored Benefits: Retirement, Life and Disability

Retirement Plan
In order to supplement retirement income received by qualifying employees under the federal Social Security system, the Agency has contracted to participate in the State of California's Public Employees Retirement System (CalPERS) “2% at 55” Plan, 2% at 50, and 2% at 62 Plans based on the highest average compensation of three (3) consecutive years. For plan eligibility, details and specifics refer to CalPERS website, employee’s MyCALPERS account, or contact the Human Resources Department.

Term Life Insurance
Non-exempt Employees receive a term life insurance policy paid monthly by the Agency for a benefit amount equivalent to one year of the employee’s annual base pay, not to exceed $150,000. Exempt employees receive a term life insurance policy paid monthly by the Agency for a benefit amount equivalent to one and a half years of the employee’s base pay, not to exceed $300,000. Employees become eligible for this benefit on the first day of the month following completion of sixty (60) days of continuous employment. For plan eligibility and details, refer to plan documents or contact the Human Resources Department.
Personal Disability Insurance

Employees are covered by the Agency's paid personal disability insurance plan. This plan provides some compensation to employees who are temporarily unable to work due to personal (i.e. non-work related) injury or illness. For the initial ninety (90) days, the employee may receive an insurance benefit equivalent to sixty-six and two-thirds percent (66 2/3%) of their base monthly pay not to exceed $750/week.

If the temporary disability continues for a period exceeding ninety (90) days, the Agency's long term disability insurance plan may provide the eligible employee an insurance benefit equivalent to sixty percent (60%) of the employee's base monthly pay for a defined period of time. There is no waiting period for insurance benefits in the case of injury; however, there is a seven (7) day waiting period for illness.

For additional information, Agency employees should review the plan documents or contact Human Resources.

Section 7.05 Agency Sponsored Benefits: Leaves

Holidays

The following holidays are observed by the Agency. All full-time employees, both Probationary and regular, are provided the following days off with pay, provided the employee was normally scheduled to work on the day that is observed as a holiday:

<table>
<thead>
<tr>
<th>HOLIDAY</th>
<th>DATE OBSERVED</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Year's Day</td>
<td>January 1</td>
</tr>
<tr>
<td>Martin Luther King Jr. Day</td>
<td>Third Monday in January</td>
</tr>
<tr>
<td>Washington's Birthday</td>
<td>Third Monday in February</td>
</tr>
<tr>
<td>Memorial Day</td>
<td>Last Monday in May</td>
</tr>
<tr>
<td>Independence Day</td>
<td>July 4</td>
</tr>
<tr>
<td>Labor Day</td>
<td>First Monday in September</td>
</tr>
<tr>
<td>Columbus Day</td>
<td>Second Monday in October</td>
</tr>
<tr>
<td>Veterans' Day</td>
<td>November 11</td>
</tr>
<tr>
<td>Thanksgiving Day</td>
<td>Fourth Thursday in November</td>
</tr>
<tr>
<td>Day After Thanksgiving Day</td>
<td>Friday following Thanksgiving</td>
</tr>
<tr>
<td>Christmas Eve Day</td>
<td>December 24</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>December 25</td>
</tr>
</tbody>
</table>

In addition to the above, full-time employees are eligible to receive one (1) personal paid holiday per year, granted each January 1. Newly-hired employees who commence employment after January 1 are granted a pro rata personal holiday based on their hire date once they have completed a minimum of six (6)
months of continuous Agency service. Employees may request to take their personal holiday on a date mutually agreed to in advance by the employee and their Supervisor and/or Manager. The Agency reserves the right to deny requests for personal holidays. Personal holidays not used by the end of the calendar year in which it was granted shall be paid out at the employee’s then-current salary by the first pay period in February of the following year.

Recognized Agency holidays occurring on a Saturday will be observed on the preceding Friday, and Sunday holidays will be observed on the following Monday. Should a holiday occur during an employee’s scheduled vacation leave, the employee may elect either to receive a paid holiday absence for the day (and not be charged a vacation day), or extend their vacation leave by the number of holidays occurring during the scheduled vacation leave period.

To be eligible for holiday pay, an employee must work the last regularly scheduled workday preceding the holiday and the first regularly scheduled workday following the holiday, unless the absence is approved by the supervisor, or the employee is on a paid time off status. Employees on an unpaid leave of absence for any reason at the time of the holiday observance are ineligible for holiday pay.

**Holidays: Part-Time Employees**

Paid holiday time provided to eligible part-time employees is prorated on the basis of the number of hours per day the employee is regularly scheduled to work, assuming the holiday falls on the part-time employee’s regularly scheduled workday.

**Accrual of Paid Vacation**

Employees benefit when they use accrued scheduled time off to relax and to return to work in a revitalized condition. Accordingly, the Agency has adopted the following paid vacation policy.

1. **Eligibility**

   Employees eligible to accrue paid vacation time under this policy are regular and probationary full- and part-time employees. Employees are eligible to take vacation only after it is accrued. Probationary exempt and non-exempt employees may not use accrued vacation until successful completion of at least six (6) months of continuous service.

2. **Accrual/Use**

   Eligible employees earn vacation credit beginning on their initial date of employment. Vacation credit shall not accrue during any
unpaid periods of leave. Eligible full-time employees accrue vacation credit based on the following schedule of service:

<table>
<thead>
<tr>
<th>Service Length in Years</th>
<th>Days Earned Per Year</th>
<th>Hours Accrued Per Month</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – completion of 2 years</td>
<td>10</td>
<td>6.67</td>
</tr>
<tr>
<td>Beginning of 3 – completion of 5</td>
<td>12</td>
<td>8.00</td>
</tr>
<tr>
<td>Beginning of 6 – completion of 8</td>
<td>15</td>
<td>10.00</td>
</tr>
<tr>
<td>Beginning of 9 – completion of 11</td>
<td>18</td>
<td>12.00</td>
</tr>
<tr>
<td>Beginning of 12 – completion of 14</td>
<td>21</td>
<td>14.00</td>
</tr>
<tr>
<td>Beginning of 15 and over</td>
<td>25</td>
<td>16.67</td>
</tr>
</tbody>
</table>

Part-time employee accrue paid vacation on a pro rata basis.

Employees are encouraged to use a minimum of five consecutive vacation days per year.

Selection of vacation dates is subject to approval of the employee’s supervisor, with preference given to employees with longer Agency service in the case of conflicting vacation requests. Employees are requested to submit their vacation requests at the beginning of each quarter, and in writing, to the employee’s Supervisor, Department Manager and Human Resources. Employee requests for any changes to approved vacation requests must be submitted by the employee to their Supervisor and/or Department Manager at least ten (10) working days prior to the requested start date.

3. Maximum Accumulation and Carry Over
In the event an employee is not able to take all of the vacation he/she accrues in a calendar year, the employee shall be permitted to carry over the unused portion of vacation credit, provided that on December 31 of any calendar year: (i) the non-exempt general unit employee shall not have a total credit of more than one and one-half (1 ½) times their annual vacation entitlement; the non-exempt supervisor unit employee and exempt employee shall not have a total credit of more than two (2) times their annual vacation entitlement. Any vacation entitlement in excess of the permitted carryover amount will be paid to the employee in February each calendar year through the payroll process.

4. Hospitalization/Medical Treatment During Vacation
If an employee is hospitalized or becomes injured or ill while on vacation, the period of the employee’s injury or illness may be charged to sick leave upon presentation of a doctor’s certificate confirming the injury or illness.
5. Termination
Employees who leave employment with the Agency for any reason will be compensated for all accrued but unused vacation days.

Exempt Administrative Leave
Only exempt employees are eligible for paid administrative leave. Eligible exempt employees are granted administrative leave on January 1 of each year. If an employee becomes eligible for paid administrative leave after January 1, the employee may be entitled to receive a pro rata number of paid administrative leave based upon the eligibility date.

Unused leave does not carry over from one calendar year to the next. Instead, any paid administrative leave hours that are unused in the year granted, will be paid out in February of the next calendar year.

Sick Leave
Employees may request to use sick leave for illness and injury of themselves, of an immediate family member, for extended bereavement leave, or otherwise as permitted by law.
1. Eligibility/Accrual
Regular and probationary full-time employees accrue paid sick leave from their date of employment at the rate of eight (8) hours per month. Part-time employees accrue paid sick leave on a pro rata basis based on the number of hours they are regularly scheduled to work. Initial probationary full-time and part-time employees may not use paid sick leave hours during the first sixty (60) calendar days of employment.

All other categories of employees ("Other Employees") are granted three days (24 hours) of paid sick leave upon their date of hire, which they can request to use for a qualifying reason once they have completed 90 days of employment. Other Employees who do not use all of their granted sick leave by the next anniversary of their date of hire will lose the old sick leave, and will be immediately granted three new days of paid sick leave entitlement, on their anniversary date.

2. Use of Sick Leave
Employees request to use sick leave, when foreseeable, must give their immediate supervisor reasonable advance written or oral notice. If the need for sick leave is not foreseeable, the employee shall provide notice of the need for the leave as soon as practicable.

If the employee is required to be absent on sick leave for more than one day, the employee must keep the immediate supervisor informed as to the date the employee is expected to return to work and the general purpose of the leave. Employees are not required to provide an underlying diagnosis for taking paid sick leave.

a) Sick Leave: Self
An employee may request to use sick leave for; their own injury or illness that leaves the employee temporarily unable to perform the job duties; or for the employee’s dental, eye or other physical or medical examination or treatment by a licensed practitioner that cannot be scheduled during off-duty hours.

For absences of more than three (3) days, medical certification may be required. Medical certification may also be required for absences of shorter duration, in the Agency’s discretion.

b) Sick Leave: Immediate Family Member
An employee may request use of sick leave to care for an immediate family member who is injured or ill. For purposes of this policy, "immediate family member" means a parent, child, spouse or domestic partner of the employee, grandparent or grandchild, or sibling.

For absences of more than (3) days for this reason, medical verification of the need for the employee’s care of the family member will be required. Leaves for this purpose are generally limited to six (6) working days per calendar year, unless a longer leave is required by law.

c) Sick Leave: Bereavement/Funeral Leave
Regular and probationary (following 60 days of employment) full-time employees are entitled to three (3) days of paid leave to attend the funeral, or take care of final affairs, in the event of a death of an immediate family member. This leave benefit is in addition to regular accrued sick leave. Regular and probationary part-time employees are entitled to a pro rata benefit. All other employees may use any or all of their granted paid sick leave benefit for this purpose, once the 90-day service requirement is met.

The employee requesting bereavement leave must receive Supervisor or Department Manager approval prior to use, with immediate notification to the Human Resources Department by either the employee, Supervisor or Department Manager.

3. Compensation for Unused Sick Leave
Employees are not paid out for accrued but unused paid sick leave at any time, including termination of employment. The sole exceptions to this are as follows:

a) Following the completion of ten (10) years of Agency service, full-time employees who are laid off per the Reduction in Force procedures are entitled to payment for twenty percent (20%) of their unused paid sick leave hours accrued to the Reduction in Force date at their prevailing base hourly rate of compensation.

b) Following the completion of at least five (5) years of continuous Agency service, an eligible employee retiring under the Agency’s CalPERS retirement plan shall receive additional service credit at the rate of 0.004 years of service.
for each day of unused sick leave (i.e., 250 days of accrued sick leave equals 1 additional year of service credit).

c) Unused accrued paid sick leave is not cashed out upon termination, resignation, retirement, or other separation from employment except as outline in 3.a) and 3.b) above.

4. Limitations
Sick leave may be granted in minimum units of one-half (1/2) hour. The use of any sick leave taken must be so noted on the employee's payroll timesheet for each pay period in which paid or unpaid sick time is taken.

5. Non-Work Related Medical Absence from Work

An employee who is temporarily unable to work due to non-work related injury or illness (including pregnancy related conditions), may be eligible for compensation based on the terms, conditions and provisions of the Agency’s Disability Insurance Plan, if eligible and enrolled (see Section 7.6.B).

6. Work Related Medical Absence from Work

An employee who is temporarily unable to work due to an injury or illness that arises out of, and in the course of employment with the Agency, may be eligible for compensation through the Agency’s workers’ compensation insurance carrier and in accordance with state law.

Employees who are absent from work due to a temporary medical condition lasting for thirty (30) calendar days or more will have their anniversary date for performance evaluation purposes extended by approximately the number of days absent.

Jury Duty and Court Appearance

Regular full-time and regular part-time employees are eligible to request to receive full pay for Jury Duty or a witness appearance for up to a maximum of five (5) business days. If the required jury duty or other court appearance continues for more than five (5) days, the employee will be provided unpaid time off for this purpose.

All other categories of employees are provided unpaid time off to fulfill their mandated jury service or witness duty.
Employees obligated to serve jury or witness duty must promptly notify their supervisor and keep their supervisor apprised of the nature and duration of service, when known.

Employees who are scheduled to begin a day’s jury/witness duty two or more hours after their normal work day commences, or who conclude jury/witness duty two or more hours prior to the completion of their normal work day, are required to call their supervisor to determine whether or not the supervisor wants them to report to work prior to, or after, such jury/witness duty.

**Military Leave**
Employees who enter the Armed Forces, or who are members of the National Guard or of a reserve component of the Armed Forces, of the United States will be granted leaves of absence in accordance with federal and state laws governing such leaves.

**Personal Leave of Absence**
Regular full-time and regular part-time employees may request a personal leave of absence without pay for a period not to exceed one (1) year. Consideration of whether to approve such a leave is within the sole discretion of the Agency. Requests for a personal leave of absence should be submitted in writing to the General Manager as far in advance of the anticipated leave date as possible. The leave request must be dated, signed by the employee, and must state the reasons, circumstances and anticipated duration of the leave.

Upon expiration of an approved personal leave of absence, the employee may be reinstated in the position held at the time leave was granted, or to an equivalent position, if such a position is available. However, there is no guarantee of reinstatement following a personal leave of absence. An employee who fails to report promptly for work at the expiration of a leave of absence will be considered to have voluntarily resigned.

Upon returning from a personal, or any leave of absence of thirty (30) calendar days or more, the employee’s anniversary date for annual performance evaluations will be extended by the number of days absent.
Section 7.06  Miscellaneous Discretionary Benefits

Employee Association Deductions

Upon written request and authorization of the employee, the Agency shall initiate payroll deductions in the amount designated by the employee for dues for any recognized Agency employee association until the request is withdrawn or the employee separates from Agency service.

IRS Section 125 Plan

Upon written request and authorization, eligible employees may participate in the Agency's IRS Section 125 Plan. Eligible contributions under this plan are considered pre-tax dollars and are currently limited to the employee's portion of insurance premium co-payments, dependent care, unreimbursed medical expenses and some policies offered by the Section 125 Plan Administrator.

Deferred Compensation Plan

Upon written authorization by an eligible employee, the Agency shall initiate payroll deductions in an amount designated by the employee for any contributions to the Agency deferred compensation plans. The Agency offers either ING Deferred Compensation Plan or CalPERS 457 Deferred Compensation Plan. Effective July 1, 2020, if the employee elects to enroll in deferred compensation and enrolls in the matching provision, the Agency shall match the employee's deferrals up to 1% of the employee's salary prior to the deferrals or the prevailing rate within ratified MOU.

Contributed Time Bank

If an Agency employee becomes catastrophically ill or injured, or if the spouse, registered domestic partner, child or parent of such employee becomes catastrophically ill or injured, other employees ("donating employees") may voluntarily donate accrued paid vacation or sick leave hours to a Contributed Time Bank ("CTB") for the affected employee ("recipient"). All donations must be approved by the General Manager or designee and shall be made in accordance with and under the following conditions:

- All donations must be in whole hours. Total donations from one donating employee may not exceed forty (40) hours of accrued paid time off in any twelve (12) month period. Donating employees may not deplete their paid sick or vacation to fewer than forty (40) hours.
- The recipient may receive an unlimited number of donations in hours. The donated hours can only be used after all of the recipient's accrued vacation, sick leave and CTO hours have been exhausted.

- Use of donated time in the recipient's CTB may not exceed four months in any twelve-month period. If the recipient's need still exists after this time, a new CTB may be initiated with the General Manager's approval.

- Donations must be made on the designated Agency form to be signed by the donating employee and subject to approval by the General Manager or designee.

- The recipient's CTB shall be terminated upon the recipient's return to work, termination, placement on permanent disability, retirement, death or other circumstance eliminating the need for CTB pay out.

- The recipient shall not retain or be compensated for any donations remaining in a terminated CTB that have not been used. Unused CTB donations shall be returned to the appropriate donating employee.

- This policy is not subject to the grievance and arbitration policies of the Agency.
Chapter 8

Performance Evaluation and Promotion

Section 8.01 Performance Evaluation Policy and Standards

It is the policy of the Agency that regular evaluations be completed regarding the performance of its employees. Employee performance evaluations are intended to assist with employment decisions including training, merit pay increases, job assignments, employee development and retention. The purpose of performance evaluations is to identify specific performance standards and objectives; to acknowledge above-standard performance; and to prescribe needed corrections for any performance deficiencies.

Section 8.02 Probationary Employment Evaluations

Each non-exempt employee will generally receive a formal performance evaluation from their immediate supervisor at least once during their initial six (6) months of continuous employment (i.e. probationary period). Exempt employees will generally receive a performance evaluation at least once during their initial twelve (12) months of continuous employment.

Section 8.03 Annual Performance Evaluations

Following successful completion of the probationary period, regular employees are generally evaluated annually on or about their respective anniversary date.

The supervisor will meet privately with employee to discuss the performance evaluation, and to provide the employee with a copy. At the conclusion of the evaluation meeting, the employee is asked to sign the performance evaluation form in acknowledgment of the discussion and receipt of the copy.
Section 8.04  Discretionary Performance Evaluations

The Agency may, at its discretion, elect to evaluate the employee's performance at times other than the annual review.

Section 8.05  Promotional Evaluations

Employees promoted to higher-level positions will generally receive at least one formal performance evaluation during the course of their promotional probationary period.

Section 8.07  Effects of Substandard Evaluation

Where the performance evaluation indicates that the employee is performing below Agency standards, the employee may be subject to any one or more of the following:

a)  Ineligibility for further promotional consideration until the deficiency is corrected or until further consideration at the next review period.

b)  Withholding of a merit or performance-based salary increase for which the employee may have been eligible, until the deficiency is corrected or until further consideration at the next review period.

c)  The General Manager may approve a transfer or demotion to a position that is more suited to the employee.

d)  Termination.

Employees receiving a substandard rating may be re-evaluated subsequently to document progress in remedying deficiencies. If the employee's performance is deemed by the supervisor to have improved to an acceptable level of performance, and acceptable performance in other job responsibilities is maintained, the supervisor may recommend the implementation of a merit increase and/or restoration of promotional considerations, but prospectively only.

Section 8.07  Return to Former Position

In the event a promotional assignment is found to be unsuitable by either the employee or the Agency, consideration will be given to allowing the promoted employee to return to the former position, provided that position has not already
been filled with a regular employee, or to a comparable available position for which the employee possesses demonstrated skill, knowledge, ability and interest.
Chapter 9
Training, Licenses, Professional Dues and Safety

Section 9.01 Employee Training Policy

Training is an integral part of the success and efficiency of the Agency's operations, and can be instrumental to employee development within their jobs. Training is therefore viewed as a shared responsibility of management and employees to accomplish the mutual benefit of an increasingly skilled and efficient workforce. The Agency encourages departmental cross-training to assist with adequate coverage and Agency knowledge.

Training programs may include lectures, seminars, demonstrations, reading assignments or such other methods as may be instrumental in broadening the skill and knowledge of Agency employees in the performance of their respective duties.

In this regard, employees are responsible for attending, learning and applying the information provided by in-house training and are expected to take the initiative to request training outside the work environment that could reasonably lead to, or be required by, the standards for promotional employment opportunities or better performance in their current job duties.

Section 9.02 Payment for Training

Employees may be authorized or directed to attend training programs, meetings, or conferences, subject to the approval of their supervisor, Human Resources, and the General Manager. Where attendance is required by the Agency, the Agency will pay for the training, along with other reasonable expenses associated with the training, such as meals, lodging, travel. See Section 6.12.

Section 9.03 Tuition Reimbursement

The Agency will consider employee requests for reimbursement of the cost of tuition and associated course materials where the course is relevant to their present job, or a higher level job, or pertains to the nature of Agency work and business. Such classes, courses and/or seminars for which an employee may request tuition reimbursement are limited to those offered by accredited colleges and universities. To be eligible for reimbursement consideration, the
employee must receive written approval by Human Resources and General Manager in advance of enrollment in the course. In addition, the employee must submit proof of satisfactory completion (grade "C" or better, including "pass") and proof of actual costs before a reimbursement request will be considered. No employee may receive more than $2,500.00 in tuition reimbursement in any one calendar year.

Section 9.04 Employee Licenses/Certifications

It is the policy of the Agency to pay for any job-related operational certifications or licenses, including associated renewal or other fees, if required by or of benefit to the Agency. Employees wishing to be reimbursed for the costs of such certificates and/or licenses must submit their request in writing to Human Resources in advance of incurring the cost. All such requests are subject to the approval of the Human Resources Department. If the certificate/license is a requirement of the position and the employee does not possess the required certification at the time of hire/promotion, then it is the employee’s responsibility to obtain the certification/license at their own expense.

If an employee’s position requires certification which they do not possess at hire/promotion, the employee must test for the certification within the first twelve (12) months, and must pass/acquire certification within eighteen (18) months of hire or promotion.

Employees must provide copies to Human Resources of their active licenses and certifications.

Section 9.05 Professional Association Dues

The Agency recognizes the benefit of having its managers participate in professional associations. Therefore, the Agency will pay for the membership dues for one professional association (national or state level) for each management level employee.

Section 9.06 Employee Health and Safety Policy

It is the policy of the Agency to provide for the continuous development, implementation and maintenance of an on-going program that assures a healthy and safe work environment for all employees in compliance with state and federal laws dealing with safety and health conditions. Therefore, employees will be held responsible at all times to conduct themselves as outlined in the Agency’s Health and Safety Manual.
Section 9.07  Smoking Policy

The Agency recognizes the need for its employees to work in an environment free of hazardous tobacco smoke. Therefore, smoking is not allowed at any Agency facility, work site, or in any Agency vehicle.
Section 9.08  First Aid and Emergency Procedures

The Agency maintains fire extinguishing equipment and first aid kits in each work location (Administration Office, Tanner Shop and Treatment Plants). All employees are periodically instructed on the location, use and procedure of safety and emergency procedures.

Section 9.09  Report Work Injuries

Employees who are injured on the job should report all such injuries to their supervisor immediately, regardless of how minor the injury may be. If medical care is needed, supervisors should assist their employees in getting the necessary medical attention promptly, after which the full details of the incident must be reported to the Human Resources Department by the employee or supervisor.
Chapter 10

Discipline and Grievance Policies

Section 10.01  Discipline Policy

Unless otherwise specified by a memorandum of understanding (MOU), the following constitutes the Agency's policy regarding disciplinary actions.

The intent of this policy is to communicate the Agency's standards of employment conduct. Employees are urged to use good judgment at all times, and to seek supervisory advice under any doubtful situation.

The following categories of persons are at will and have no rights to any of the pre- or post-disciplinary processes or procedures int the Policy: (1) temporary employees, (2) provisional or seasonal employees, (3) probationary employees, (4) any person who serves pursuant to an individual employment contract, and (5) any person who is designated “at will” in any Agency policy, document, acknowledgment, resolution or ordinance.

As a matter of policy, the Agency generally seeks to resolve conduct and performance problems in the most informal and positive manner possible, such as through counseling or additional training or supervision. However, the Agency may determine, in its sole discretion, to use disciplinary action, up to and including termination, to resolve such problems. Towards that end, the Agency has established the general conditions and procedures that follow.

Section 10.02  Unacceptable Conduct

The list of unacceptable conduct cited below is intended to provide some examples of the types of conduct that may result in disciplinary action. However, this is merely illustrative; no attempt has been made here to establish a complete list.

A. Attendance

1. Improper or unauthorized use or abuse of paid or unpaid leave.

2. Excessive or unauthorized absenteeism and/or tardiness.
3. Being absent without authorization and/or unauthorized late arrival or early departure from work.

B. Behavior

1. Violation of any of the Agency’s Personnel Policies and Procedures, Safety Manual Policies or related directives, specifically including, but not limited to, its Harassment and Drug & Alcohol policies.

2. Failure to carry out instructions from a superior.

3. Engaging in conduct that is an actual or potential conflict with the interests of the Agency.

4. Conduct that tends to discredit the employee or the Agency.

5. Falsifying, removing or destroying Agency documents, including but not limited to documents related to employment, payroll or work related records or reports.

6. Performing outside work for personal gain during business hours or engaging in off-duty employment that adversely affects the employee’s work performance for the Agency.

7. Discourteous treatment of the public or other employees, including but not limited to conduct deemed by the Agency to be harassing, coercing, threatening or intimidating to others.

8. Violation or neglect of work safety rules, or contributing to hazardous conditions.

9. Unauthorized removal or use of any property of the Agency or that of its customers or clients.

10. Physical or verbal altercations.

A. Work Performance

1. Unsatisfactory job performance.

2. Failure to accept reasonable and proper assignments from an authorized supervisor.
3. Careless, negligent or improper use of Agency property, equipment or funds, including unauthorized removal, or use involving damage or risk of damage to property

4. Unauthorized release of confidential information or official records of the Agency.

Section 10.03 Progression of Discipline

The Agency may elect to engage in progressive discipline to address a performance issue or workplace misconduct. The types of disciplinary steps that may occur are as follows, in general order of increasing severity. However, the Agency may determine under the particular circumstances, and at its sole discretion, to skip any one or more of the below steps and move directly to termination. Regular employees shall have the right to unit/union representation at all levels of the formal disciplinary procedure, excluding informal oral counseling.

A. Informal Oral Counseling.

An informal oral counseling by the supervisor to an employee, usually pointing out an unsatisfactory element of job performance, is intended to be corrective or cautionary, but is not considered formal discipline. An oral counseling informally defines the area of needed improvement, sets up goals for improvement, and informs the employee that failure to improve may result in more serious disciplinary action.

B. Step I Written Action

A Step I Written Action is typically the first formal step in the progressive disciplinary process. A Step I Written Action shall be documented using forms provided by Human Resources and retain in the personnel file. The first written action will be noted on the annual performance evaluation. The action is drafted by the supervisor for Human Resource review. The Action defines area(s) of needed improvement, sets up goals for improvement, and informs the employee that failure to improve may result in more serious disciplinary action.
C. Step II Written Action

This is the second level of formal discipline. This level may consist of a written reprimand, and may also include a suspension or other disciplinary action, if deemed appropriate by the Agency. The supervisor drafts the written action for review by Human Resources prior to delivery to the employee. A copy is given to the employee, and the original is placed in the employee's personnel file. The written action defines the area of needed improvement, sets up goals for improvement (and a timetable for achieving them), and informs the employee that failure to improve may result in more serious disciplinary action, including termination. The meeting to issue the Step II Action shall include Human Resources and employee representation is the employee chooses.

D. Step III - Discharge/Termination

When it is deemed by Agency management to be necessary, appropriate and in the best interests of the Agency, any employee may be subject to discharge from their employment.

Regular employees may be discharged only for cause.

Regular employees subject to proposed discharge action shall have the right to a pre-discharge meeting with the General Manager in accordance with Section 10.04.

E. Unpaid Suspension

The General manager may suspend the employee without pay. Documents related to a suspension shall become part of the employee's personnel file when the discipline is final.

Section 10.04 Initiating Discipline: Considerations and Notice

Minor Discipline

1. Notice of Discipline

When the Agency decides to impose minor disciplinary action (e.g. an oral or written reprimand, or suspension without pay for five days or fewer, etc.), the disciplinary action is imposed without advance written notice.
Major Discipline

1. **Notice of Discipline/Discharge**

   When the Agency is considering taking Major Disciplinary action consisting of a suspension without pay for more than five days, a demotion, or a termination, the affected employee shall be given written notice of the proposed disciplinary action. The notice of proposed disciplinary action ("Notice") shall include: (a) the proposed action to be taken, the date it is intended to become effective, and the specific grounds and particular facts upon which the proposed disciplinary action is taken; (b) the materials upon which the charge(s) is based; and (c) a statement informing the employee of their right to respond, either orally or in writing, to the charge(s), by the date specified in the notice, and before imposition of the proposed discipline.

   The General manager may place an employee on an administrative leave with pay. Administrative leave with pay may be authorized, e.g.: 1) when the Department Manager believes that the employee’s continued presence at the work site could present a problem for Agency personnel and/or operations, or 2) pending investigation into charges of misconduct.

   Administrative leave is not an adverse employment action. Administrative leave must first be approved by Human Resources and the General Manager.

   If the employee does timely respond to the Notice, the General Manager shall schedule a Skelly meeting. The employee may have their Union/Association representative present at the Skelly. Following the Skelly meeting, the General Manager shall consider the employee’s response and all the information upon which the charge(s) is based. The General manager shall then issue a determination to uphold, rescind, or amend the proposed disciplinary action, which will then become the final action.

   If the employee does not respond to the proposed discipline within the time specified in the Notice, the proposed disciplinary action will take effect pursuant to the Notice.
2. **Appeal of Major Discipline**

If the proposed imposition of Major Discipline becomes final, the employee may appeal the imposition of such Major Discipline in writing within 10 calendar days of the date the Agency issued the determination, by filing an appeal pursuant to Step III of the grievance procedure. If an appeal is not timely filed, the right to appeal is waived.

**Section 10.05 Grievance Policy and Procedures**

A grievance is a complaint regarding an alleged violation of a written Agency policy. Employees shall have the right to unit/union representation at all levels of the grievance procedure.

**Procedural Steps for Resolution of Grievances**

**Step I** – If an employee believes they have a grievance, the employee shall bring the matter orally to the attention of their Department Head no later than ten (10) calendar days from the time the employee became aware of the circumstances forming the basis for the grievance. The Department Head will discuss the matter with the employee and provide a response to the employee within ten (10) calendar days of the meeting with the employee.

**Step II** – If the Step I process does not resolve the grievance, the grieving employee or their unit/union representative may forward the grievance, in writing on an Agency Grievance Form, within ten (10) calendar days of the Step I response, to the General Manager or their designee for consideration at Step II. The grievance form shall include:

1. The name of the grievant(s);
2. The basis for the grievance including, if applicable, the policy allegedly violated;
3. The remedy requested;
4. The dates the grievance was filed at Step I and filed at Step II.
Within ten (10) calendar days of receipt of the Step II grievance, the General Manager or designee shall meet with the grievant and, if applicable, the grievant's representative, to try to resolve the dispute. The General Manager or designee shall issue a written response to the grievant within ten (10) calendar days of the Step II meeting.

**Step III** — If the grievance is not resolved at Step II, the grievant may request in writing, within fifteen (15) calendar days of the General Manager’s written response, review by the Board.

Alternatively, if the employee is subjected to Major Discipline as defined in Section 10.04, the employee may file an appeal of the imposition of such discipline at Step III. The employee appealing Major Discipline must submit a written appeal to the Board within 15 calendar days of the effective date of the Major Discipline.

Within sixty (60) calendar days of receipt of the Step III grievance/appeal, the Board will hear the matter. All parties to the grievance/appeal and their respective representatives may be present and submit testimony and/or evidence at the hearing before the Board. Following the review of all evidence and testimony presented, the Board shall deliberate the matter in closed session. As soon as practical after the hearing, the Board shall provide a written decision on the matter to the grievant, their representative, if any, and the General Manager. The Board’s decision shall be final and binding on all parties.

As an alternative to hearing the matter itself, the Board may, in its sole discretion, refer the matter at Step III to advisory arbitration. The arbitrator will hear and issue a written recommendation and opinion as soon as practical. The arbitrator’s opinion is advisory only and will be referred to the Board for final decision. The Board will then render its final and binding decision on the grievance.

Failure of the Agency to respond within the timelines set forth above shall be construed as a denial of the grievance at that step, effective as of the last date for issuing a decision.
Chapter 11
Employment Separation

Section 11.01 Resignations

An employee wishing to leave employment with the Agency in good standing must submit a written resignation to their immediate supervisor and Human Resources at least two (2) weeks prior to the effective resignation date. A resignation becomes final when accepted by the Agency. A regular employee who leaves without providing at least two weeks' advance notice prior to the planned separate date may be disqualified from consideration for future employment with the Agency.

To remain in “good standing” resigning employees are expected, during the time between notification of separation and last day of employment, to cooperate fully with the Agency in all matters relating to the winding up of any pending work and the orderly transfer to the other Agency employees of the tasks for which they were recently responsible.

Section 11.02 Reductions in Force

An employee may be subject to a non-disciplinary, involuntary termination through layoff. Layoffs may occur due to a budget issues, reorganization for operational or other reasons, lack of need for the work performed by an employee or group of employees, etc..

In the case of a layoff, affected employees will be given at least fifteen (15) days' advance notice where possible. Temporary and newly hired or re-employed probationary employees are generally separated from service prior to the layoff of any regular full-time or part-time employee. For the purposes of layoff, promotional probationary employees are considered the same status as a regular employee.

The Agency may consider salary adjustments, furloughs, part-time employment, and/or job sharing as an alternative to layoff

Section 11.03 Discharge
Discharge from employment means an involuntary employment termination for reasons other than, e.g., a layoff, medical separation, or position elimination.

Section 11.04 Checkout upon Separation

Employees who separate from Agency employment for any reason, are required to return any Agency-owned property, including but not limited to keys, identification cards or work-related materials, any Agency confidential materials, etc. All Agency property must be returned by the employee to their supervisor no later than their final workday.

Section 11.05 Exit Meeting

The Human Resources/Risk Management Manager is responsible for scheduling an exit meeting with the separating employee and for arranging the return of Agency property. Exit meetings are an opportunity for exiting employees to share their insights into, e.g., Agency recruiting efforts, benefits, compensation, and training programs, as well as information on working conditions and employee relations.

Supervisors are responsible to coordinate with Human Resources to ensure that the employee leaving Agency employment is schedule for an exit meeting.