

Article 5

Employment Specifics

Sec. 5.1

District Rights. The rights of the District include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions, committees, and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of operations; determine the methods; means and personnel by which operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

Sec. 5.2

Discrimination, Harassment and Retaliation. All employees have a right to work in an environment free from discrimination or harassment based on race, national origin, ancestry, creed, citizenship, marital status, religion, sex, sexual orientation, gender, gender identify, gender expression, mental or physical disability, medical condition, genetic characteristics, pregnancy or related medical condition, military or veteran status, age, or any other characteristic protected by applicable federal or state law. This applies to all employment practices, including but not limited to: recruitment, hiring, compensation, benefits, promotion, training, transfer, discipline, layoff, recall, and termination. Retaliation against an employee for reporting violations of this Policy or for participating in the investigation of a harassment, discrimination or retaliation complaint is also strictly prohibited.

- a. Definition. Harassment is a form of misconduct which undermines the integrity of the employment relationship. No employee should be subjected to verbal, physical, visual or sexual harassment. Verbal harassment includes such matters as epithets, derogatory comments or slurs. Physical harassment includes such activities as assault, impeding or blocking movement or any physical interference with normal work or movement. Visual forms of harassment are such things as derogatory posters, cartoons or drawings. Unsolicited or unwelcome overtures or misconduct are also a form of harassment. Sexually harassing conduct need not be motivated by sexual desire.

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work setting, under any of the following conditions:

1. Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment or progress.
2. Submission to, or rejection of, the conduct by the individual is used as the basis of any employment decision affecting the individual or any decision affecting the individual regarding benefits and services.

Sec. 5.2

Discrimination, Harassment and Retaliation (Cont'd.)

3. The conduct has the purpose or effect of having a negative impact upon the individual's work or of creating an intimidating, hostile, or offensive work environment.
- b. Procedure. Any improper conduct in connection with discrimination, harassment or retaliation, whether committed by supervisors, nonsupervisory personnel, or nonemployees, is specifically prohibited. Disciplinary action will be taken if such conduct is found to be valid.

An employee, who feels he/she has experienced discrimination, harassment or retaliation in the work place, should immediately inform Human Resources personnel, a supervisor, department head or the General Manager, and follow immediately with a written complaint to the General Manager or General Counsel. An employee complaint shall be immediately investigated by the General Manager or his designee, and if substantiated, corrective action shall be taken by the District.

Sec. 5.3

Employee Class. All employees working for Valley Center Municipal Water District will fall into one (1) of the following classifications and will receive the benefits as indicated for that class.

- a. Regular Employee. Full time employee working forty (40) hours per week. Includes all benefits as provided by law and this Code. This classification also known as regular full time employee.
- b. Temporary Employee. Includes only those benefits such as workers' compensation required by law. Hours are set at discretion of District and employee may be terminated without cause or notice with no right of appeal.
- c. Regular Part-Time Employee. The intent is to provide the employee with a minimum of 1,000 hours of work per fiscal year. However, the hours to be worked are at the discretion of the District.

The benefits to be received are the same as the regular employee class except the following:

1. Leave shall be prorated as provided by Section 2.9 of this Code.
2. This classification is not eligible to accrue compensatory time off.
3. For purposes of computing benefits under those requiring an annual salary, the regular part-time classification will be considered as earning one-half the annual salary of a similar employee in the regular class.
4. No seniority for any purpose will accrue for this classification.

Article 5 Employment Specifics (Cont'd.)

Sec. 5.3 Employee Class (Cont'd.)

- d. Probationary Employee. All employees in the above classifications for the first six (6) months of employment will be on probation. This period is to be regarded as an integral part of the testing and hiring procedure and shall be utilized for closely observing the employees' work and adjustment within the organization to determine the capability of performing the required duties of the job or position before being considered as a regular employee.

During the probationary period, an employee may be terminated by the General Manager upon the department head's recommendation without cause and without right of appeal.

The General Manager or his designee shall notify the department head thirty (30) days before a probation period is complete, whereupon a performance evaluation shall be submitted as to the quality of service of the probationer, and whether he/she desires to retain the probationer as a regular employee.

- e. Training Range. Employment may be offered to prospective employees at 15% below the bottom of the entry range in the "Training Range", and progress through the Training Range shall be based upon the same parameters as used to determine movement through the balance of the established range.
- f. Provisional Regular Employee. Full time employee working 40 hours per week, and includes all benefits as provided by law and this Code. Provisional Regular Employees may be hired in and retained in this class for a period of up to two (2) years to obtain required certification(s) and licenses as required by the State of California to perform the duties specified in their respective classifications. Employees failing to obtain the required certifications and licenses may be reclassified to positions not requiring the levels of required certifications and licenses and, if no such opportunity for reclassification is reasonably available, then termination of employment may result.

Sec. 5.4 Pre-Employment Physical Examination. After an offer of employment has been made to a job applicant, and prior to the commencement of employment with the District, a selected applicant may be required to undergo a physical examination and evaluation which may include drug or alcohol screening performed by a physician selected by the District. The expense involved in such an examination shall be borne by the District. The evaluation of an employee's physical ability to perform the job shall be made only on the basis of the essential functions of the position for which the employee is applying.

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 5.3(e)&(f)]
Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 5.4]

Article 5 Employment Specifics (Cont'd.)

Sec. 5.5 Training. The department heads, under the guidance of the General Manager, shall be responsible for developing training programs. Such training programs may include lecture courses, demonstrations, assignments or reading material, or any other methods that may be available for increasing the knowledge of District employees in the performance of their duties. Should any of these programs include expenses, they shall be paid for by the District.

Sec. 5.6 Job Descriptions. The District maintains job descriptions for all classifications. These descriptions are useful in generally identifying the type and level of work required by any particular position.

These descriptions are formulated through a concerted effort of the department head and General Manager for his designee, and usually include a definition, tasks, skills, knowledge, abilities and educational and experience qualifications. All of these categories are reviewed periodically to ensure they reflect the actual position as it is being performed. Any job description is available to District employees upon request to the employee's immediate supervisor.

Sec. 5.7 Hours of Work. The regular daily work period shall be Monday through Thursday from 7:00 a.m. to 4:30 p.m., and on Friday from 7:30 a.m. to 4:00 p.m.

District employees work on a 9/80 schedule. The work, period will be forty (40) hours per week. District employees will work eight (8) days for nine (9) hours a day and one (1) Friday for eight (8) hours for a total of eighty (80) hours in a two (2) week period. District employees will have alternate Fridays off. The workweek will begin four (4) hours and one (1) minute into each employee's workday on Friday and end 168 hours later. By beginning and ending the work period four (4) hours into the workday on Fridays, each seven (7) day work period is limited to equal forty (40) hour blocks.

Sec. 5.8 Hours of Work – Field Department. The daily work period of the Field Department's personnel shall be 7:00 a.m. to 4:30 p.m. Monday through Thursday and 7:00 a.m. to 3:30 p.m. on Friday, with the exception of hours of work on Fridays for the Field Administrative personnel are 7:30 a.m. to 4:00 p.m., or as approved by the General Manager. On construction work, the daily work period shall be determined by the Engineer in charge to conform to the work period designated by the outside general contractor on the work, but the time of individual employees shall be limited to a forty (40) hour week whenever possible.

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 5.8]

Per Ordinance No. 2009-06 Adopted 6/15/09 [Sec. 5.7]

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Sec. 5.9 Lunch and Breaks. All employees shall be entitled to two (2) fifteen (15) minute breaks daily. Said breaks shall be scheduled by the employee's immediate supervisor to occur once during mid-morning and once in mid-afternoon.

Thirty (30) minutes shall be allotted for lunch and may be staggered between the hours of 11:30 a.m. and 1:00 p.m. to allow the office to be open to the public at all times during the daily work period. Demands of the job may require certain employees from time to time to take their lunch break other than between 11:30 a.m. and 1:00 p.m.

Sec. 5.10 Legal Representation. Upon request of an employee and subject to any limitations provided by law, the District will provide for the defense of any civil action or proceeding initiated against the employee by a person or entity other than the District in a court of competent jurisdiction on account of any act or omission occurring within the course and scope of his employment as an employee of the District.

Nothing herein shall be deemed to require the provision of such defense where the discretion to provide or not provide such defense is vested in the District pursuant to the provisions of the California Government Code, or where the act or omission was not within the scope of the employee's employment, or the employee acted or failed to act because of actual fraud, corruption or actual malice, or where the provision of such defense would create a conflict of interest between the District and the employee. Nothing herein shall be construed to grant to any employee any rights or privileges in addition to those provided in the Government Code.

Sec. 5.11 Employee's Personal Property on the District Premises. Employee's personal property on District premises not authorized by his/her department head will not be subject to replacement or repair by the District for any reason. District has the right to require personal property to be removed from the District's premises for safety or any other reason.

District will not be responsible to repair or replace as a result of damage to or theft of an employee's vehicle used by the employee in the course of District business. Employee is responsible to maintain adequate limits of insurance as determined by the District on private vehicle used for District business including a minimum of \$300,000 liability coverage. Approval by department head is necessary before employee can use private vehicle on District business.

Per Ordinance No. 2001-11 Adopted 7/2/01 [Sec. 5.11]

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 5.9]

Sec. 5.12

Personal Use of District Vehicles. All District vehicles are owned by the District and are available to specifically assigned employees to conduct official District business. No employee of the District may use any District provided vehicle for purposes unrelated to the District's business. Transportation in District vehicles of persons other than Directors, officers, employees, agents of the District, or unauthorized guest, is prohibited. Assignment of vehicles for regular daily use will be by department heads with approval of the General Manger. With the exception of the vehicles assigned for permanent and temporary 24 hour use and designated twenty-four (24) hour duty personnel, all vehicles are to be stored on District premises unless otherwise specifically authorized by the General Manager or his designee. District vehicles assigned for regular daily use are not available for personal use.

Vehicles approved for 24 hour use, either on a temporary or permanent basis, are further authorized to be used to commute to and from work. It is recognized that de minimis personal use of District vehicles assigned to twenty-four (24) hour use may be necessary. "De minimis personal use" shall be defined as incidental personal use (such as a stop for a personal errand or stopping for food while on District business) encountered along the recognized and reasonable travel route to and from the District or to and from District authorized events and functions which result in only minor additional operational cost and does not reflect discredit on the District or its employees. The District shall require and maintain any records which it deems necessary and appropriate to maintain in order to establish that this Policy is enforced. Permanent 24 hour use assignments of District vehicles shall be approved by the Board of Directors. Employees permanently assigned a District vehicle for twenty-four (24) hour use may be subject to income tax for the value of commuting use in accordance with federal IRS regulations.

Any employee that is provided a vehicle under this Policy is required to promptly notify the District if he or she, or any other individual, uses the vehicle for any personal purpose other than de minimum personal use.

Employees who are required to use District vehicles shall:

1. Be aware they are on public display when driving a District vehicle and must conduct themselves accordingly.
2. Immediately report to their supervisor if the vehicle is involved in an accident or is damaged.
3. Be aware that if any violation results in a citation, it must be reported immediately to the supervisor. Thereafter, it is the employee's responsibility to address the citation in a legally compliant manner, and the employee may be subject to disciplinary action.
4. Fasten seat belts at all times and see to it that passengers do the same.
5. Use of cell phone while driving without a "hands-free" device is prohibited.

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Sec. 5.13 Agreements for Modified Work Schedules. At the discretion of the General Manager, employees may enter into agreements with the District providing the terms and conditions for a work schedule modified from that specifically provided herein.

Per Ordinance No. 2003-11 Adopted 7/7/03 [Sec. 5.13]