



POLICY TITLE: Accommodations for Disability
POLICY NUMBER: 3100

3100.1 The employment related provisions of the Fair Employment and Housing Act (“FEHA”) and the Americans with Disabilities Act (“ADA”) apply to all employees and job applicants seeking employment with the District. Under the ADA, a qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the position in which the individual is employed.

3100.2 The District will attempt to provide reasonable accommodation for known physical or mental disabilities if a job applicant or employee is otherwise qualified, unless undue hardship related to the necessity of business operations would result, in accordance with federal or state law. An applicant or employee who requires accommodation in order to perform the essential functions of the job should inform the General Manager, or his or her supervisor, to request an evaluation of such an accommodation. The District will participate in the interactive process with the employee in order to determine whether or not a reasonable accommodation, which does not present undue hardship to the District, exists.

Employee or applicant should contact his or her supervisor or the General Manager for further information.



POLICY TITLE: Demotion – Non-disciplinary
POLICY NUMBER: 3102

3102.1 The General Manager may demote an employee, with the written consent of the employee, to a vacant position in lieu of layoff, provided the employee possesses the desired qualifications for the position to which he/she is assigned.

3102.2 At least five working days before a non-disciplinary demotion becomes effective, written notice of the action shall be provided to the employee and the payroll department.

3102.3 The General Manager shall provide the employee with written job duties within five working days of starting the new position and a written performance review within six months. The employee shall be subject to a probationary period, generally a six month period. In the event that the employee does not perform satisfactorily within the probationary period, the General Manager shall have the discretion of extending the employee's probationary period or terminating the employee.



POLICY TITLE: Disciplinary Action
POLICY NUMBER: 3104

3104.1 The District expects all of its employees to act in the best interest of the District and its customers and residents. It is the responsibility of all employees to observe all rules, guidelines, and operating procedures of the District. The District further expects that each of its employees will act in a polite and professional manner when dealing with members of the public and other employees. These General Rules of Conduct, along with the “Examples of Unacceptable Conduct” listed below, are not meant to be all-inclusive, but rather to provide illustrations of acceptable conduct versus problematic conduct.

3104.2 Examples of Unacceptable Conduct. The following list presents examples of some of the types of unacceptable conduct that may result in disciplinary action, up to and including immediate termination. This list is not an exhaustive list of what conduct may result in discipline, but is merely meant to be illustrations of unacceptable conduct:

- 3104.2.1 Discourteous treatment of the public or fellow employees.
- 3104.2.2 Use, possession, or being under the influence of alcohol or illegal drugs (including marijuana) while on duty or on District premises.
- 3104.2.3 Habitual absence or tardiness.
- 3104.2.4 Abuse of sick leave.
- 3104.2.5 Disorderly conduct.
- 3104.2.6 Incompetence or inefficiency.
- 3104.2.7 Being wasteful of material, property, or working time.
- 3104.2.8 Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor.
- 3104.2.9 Neglect of duty.
- 3104.2.10 Dishonesty or fraud.



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- 3104.2.11 Misuse of District property.
 - 3104.2.12 Willful disobedience or Insubordination.
 - 3104.2.13 Conduct unbecoming a District employee.
 - 3104.2.14 Violation of the District's Unlawful Harassment Policy.
 - 3104.2.15 Possession of firearms or dangerous weapons on District property.
 - 3104.2.16 Theft.
 - 3104.2.17 Falsifying records
 - 3104.2.18 Any act or failure to act during or outside of work hours, which is detrimental to the best interest of the District as determined by the General Manager or the Board.

The District also reserves the right to discipline an employee for unsatisfactory job performance including incompetence and/or inefficiency, permanent or chronic physical or mental ailment (including impairment from alcohol or drugs) or other condition which renders the employee unable to perform the essential duties of his or her job, or failure to satisfactorily perform job tasks or responsibilities.

3104.3 Prior to Disciplinary Action - Depending on the nature of the conduct or the performance deficiency, the District will generally give an employee an oral warning, which is corrective and is non-disciplinary in nature, prior to taking formal disciplinary action. An oral warning is encouraged but is not required before issuing formal disciplinary action.

An oral warning is a communication to an employee that his or her performance or behavior must be improved and failure to do so may result in discipline. An employee's supervisor or the General Manager may note the date, time, and content of oral warning, but no record of an oral warning shall be placed in the employee's personnel file unless subsequent disciplinary action is taken.

3104.4 Types of Disciplinary Action. Disciplinary action includes written warning, suspension, reduction in salary, demotion, or termination of employment.

- 3104.4.1 Written Warning: a formal written notice to an employee that further disciplinary action will be taken unless his or her performance or behavior improves. A copy of the written reprimand is given to the employee and the original is placed in the employee's personnel file. The employee must acknowledge receipt of the written warning by signing the letter at the time of presentation; this signature signifies only the receipt of the document, it does not signify the employee's agreement with the allegations.



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- 3104.3.2 Disciplinary Probation: This form of disciplinary action lasts for a specified period of time not to exceed six (6) months. Employees on disciplinary probation may be terminated for failure to meet performance or behavior standards as provided by in the employee’s job classification.

 - 3104.4.2 Suspension: the temporary removal of an employee from his or her duties without pay for disciplinary purposes for up to thirty (30) working days. Employees suspended from his or her employment with the District forfeit all rights, privileges, and salary with the exception of group health and life insurance benefits.

 - 3104.4.3 Reduction in Salary: a decrease in salary paid to an employee for a specified period of time for disciplinary purposes.

 - 3104.4.4 Demotion: the removal of an employee from a position to another position carrying a lower maximum rate of pay as a result of a disciplinary action.

 - 3104.4.5 Discharge: the removal of an employee from District services, as provided for in these Guidelines.

3104.5 Disciplinary Notice/Appeal Procedure

This Section does not apply to at-will, probationary, temporary, or seasonal employees.

3104.5.1 Written Notice of Proposed Action

In the event the District imposes suspension, reduction in salary, demotion, or discharge, the employee will be given a notice of the disciplinary action and an opportunity to respond.

A. Notice of Disciplinary Action. Whenever a suspension, reduction in salary, demotion, or discharge is to be taken against an employee, the employee shall be notified in writing of the proposed disciplinary action to be taken. The notice may be served upon the employee, either personally or by certified mail (if the employee is not at the work location), and shall contain the following information:

1. A statement of the proposed disciplinary action to be taken.
2. The specific policy, rule, or regulation which the employee is alleged to have violated and the factual basis for the violation.
3. The reasons for the disciplinary action.
4. A summary of the facts upon which the charges in the disciplinary are based.
5. Copies of all documents and materials upon which the disciplinary action is based.
6. Notice that the employee will have an opportunity to respond to the proposed disciplinary action in writing and/or have an opportunity to meet with a Skelly Officer, a neutral third party selected by the District (usually a manager or Department Head in department separate from the employee), to present the employee's point of view. Such response or request for a meeting shall be submitted to the identified Skelly Officer within five (5) working days from the date the notice of the proposed disciplinary action is received.



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7. Notice that if there is a Skelly meeting, the employee is entitled to be represented by a person of his or her choice.
 8. Notice that if the employee fails to provide a written response or request a Skelly meeting within five (5) working days then the employee shall be deemed to have waived all rights to respond to the proposed disciplinary action and the proposed disciplinary action shall become final.

3104.5.2 Skelly Meeting (if requested)

The appointed Skelly Officer shall meet with the employee and his or her representative no more than ten (10) working days after the request for a meeting has been submitted by the employee. During the meeting, the employee will have the opportunity to refute the charges against him or her included in the proposed disciplinary action and/or present mitigating factors which the employee believes should have been considered by the supervisor when issuing the proposed disciplinary action. The employee shall not be entitled to call witnesses or take testimony during the meeting.

Within ten (10) working days of the receipt of the employee's written response or from the date of the meeting with the employee, the Skelly Officer shall issue a final decision regarding whether to uphold, reduce, or overturn the proposed disciplinary action. This decision shall be provided to the employee and the employee's supervisor. A copy of the decision will also be provide to the District's HR Manager.

3104.5.3 Post-Skelly Final Notice

Within five (5) days after the Skelly Hearing, the supervisor shall: 1) dismiss the notice and take no disciplinary action against the employee; 2) issue disciplinary action that is less severe than the proposed disciplinary action; or 3) prepare and serve upon the employee a final notice of disciplinary action.

The final notice of disciplinary action shall include the following:

1. The disciplinary action taken.
2. The effective date of the disciplinary action taken.
3. Specific charges upon which the action is based.
4. A summary of the facts upon which the charges are based.
5. The written materials, reports and documents upon which the disciplinary action is based.
6. The employee's right to appeal.

If an employee fails to respond to the notice for a Skelly Hearing, the supervisor shall notify the employee in writing that his or her time to respond has expired and that the discipline shall be imposed.

Disciplinary action other than a suspension, reduction in pay, demotion or termination shall not be subject to appeal. Disciplinary action consisting of a suspension, reduction in pay, demotion or termination may be appealed by regular employees pursuant to section 3104.4.4.

3104.5.4 Appeals of Disciplinary Action



Any regular employee shall have the right to appeal to the General Manager from any disciplinary action taken by his or her supervisor following a Skelly hearing. Such appeal shall be in writing and must be filed with the General Manager within ten (10) business days after receipt of written notice of such disciplinary action. Failure to file an appeal within such period constitutes a waiver of right to appeal.

The General Manager shall conduct a hearing as provided in Section 3104.5.6 below. Neither the provisions of this section or this Chapter shall apply to layoffs, reductions in force or reductions in pay, which are part of a general plan to reduce or adjust salaries and wages. However, any reduction in pay is subject to the meet and confer process pursuant to Government Code sections 3504.5 and 3505.

In the event the General Manager institutes the disciplinary action against an employee, he or she shall be disqualified from presiding at the appeal hearing. In such case, the hearing officer will be appointed by mutual agreement of the parties.

3104.5.5 Selection of Hearing officer for Appeal of Disciplinary Action

If the General Manager is disqualified, the appeal shall be heard by a hearing officer provided to the District by a non-profit organization or governmental agency with whom the District has contracted to conduct hearing pursuant to these Guidelines. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcome of any hearing.

3104.5.6 Appeal Hearing

The General Manager, or the appointed hearing officer, shall conduct an appeal within thirty (30) days of receipt of employee's request for appeal. The General Manager, or the appointed hearing officer, may continue the hearing either for the convenience of the District or for good cause upon written application of the appellant or District, for a period not to exceed an additional thirty (30) days from the receipt of the appeal. Written notice of the time and place of the hearing shall be conducted in accordance with the provisions of section 11509 of the Government Code of the State of California, except that the appellant and other persons may be examined as provided in section 19580 of said Government Code, and the parties may submit all proper and competent evidence against, or in support of the causes.

3104.4.7 Representation at Appeal

Any District employee, other than those appointed to supervisory, management, and confidential classifications, shall be permitted to represent another District employee or group of District employees at the hearing of the appeal. The appellant may appear in person or be represented by counsel (at the appellant's cost) .

3104.4.8 Notices to Witnesses: Cost

The General Manager shall issue notice for the appearances of witnesses for the appellant upon his written request and at his cost. The General Manager may require such cost to be prepaid.

3104.4.9 Failure of Employee to Appear at Appeal Hearing

Failure of the appellant to appear at the hearing, without the prior written approval of the hearing officer,



shall be deemed a withdrawal of his or her appeal and the action of the General Manager or supervisor shall be final.

3104.4.10 Decision on the Appeal

The General Manager or appointed hearing officer shall render a written decision within thirty (30) days after concluding the hearing unless an extension is mutually agreed to by the parties. The General Manager or hearing officer's decision shall be final. A copy of such decision shall be forwarded to the appellant and to the supervisor. If the disciplinary action taken against the employee is reversed or modified by the General Manager or an appointed hearing officer, the employee will be compensated for the time lost, if any, that resulted from the reversed disciplinary action.



POLICY TITLE: Driver Training and Record Review
POLICY NUMBER: 3106

3106.1 Purpose. The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by: (a) applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; (b) establishing disciplinary procedures for different types of driving violations.

3106.2 Scope. This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District. Directors are encouraged to provide their license information, but cannot be required to do so in accordance with State law.

3106.3 Implementation. **Chester Public Utility District shall** participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (a.k.a.: "Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV: (a) every six months; and, (b) immediately in the event of new activity (e.g., moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

3106.4 Review Criteria. Information that will be generated during the record review will include: (a) type of license; (b) expiration date; (c) endorsements; (d) DMV action suspensions, revocations, and penal code violations; and, (d) Vehicle Code violations.

3106.5 Disciplinary Procedures:

- a) A driver will immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc.) if:
 - 1) They earn two points within 36 months of report date; or,
 - 2) They receive any moving violation in a District vehicle within 36 months of report date; or,
 - 3) They are involved in an accident within 36 months of report date.
- b) A driver will be placed on a 12-month driving probation if they earn three to five points within 36 months of report date. Additional point violations within this probation period will affect a 120-day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
- c) A driver will be suspended from District driving privileges for 120 days if:
 - 1) They earn four or more points within 24 months of report date; or,
 - 2) They earn six or more points within 36 months of report date; or,
 - 3) They receive a citation for DUI, reckless driving, or speed contest on personal time within 36 months of report date; or,
 - 4) If they are involved in two chargeable (resulting in a point violation) accidents within 24 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.



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- d) A driver will be permanently suspended of District driving privileges if:
 - 1) They receive a citation for DUI, reckless driving, or speed contest during District business within 36 months of report date; or, They receive two citations for DUI, two citations for reckless driving, or two citations for speed contest on personal time within 12 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.
 - e) Occasionally, it may be brought to the District's attention that an employee is exposing it to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.

3106.6 Defensive Driver Training. All drivers shall attend an approved defensive driver-training course at least once every four years or more often as specified in Disciplinary Procedures, above. Directors are encouraged to attend courses, but cannot be required to do so in accordance with State law.



POLICY TITLE: Drug and Alcohol Testing
POLICY NUMBER: 3108

3108.1 Pre-Employment Drug Testing. As a part of the District’s employment screening process, all applicants to whom a conditional offer of employment is made must successfully test negative for controlled substances, per procedures described below. The offer of employment is conditioned on a negative drug test result. Applicants will be informed of the District’s drug testing policy in the employment application and process.

3108.2 Testing of Employees in Designated Safety-Sensitive Position. Employees in health and safety sensitive positions, including, but not limited to, the following management and non-management positions: vehicle and heavy machinery drivers with commercial licenses/operators (who are subject to random drug-testing under the Department of Motor Vehicles), firefighters, and utility crew members, will be required to submit to random drug testing under the procedures described below. This testing shall occur at random by an independent, third party drug testing company performing such testing. If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

3108.3 Reasonable Suspicion Testing. If an employee’s supervisor or manager has a verifiable and confirmed reasonable suspicion by at least two (2) people, including any Board Members, who are qualified by having reasonable suspicion training, that the employee is working in an impaired condition or otherwise engaging in conduct that violates these Guidelines, then the employee will be asked about any observed behavior or impaired condition and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be requested to take a drug and/or alcohol test in accordance with the procedures described herein. If the employee refuses to cooperate with the administration of the drug and/or alcohol test, the refusal will be handled in the same manner as a positive test result, which results in discipline, up to and including termination.

3108.4 On-the-Job Inquiry. Should an injury occur while working, a drug and/or alcohol test may be administered if the injured employee’s supervisor has a reasonable suspicion that an employee was injured due to drug or alcohol use.

3108.5 Procedures for Drug Testing. If employee is a member of a District-recognized collective bargaining unit and is subject to an alcohol and/or drug test based on reasonable suspicion, the District will meet and confer with the respective collective bargaining group before testing.

The District will refer the applicant or employee to an independent, National Institute on Drug Abuse (“NIDA”), certified medical clinic or laboratory, which will administer the test. The District shall require drug testing for: A) pre-employment testing, B) random testing, and C) reasonable suspicion testing. The District will pay the cost of the test. If the employee is determined by verifiable and confirmed reasonable suspicion observation as unable to drive or impaired for driving, then a District supervisor or General Manager will transport the individual to a medical facility for immediate testing or treatment.



The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. The clinic or laboratory will handle the required testing. The District will have no control over the clinic or laboratory's testing methods. The clinic or laboratory will inform the District as to whether or not the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of these Guidelines and will be subject to discipline, up to and including termination.

3108.6 Acknowledgment and Consent. Any employee subject to testing under this policy will be directed to sign a form acknowledging the procedures governing testing and authorizing (1) the collection of a urine sample for the purpose of determining the presence of alcohol and/or drugs, and (2) the release to the District of medical information regarding the test results. Refusal to sign the authorization form or to submit to the drug and/or test, will result in the revocation of an applicant's job offer, or will be considered the same as a positive test leading to termination.

3108.7 Confidentiality. All alcohol and drug testing records will be treated as confidential.



POLICY TITLE: Employee Information/Emergency Data
POLICY NUMBER: 3110

3110.1 It shall be the policy of the District to maintain accurate personal contact information for each employee and Director of the District. All such information shall be maintained confidential to the extent allowed by law.

3110.2 It is important that employees promptly notify District of any changes to their personal information including:

- Name
- Home and Mailing Address
- Home and Cell Phone/Telephone Numbers
- Names, Phone Numbers, and Status of Spouse and Dependents
- Change of Emergency Contact Information
- Marital or Registered Domestic Partner Status
- Change of Military Status
- Payroll Deductions
- Benefit Plan Beneficiary

3110.3 Employees are responsible for immediately notifying the General Manager in the event of a name, address or other vital information change as required by this policy or any other District policy/procedure.

3110.4 The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner results in a loss of benefits or services by the employee or dependents.

3110.5 Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

3110.6 Release of Information. Personnel records are considered confidential. Employees may examine their own personnel file upon request to the District General Manager (written request is preferred). Each employee shall have the right to inspect or copy their personnel file within twenty-one (21) calendar days of the request. If the District provides copies of the personnel file, the actual cost of reproduction may be charged. All information contained therein is District property and may not be removed by the employee but may only be copied.

Employees may authorize the release of their own personnel records by executing a written request identifying the records to be released and the person or entity to which they may be released. This authorization must be signed and dated. Ordinarily, no information on past or present employees shall be provided by the District, other than employment dates and job title, unless such requests for information are accompanied by a signed authorization by the employee to release the information requested.



POLICY TITLE: Employee Promotion
POLICY NUMBER: 3112

3112.1 An employee may be promoted only if the employee has the desirable qualifications for the higher-level position. Desirable qualifications shall be ascertained on the same application, examination, interview, criteria, and evaluation as those for an initial appointment in accordance with the most current Job Description.

3112.2 A promoted employee shall be required to successfully complete a six (6) month probation period, ~~as outlined in Policy 2003.2~~. If a promoted employee is unable to perform the required duties of the new higher-level position and has not successfully completed the probation period, the employee may be restored to the position from which he or she was promoted, if the position is available, or be required to successfully complete an additional six (6) month probationary period.



POLICY TITLE: Employee Records
POLICY NUMBER: 3114

3114.1 All personnel information and records are to be considered confidential to the extent allowed by federal or state law. The District policy is to require all personnel files to be maintained in a secure and private location and to have all employees manage personnel information in a safe and confidential manner.

The District retains personnel records concerning its employees. Such records ordinarily include applications, insurance forms, payroll deduction authorizations, performance appraisals, certain pay records, transfer and promotion forms, records of disciplinary action, training records, and any certificates or credentials required for an employee's job. Other information concerning employees may be kept as personnel records at the discretion of the District.

In order to keep personnel records current, the General Manager, or his or her designee, must be notified of any change in an employee's personal status and information, such as: changes of address, telephone number, marital status, military status, any birth or death in an employee's immediate family, any change in the name or telephone number of the person to be notified in case of emergency, any change in insurance beneficiary, or any other information needed to maintain accurate records. These changes shall be provided to the General Manager, or his or her designee, within thirty (30) days of the change in an employee's personal status.

Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

3114.2 Release of Information: Personnel records are considered confidential. Employees may examine their own personnel records by contacting the General Manager or his or her designee and requesting to review. The District prefers, but not require, that such request be in writing. The employee shall have the right to inspect or copy their personnel file within twenty-one (21) calendar days of the request. If the District provides copies of the personnel file, the actual cost of reproduction may be charged. All information contained therein is District property and may not be removed by the employee but may only be copied.

Employees may authorize the release of their own personnel records by executing a written request identifying the records to be released and the person or entity to which they may be released. This authorization must be signed and dated.

Ordinarily, no information on past or present employees shall be provided by the District, other than employment dates and job title, unless such requests for information are accompanied by a signed authorization by the employee to release the information requested.



POLICY TITLE: Employee Status
POLICY NUMBER: 3116

3116.1 A "Regular Full-Time" employee is one who has been hired to fill a regular position in any job classification. Regular full-time employees are regularly scheduled to work at least forty (40) hours per week, are not temporary employees, and who have successfully completed the probationary period.

3116.2 A "Probationary" employee is one who has been hired to fill a regular position in any job classification and has less than twelve (12) continuous months of service with the District. Upon completion of twelve (12) months of continuous service with the District in said classification, and upon the [responsible managing employee] decision to retain said employee, said employee shall be granted regular employee status.

- a) A probationary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, as he or she becomes eligible. A probationary employee will not be eligible for a leave of absence.
- b) The General Manager, in conjunction with the employee's supervisor, may elect to extend the probationary period for any employee up to an additional three (3) months.

3116.3 A "Temporary" employee is one who is hired to work within any job classification, but whose position is not regular in nature. A temporary employee shall not work more than one thousand (1,000) hours in a fiscal year.

- a) Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees unless said leave of absence is in excess of one hundred eighty (180) days.
- b) A temporary employee will receive not less than the minimum rate for the job, but will not be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, nor will he or she accrue seniority or leave of absence rights. A temporary employee may take time off without pay with the approval of his or her supervisor or the General Manager and shall be permitted to take time off for District-recognized holidays without pay.
- c) If a temporary employee is reclassified to probationary or regular status, he or she will be credited with all continuous service in determining eligibility for such benefits that may accrue to him or her in his or her new status.

3116.4 A "Part-Time" employee is one who is hired to work within any job classification but whose position is not regular in nature and generally less than forty (40) hours per week.

3116.5 An "Exempt" employee is an employee who is exempt from the minimum wage and overtime requirements of the Federal Fair Labor and Standard Act ("FLSA"). To be considered "exempt", an employee must work in a bona fide executive, administrative, or professional capacity and be paid on a salary basis as required by the FLSA. These positions shall be so designated in the classification plan.



3116.6 A “Non-Exempt” employee is an employee who is not a bona fide executive, administrative, or professional employee as defined by the FLSA. At the option of the District, non-exempt employees will receive either overtime pay or compensatory time off for work performed in excess of forty (40) hours per week in compliance with the FLSA.



POLICY TITLE: Equal Opportunity
POLICY NUMBER: 3118

3118.1 The District employs persons having the best available skills to efficiently provide high quality service to the public.

3118.2 The District provides equal opportunity for all persons in all aspects of employment, including recruitment, selection, promotion, transfer, training, compensation, educational assistance, benefits, discipline, working conditions, reduction in force, reinstatement, and all other matters of employment.

- a) Such equality of opportunity shall be based solely on job related knowledge, skills, and job performance, and shall be without discrimination because of race, color, religion, national origin, sex, age, sexual orientation, handicap, veteran status, or any other factor unrelated to job performance.



POLICY TITLE: Grievance Procedure
POLICY NUMBER: 3120

3120.1 This policy shall apply to all regular employees in all classifications.

3120.2 The purpose of this policy is to provide a procedure by which an employee may formally claim that he or she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, or instruction.

3120.3 Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law, resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment, and claims or complaints of alleged discrimination or harassment (as there is an alternate procedure for those complaints).

3120.4 Grievance Procedure Steps.

3120.4.1 Level I, Preliminary Informal Resolution. Any employee who believes he or she has a grievance shall present the evidence thereof in writing to his or her immediate supervisor within thirty (30) calendar days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions with the employee within five (5) working days and attempt to resolve the matter within ten (10) working days after the discussions. The supervisor shall provide a written decision to the employee either denying or granting the employee's grievance. It is the intent of this informal meeting that at least one (1) personal conference be held between the employee and the immediate supervisor. If the grievance is against the employee's supervisor, the employee may skip Level I and advance to Level II, provided that he or she complies with all applicable time limits and other requirements for Level I (i.e., the employee must still file the initial grievance within 30 calendar days).

3120.4.2 Level II, General Manager. If the grievance has not been resolved at Level I, the grievant may appeal his or her grievance in writing on a form provided by the District (attached hereto as Appendix "A") to the General Manager within ten (10) working days after the supervisor has issued his or her written decision.

3120.4.2.1 The statement shall include the following:

- a) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied or misinterpreted;
- b) The circumstances involved;
- c) The decision rendered by the immediate supervisor at Level I, if any;



- d) The dates when: (i) the grievance was first discussed with the immediate supervisor; (ii) the Level I response was issued, and (iii) the employee submitted the grievance to Level II; and
- e) The specific remedy sought.

3120.4.2.2 The General Manager shall communicate his or her decision within ten (10) calendar days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the General Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of the General Manager's written decision. Within the above time limits, either party may request a personal conference with the other. If a personal conference is requested, the General Manager shall have ten (10) calendar days from the date of the conference to issue his or her decision.

3120.4.3 Level III, Board of Directors. In the event the grievant is not satisfied with the General Manager's decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as Appendix "A") to the District Board of Directors within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the General Manager; and a clear, concise statement of the reasons for the appeal to Level III.

3120.4.3.1 The Board of Directors shall, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Board's decision shall be announced in open session immediately after the closed session in which it was made, unless the employee request the grievance be kept confidential.

3120.5 Basic Rules.

3120.5.1 If an employee does not present the grievance, or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved and no further appeal will be allowed.

3120.5.2 By agreement in writing, the parties may extend any and all time limitations specified above.

3120.5.3 The General Manager may temporarily suspend the grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.



3120.5.4 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

3120.6 Expungement of Written Reprimands: A written reprimand may be expunged upon sustained corrective behavior, as determined by the General Manager, after a period of three (3) years from the date of the reprimand. It is the responsibility of the employee to request that his or her personnel file be purged of the written reprimand.

3120.6.1 The General Manager will consider the following factors in making his or her decision to expunge a written reprimand:

- a) whether the employee received further discipline of any kind;
- b) employee's performance evaluation reviews are at least satisfactory in all categories; and
- c) that only one (1) expungement can occur during their employment with the District.



Appendix "A"
EMPLOYEE GRIEVANCE FORM
Chester Public Utility District

Received By: _____ Date: _____

Employee's Name:

Date:

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

Circumstances involved:

Decision rendered by the informal conference:

Specific remedy sought:





POLICY TITLE: Hours of Work and Overtime
POLICY NUMBER: 3122

3122.1 This policy shall apply to all non-exempt employees.

3122.2 The regular hours of work each day shall be consecutive except for interruptions for meal periods and breaks, or as otherwise approved by the General Manager in writing.

3122.3 A work week is defined to consist of seven (7) consecutive calendar days, Sunday through Saturday, and, except as otherwise provided herein, a basic work week is defined to consist of five (5) consecutive work days of eight (8) hours each, Monday through Friday. The regular work hours shall be 8:00 a.m. to 5:00 p.m. with one (1) hour off for lunch. A majority of employees may request a change of regular work hours, for their division, with the written consent of the General Manager, so that the regular work hours may be revised to accommodate needs of the public, such as 7:00 a.m. to 4:00 p.m. with one (1) hour off for lunch.

Regular work hours may be modified as outlined in an applicable Memorandum of Understanding between the District and a District-recognized bargaining unit.

3122.4 Overtime is defined as: Time worked in excess of forty (40) hours in a work week.

3122.5 It is the general policy of the District to avoid the necessity for overtime work whenever possible. Overtime shall be held to a minimum consistent with efficient operation and shall only be used to cover emergencies or where working employees overtime is more economical. All overtime work shall be authorized in advance by the employee's supervisor, the General Manager, or his or her designee. Employees working overtime without prior approval by the appropriate individual may be subject to discipline.

Non-exempt employees shall be paid overtime at one-and-one-half (1½) times the employee's regular rate of pay. Holidays, administrative leave, vacation, authorized compensatory time off, and sick leave do not count toward an employee's overtime calculation.

3122.6 A work schedule is maintained by the department head and approved by the General Manager whereby ~~operations employees, fire employees, emergency services employees~~ may be assigned on a rotational basis to be "on-call" on weekends, holidays, and other times not considered regular hours of work for the District employees or assigned to work alternative workweeks. "On-call duty" is an assigned duty outside the normal workweek assignment during which an employee must remain where he or she can be contacted by telephone and he or she is ready for immediate call back to his or her department to perform an essential service.



3122.6.1 On-Call/Weekday Duty employees are paid [\$ _____] per hour the rate described in the applicable bargaining unit MOU or Board-approved pay schedule for each weekday they _



are on-call. If these employees are called into work during this time, they will be paid for any on-call hours worked at the standard overtime rate.

3122.6.2 On-Call employees receive [~~\$ _____~~] ~~per hour~~ the rate per day for each holiday or weekend day they are assigned to on-call duty that is described in the appropriate bargaining unit MOU or Board-approved pay schedule.

3122.6.3 When an employee is assigned to on-call duty, he or she shall be free to utilize his or her time as desired, but must be able to respond within one hour to the District facilities. This will enable the on-call employee time to return to work in the event of an emergency call. On-call employees need to remain unimpaired (e.g., refraining from drinking alcoholic beverages or marijuana usage) and able to perform all duties when on-call.

3122.6.4 If an employee is not “on-call” and he or she is called back to work, the employee will receive two (2) hours of call back pay regardless of whether the employee works less than two (2) hours. The Employee shall also receive hourly call-back pay for every hour worked beyond two (2) hours.



POLICY TITLE: Letters of Recommendation
POLICY NUMBER: 3124

3124.1 The Board of Directors recognizes that the District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interest of the District to ensure that letters of recommendation issued by individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be accurate and conform to all requirements of law. Therefore, the General Manager, or his or her designee, is directed to create and implement a practice whereby all letters of recommendation are reviewed and approved by the General Manager, or his or her designee, before dissemination.

3124.1.1 The General Manager or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all District employees other than himself or herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the General Manager or his or her designee.

3124.1.2 At his or her discretion, the General Manager, or his or her designee, may refuse to give a recommendation. Any recommendation he or she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.



POLICY TITLE: Nepotism
POLICY NUMBER: 3126

3126.1 It is the policy of Chester Public Utility District to seek for its staff the best possible candidates through appropriate search procedures. There shall be no bars to appointment of individuals who have close relatives in any staff category in the same or different departments so long as the following standard is met:

3126.1.1 No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

3126.1.1.1 For the purpose of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, brother, father-in-law, mother-in-law, sister-in-law and brother-in-law.

3126.2 When an individual is considered for appointment in a department in which an immediate family member is already assigned, review of this fact shall be required at all appointing levels. The objective of this review shall be to assure equity to all members of the department.

3126.3 When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.



POLICY TITLE: Payroll Deductions for Salaried Employees

POLICY NUMBER: 3128

3128.1 Employees paid on a “salary basis” regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, a salaried employee will receive his or her full salary for any work week in which he or she performs any work, regardless of the number of days or hours worked. A salaried employee may not be paid for any work week in which he or she performs no work, subject to the District’s benefits programs and policies.

3128.2 No deductions from salary may be made for time when work is not available, provided the salaried employee is ready, willing, and able to work. Deductions from pay are permissible when a salaried employee:

- Is absent from work for one (1) or more full days for personal reasons other than sickness or disability;
- Is absent for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a plan, policy, or practice of providing compensation for salary lost due to illness;
- Is absent for military duty and performs no work during the time off;
- Works less than a full week during the initial or final week of employment;
- Violates safety rules of major significance; or
- Violates written workplace conduct rules applicable to all employees and is suspended without pay for one (1) or more full days.

3128.3 It is [DISTRICT] policy to comply with these salary basis requirements. Therefore, ~~[DISTRICT]~~ the District prohibits all employees and managers from making any improper deductions from the salaries of exempt employees. ~~[DISTRICT]~~ The District wants employees to be aware of this policy and know that the District ~~[DISTRICT]~~ does not allow deductions that violate Federal or State law.

3128.4 If you believe that an improper deduction from your salary has been made, you should immediately report this information to your direct supervisor.

3128.5 Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

3128.6 Every employee is required to submit a Form W-4 at the beginning of each year to direct the payroll staff to make appropriate Federal and State income tax deductions.



POLICY TITLE: Performance Evaluation
POLICY NUMBER: 3130

3130.1 This policy shall apply to all employees except those whose evaluations are dictated by contract or MOU.

3130.2 In order to provide employees with information concerning their employment progress and to identify areas to improve job performance, the employee's supervisor and General Manager will conduct formal written employee evaluations at least once per year, preferably using the employee's hire date or promotion anniversary is desired for an annual evaluation.

Generally, employee evaluations may be performed at three (3) months and/or six (6) months after date of hire and shall be performed near the end of the twelve (12) month probationary period. At the end of the 12-month probationary period, the District may extend the probationary employee's probation period in order to provide the employee additional time to improve his or her job performance and/or to provide the District additional time to observe the probationary employee's work performance.

In the event that an employee's supervisor or the General Manager determines that a regular part-time or regular full-time employee's job performance has not improved sufficiently after receiving a written performance evaluation, the supervisor or the General Manager may elect to establish a performance improvement plan ("PIP"), also known as a performance action plan to provide an employee the opportunity to succeed while still being held accountable for past performance. A PIP shall be used to address either failures to meet specific job performance-related or behavior-related issues. A PIP format and content shall conform to the guidelines provided in Exhibit "A" attached to this Policy Manual.

3130.3 Ratings: Performance evaluations shall be in writing on forms prescribed by the General Manager or his or her designee. The evaluation shall provide recognition for effective performance and also identify areas that need improvement. All evaluations will have an overall evaluation of Unsatisfactory, Improvement Needed, Satisfactory, Above Satisfactory, or Outstanding.

- Unsatisfactory Work is well below the standard expected of a competent worker in that job position, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the evaluator.
- Improvement needed performance is frequently less than the standard expected of a competent worker in that job position, and improvable with additional training, experience, or effort.
- Satisfactory Work performance consistently meets the standard expected of a competent worker in that job position.
- Above Satisfactory Work performance is generally above the standard expected of a competent worker in that job position, a majority of the time.
- Outstanding Work performance is consistently and distinctly well above the standard expected of a competent worker in that job position; performance is superior. Outstanding ratings must be sub-



stantiated in a written statement by the evaluator



3130.4 Evaluation Procedure: The performance evaluation must be signed by the evaluator, as well as the employee, and discussed with the employee. Unscheduled performance evaluations may be made at the discretion of the General Manager or his or her designee. An employee may respond to a performance evaluation in writing, which shall be attached to the performance evaluation. An employee shall speak with his or her evaluator regarding a performance evaluation in which he or she disagrees. If the employee is dissatisfied with his or her supervisor's response to a written response to a performance evaluation, the Employee may discuss the performance evaluation rating to the General Manager. The General Manager may only modify employee evaluations if there is a compelling reason to do so.



POLICY TITLE: Recruitment and Hiring
POLICY NUMBER: 3134

Recruitment:

3134.1 Announcement: All recruitments for classification vacancies within the District shall be publicized by such methods as the General Manager deems appropriate, consistent with District standards. Special recruiting shall be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming examination(s). Announcements shall specify the title and compensation of the classification; the nature of the work to be performed delineating the essential and marginal functions of the job; the minimum qualifications for the classification; the manner of making application; the examination components; and other pertinent information.

3134.2 Applications: Every applicant for examination shall file a formal, signed District employment application. Other methods of acceptable application due to an applicant's disability will be considered. Application forms shall require information covering training, experience, and other pertinent information as required by the General Manager. The General Manager may also require applicants to submit additional job related information.

3134.3 Examinations: Examinations - if determined to be required by the General Manager - for the establishment of eligibility lists shall be competitive and by such character shall test and determine the qualifications, fitness, and ability of applicants to perform the essential functions of the classifications for which they seek appointment.

The examination may include an investigation of character, personality, education, experience, criminal history, credit bureau, drug & alcohol and any tests of intelligence, capacity, technical knowledge, manual skill, or job-related physical fitness that the General Manager deems appropriate.

The General Manager shall designate the procedure, time, place, and type of examination, the conditions under which it may be conducted, and the individual or competent agency who will conduct the examination. The District will make every reasonable effort to accommodate disabled applicants in the administration of employment tests in accordance with applicable law. Examinations may be promotional, open, or continuous as directed by the General Manager. In making a decision regarding the type of examination, the General Manager will consider the availability of qualified interested personnel in the District workforce, the possible Affirmative Action implications, and the need for expediency in filling the position.

3134.3.1 Open/Promotional Examinations: Any person who meets the requirements set forth in the open/promotional examination announcement may compete in open/promotional examinations. The General Manager may adopt and implement objective standards to initially screen applications in order to reduce the number of applicants to a manageable size.



3134.3.2 Promotional Examinations: Regular and non-regular employees, except temporary em-



employees, who meet the requirements set forth in the promotional examination announcement may compete in a promotional examination announcement.

3132.3.3 Continuous Examinations. Continuous examinations may be administered periodically for a single classification. Names shall be placed on eligibility lists and shall remain on such lists as prescribed in Section 3134.4

3134.4 Eligibility Lists

3134.4.1 Establishment: As soon as possible after the completion of an examination, the General Manager shall prepare and maintain an eligibility list consisting of the names of the applicants or employees who qualified in the examination. The names on the list shall be in order based on each applicant's competitive score for the examination process, with the highest score being first on the list. Each applicant or employee shall be given notice of the results of his or her examination and ranking on the eligibility list.

Applicants on the eligibility list for a particular classification may be certified by the General Manager for consideration to hire for a classification in an equal or lower salary range in the event that an eligibility list for that classification does not exist, provided that the applicant is qualified. This may be done only with the approval of the General Manager. Applicants will not be removed from the eligibility list pursuant to Section 3134.4.3 if they refuse to accept employment in the lower classification.

3134.4.2 Duration of Lists: All eligibility lists shall remain in effect until exhausted or abolished by the General Manager for due cause. As a general policy, eligibility lists shall remain in effect for not more than one (1) year. Eligibility lists may remain in effect for more than one (1) year at the General Manager's discretion. The General Manager may abolish eligibility lists with three (3) names or less before the one (1) year expires.

3134.4.3 Removal of Names from Eligibility Lists: The General Manager may remove a name of any eligible candidate appearing on an eligibility list if:

- The eligible candidate requests that his or her name be removed;
- The eligible candidate fails to provide notification of a change in address;
- The eligible candidate fails to attend a scheduled interview;
- The eligible candidate declined an interview on two (2) occasions;
- The eligible candidate declined an offer of employment;
- The eligible candidate was on an eligibility list as a result of a promotional examination and has subsequently left District employment; or
- The eligible candidate was on a list for a specialized classification within one department of the District and was determined to be unsuitable by the department head.

3134.4.4 Disqualification: At any point in the recruitment and selection process, the General Manager may refuse to declare an applicant an eligible candidate, or may withhold or withdraw from certifica-



tion, prior to appointment by the General Manager, anyone who:

- Has failed to provide proof for any of the requirements established in the announcement for the classification for which he or she applied;
- Has been convicted of a felony of such a nature as to have an adverse effect on the candidate's ability to perform the duties of the position;
- Has a history of dismissal from any position in public or private service for any cause which would be a cause for dismissal from District employment;
- Has practiced or attempted to practice any deception or fraud in his or her application, examination, or in securing eligibility; or
- Is otherwise not qualified for employment with the District.

Hiring:

3134.5 Decisions regarding employment are based upon an individual's qualifications for the applicable position as described below.

3134.5.1 Vacancies: Employees of the District are encouraged to apply for any vacant positions for which they are qualified. The District awards vacant positions to the applicants who are best suited to meet the needs of the District, regardless of whether the applicant is a current District employee or not.

If a vacancy is awarded to a current regular employee, that employee shall serve a three (3) month probationary period in that position with continued benefits for health care, sick leave, vacation and comp time-off. Within three (3) months of the move to the vacant position, the employee may return to their previous position with written notice to and approval by the General Manager, so long as the position has not been filled.

3134.5.2 Selection of employees. All persons considered for employment with the District shall be qualified to perform the duties of the position for which they are employed. Before reporting for their first day of work, employees may be required to undergo a medical examination and drug/alcohol testing, which confirms their ability to perform the essential functions of the job.

- a) Citizenship Verification: All employees must provide necessary documentation to prove identity and their right to work in the United States in accordance with Federal and State Immigration and Naturalization laws. Failure to provide such documentation will result in disqualification from selection or immediate termination.

3134.5.3 Probationary Period. The purpose of the probationary period is to give the District and the new employee the opportunity to determine whether employment relationship suits both parties. New employees may be eligible for health benefits under the Affordable Care Act after ninety (90) days of employment, if not enrolled in the District's health care coverage. During the probationary period, the District evaluates the employee's job performance, and it is expected that the employee will use this time period to determine whether the District employment is satisfactory to him or her. Generally, employee evaluations may be performed at three (3) months and/or six (6) months after the date of hire



and shall be performed at the end of the twelve (12) month probationary period. The employee's supervisor will conduct a written performance evaluation to ascertain the advisability of continued employment on a regular basis. However, written evaluations may be done at any time during the probationary period if determined to be necessary by the Supervisor or the General Manager.

Regardless of whether the supervisor completes a written performance evaluation, probationary employees are at-will and the District retains the right to terminate employment with or without cause, during the probationary period, in accordance with California law. Similarly, the probationary employee can end his or her employment at any time with at least two (2) weeks' written notice.

New employees hired for regular positions serve a probationary period of twelve (12) months, commencing with their first day of employment. The General Manager, in conjunction with the employee's supervisor, may extend the probationary period one or more times if it is determined that such an extension is appropriate. The status of regular employment following the probationary period shall only occur after a successful evaluation has taken place, and only if confirmed in writing by the District.



POLICY TITLE: Separation from District Employment
POLICY NUMBER: 3136

3136.1 Resignation: To leave District service in good standing, an employee must file a written notice of resignation with the General Manager at least two (2) weeks before the effective date of separation of employment from the District. The General Manager may, however, grant good standing with less notice if he or she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval.

3136.2 Layoffs: Whenever, in the judgment of the District Board of Directors, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or offered the option of moving to another position within the District, if a position is available and if the employee is qualified without disciplinary action and without the right of appeal.

3136.2.1 Notification: Employees to be laid off will be given, whenever possible, at least fourteen calendar days prior notice, if possible.

3136.2.2 Order of Layoff: Employees are generally laid off in the inverse order of their seniority in their classification in the department, although this order is subject to business needs. Seniority is determined based upon date of hire in the department. Within each class, and subject to business needs, employees will generally be laid off in the following order: temporary, part-time, probationary, and regular.

In cases where there are two (2) or more employees in the classification in the department from which the layoff is to be made who have the same seniority date, such employees will be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to lay off, as follows: (1) all employees having ratings of "improvement needed;" (2) all employees having ratings of "competent;" (3) all employees having rating of "outstanding."

3136.2.3 Transfer in Lieu of Layoff: An employee affected by layoff may be transferred to a vacant position within the same or comparable classification, or a vacant position in any former classification, first within the affected department and then District-wide, which the employee once held as a regular employee, provided that the employee meets the minimum qualifications of said positions and the compensation is at the same or lower rate of pay.

3136.2.4 Re-employment Rights for Laid Off Employees: Regular employees who have been laid off shall be automatically placed on a re-employment list for two (2) years from the date of layoff for the classification from which they were laid off.



3136.2.5 Mass Layoff: If the District finds it necessary to enforce a mass layoff, it must provide at least a sixty (60) day notice prior to the mass layoff. A mass layoff is defined as job loss for at least fifty (50) employees in a thirty (30) day period. California's WARN Act, codified in Labor Code Sections 1400-1408, also applies to the closing of an industrial or commercial facility with at least seventy-five (75) employees, or the relocation of an industrial or commercial facility with at least seventy-five (75) employees to a location at least one hundred (100) miles away.

3136.3 Dismissal of Regular Employees. A regular employee may be dismissed at any time by the General Manager for cause and after following the proper disciplinary termination procedures as outlined in the "Disciplinary Termination" section of these policies.

3136.3.1 A probationary employee may be terminated at any time during a probationary period without right of appeal or hearing. In case of such termination, the General Manager shall notify the probationary employee in writing that he or she is being separated from District service. If all items purchased or provided by the District are not returned immediately, they may be charged with theft of district property.

3136.3.2 Dismissal of the General Manager shall be as outlined in the employment agreement between the General Manager and the District.

3136.4 Exit Interview: For the purpose of ascertaining potential eligibility for unemployment insurance benefits, all employees separating from the District for any reason shall be given an interview prior to termination. The interview shall be conducted by a representative of the General Manager and shall produce specific information as to the causes and reasons for the separation. The information shall be recorded on a standard form provided by the District, which the employee shall be required to sign. A copy of the complete report shall be transmitted to the employee's immediate supervisor and General Manager for comment and be returned for retention in the employee's personnel file.

3136.5 Property Return Agreement. Upon employment with the District, each employee may complete a Property Return Agreement if they receive any District property. Property includes, but is not limited to, laptops, cell phones, PDAs, equipment, keys, reports, proprietary information, and any other job related materials. All District property must be returned prior to departure.

3136.6 Employment Reference Checks: All inquiries regarding a current or former District employee must be referred to the General Manager. Should an employee receive a written request for a reference, he or she must refer the request to the General Manager for handling. Employees may not issue a reference letter to any current or former employee without the permission of the General Manager.

Under no circumstances should an employee release any information about a current or former employee over the telephone. All telephone inquiries regarding any current or former employees of the District must be referred to the District Manager.



In response to an outside request for information regarding a current or former District employee, the General Manager will only verify an employee's name, date of employment, and job title. No other data regarding any current or former District employee will be released unless the employee authorizes the District to release such information in writing, or the District is required by law to furnish any information.

If, however, an employee is contacted to give a personal reference regarding a current or former District employee, he or she is permitted to do so and should emphasize to the inquirer that the reference is personal only and not on behalf of the District. Failure to follow these directions may be cause for disciplinary action up to and including termination.



POLICY TITLE: Temporary Reclassifications

POLICY NUMBER: 3138

3138.1 The General Manager may temporarily assign an employee to perform work normally performed by another employee or position classification at a different level or salary.

3138.2 An employee temporarily assigned to perform work of a lower paid classification shall not have his or her salary reduced, and an employee temporarily assigned to perform work of a higher paid classification shall receive compensation equal to either the lowest salary step for that position that would provide for an increase in pay or five percent (5%), whichever is less, for all time spent in the acting position in excess of twenty (20) work days. Temporary reclassification shall continue only until such time as the employee is returned to his or her original job duties.

3138.3 Temporary assignments to a higher or lower paid classification must be in writing and approved by the General Manager in advance.



POLICY TITLE: Unlawful Harassment
POLICY NUMBER: 3140

3140.1 Harassment and discrimination in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion (including religious dress and grooming practices), age (40 and over), physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis is prohibited by federal and state law. The District does not tolerate unlawful discrimination or harassment in the workplace or in a work-related situation. Unlawful discrimination and harassment is a violation of these Guidelines. Section 3140 shall also include and apply to members of the District Board of Directors, independent contractors, unpaid interns, volunteers, persons providing services to the District pursuant to a contract, and other persons with whom District employees may come into contact while working.

3140.2 Unlawful harassment in employment may take many forms. Some examples include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, unwanted touching, or otherwise physically interfering with work of another individual;
- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by District policy.

Please note that prohibited harassment is not just sexual harassment but harassment based on any protected category.

3140.3 Sexual harassment under state and federal laws is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment; or adversely
- affected the employee's performance, appraisal, assigned duties, or any other condition of



- employment or career development; or
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personal action.

3140.4 Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or physical actions from subtle pressure for sexual activity to physical assault. Sexual harassment conduct need not be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Examples of the kinds of conduct included in the definition of sexual harassment are:

3140.4.1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

3140.4.2 Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person, sexually degrading words to describe the person, or propositions of a sexual nature.

3140.4.3 The following is a list of some, but not all, actions employees are to avoid that could be interpreted as sexual harassment:

- Unwelcome sexual advances and propositions;
- Offensive flirtations with sexual overtones;
- Sexual innuendo;
- Obscene and suggestive comments;
- Humor or jokes about sex or gender specific traits;
- Sexual or graphic comments about an individual's body, dress, or overall appearance; or
- Sexually suggestive or explicit graffiti, illustrations, visual or printed material in the workplace, including inappropriate emails, internet sites, and social media postings.

3140.5 Abusive conduct or workplace bullying of the District's employees, by any person in or from the work environment, is strictly prohibited. Abusive conduct or workplace bullying is the conduct of any employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest. Abusive conduct or workplace bullying includes, but is not limited to:

- Repeated infliction of verbal abuse;
- Derogatory remarks, insults, epithets;
- Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or
- Gratuitous sabotage or undermining of a person's work performance.



3140.6 Policy Publicizing. All employees shall be informed of the District's unlawful harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

3140.6.1 All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.

3140.6.2 An annual bulletin may also be prepared and distributed to all employees informing them of the District's sexual harassment policy.

3140.7 Complaint Process. Any employee who believes he or she is the victim of unlawful harassment, abusive conduct, or discrimination on any prohibited basis, or who has observed such conduct, or believes he or she is subject to retaliation ("Unlawful Harassment") may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

3140.7.1 An informal complaint is made verbally by the employee to the immediate supervisor and/or HR Manager/Personnel Manager. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee.

3140.7.2 A formal complaint is made in writing using the "Employee Grievance Form," see "Appendix A" in Policy #3120. Said form should be submitted by the employee to their immediate supervisor and/or HR/Personnel Manager. Although submitting the formal complaint with the immediate supervisor and/or HR/Personnel Manager is preferred, the employee is free to submit a formal complaint with any supervisory employee, including the General Manager, or with the President of the Board of Directors, if the employee's immediate supervisor is the General Manager and the General Manager is unavailable or personally involved in said complaint.

3140.8 Complaint Response Process. Any supervisory employee who receives a formal or informal Unlawful Harassment complaint shall maintain the confidentiality of the complainant to the extent possible and shall personally deliver said complaint immediately and directly to the division manager, or to the General Manager if the division manager is unavailable or personally involved in said complaint. If the General Manager is unavailable or personally involved in said complaint then said complaint shall be delivered to the President of the Board of Directors.

3140.8.1 After a formal or informal complaint is received, an impartial investigation shall be conducted by the manager of the division, the General Manager, the HR/Personnel Manager, or another impartial investigator within a timely manner.



- 3140.8.2 A written record of any investigation of an alleged Unlawful Harassment complaint shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Personnel Committee of the Board if one exists or the entire Board of Directors. If the General Manager is personally involved in the complaint, such findings will instead be provided directly to the Personnel Committee of the Board if one exists or to the entire Board of Directors to determine options and/or remedial action, if appropriate.
- 3140.8.3 All discussions resulting from said investigation shall be kept confidential to the extent possible by all informed of said investigation.
- 3140.8.4 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions. Said advocate may support and/or represent the complainant but should not interfere with the integrity of the investigation or the investigatory process.

3140.9 Disciplinary Procedures and Sanctions. If upon the conclusion of the investigation of the alleged Unlawful Harassment claim, the investigator determines that harassment, discrimination, retaliation, or other prohibited conduct has occurred, appropriate corrective and remedial action shall be taken by the General Manager/Board of Directors against the ~~harasser~~harasser in accordance with the circumstances involved. The District will also take appropriate action to deter future misconduct. Any employee determined by the District to be responsible for harassment, discrimination, retaliation, or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including, termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

3140.10 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 District policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the California Department of Fair Employment and Housing (“DFEH”) or Federal Equal Employment Opportunity Commission (“EEOC”), or for otherwise participating in any proceedings conducted by the District under this policy or by either of these agencies.

3140.11 Employee should also be aware that the EEOC and the DFEH investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. Information is available at www.eeoc.gov and www.dfeh.ca.gov.



POLICY TITLE: Inclusive Workplace Policy
POLICY NUMBER: 3141

3141.1 Purpose. The District is dedicated to maintaining a safe and productive workplace environment for all employees. This policy sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees. This inclusive workplace policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. However, in all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

3141.2 Definitions. The definitions provided within this policy are not intended to label employees but rather to assist in understanding this policy and the legal obligations of employers. Employees may or may not use these terms to describe themselves.

3141.2.1 Transgender. Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth.

3141.2.2 Gender expression. Gender expression is defined by the law to mean a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. It includes an individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.

3141.2.3 Gender identity. Gender identity is a person's internal understanding or sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Each person has a gender identity.

3141.2.4 Gender non-conforming. Gender non-conforming is a term that describes people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations.

3141.2.5 Transitioning. Transitioning is a process some transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth. This process



may include, but is not limited to, changes in name and pronoun usage, facility usage, participation in employer-sponsored activities or undergoing hormone therapy, surgeries, or other medical procedures.

3141.4 Right to Privacy. Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee can decide when, with whom, and how much to share of their private information.

Management, human resources staff, and coworkers should avoid revealing an employee's transgender status or gender non-conforming presentation to others without the transgender employee's consent and should only do so with coworkers who need to know to do their jobs.

3141.5 District Records. The District will change an employee's official employment record to reflect a change in name and/or gender upon request from the employee, to the extent it is possible. Please note that certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be officially changed. However, to the extent possible, the District will work to reflect an employee's preferred name on District records without proof of a legal name change.

3141.5.1 Name/Pronoun. A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. District employment records will also be changed to reflect the employee's new name and gender, to the extent possible, upon the employee's request.

3141.6 Transitioning. Employees who transition during their employment with the District can expect the support of management and human resources staff. HR will work with each transitioning employee individually to ensure a successful workplace transition.

3141.7 Restroom Accessibility. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity or gender expression, regardless of the employee's sex assigned at birth. Employees shall have access to the restroom corresponding to their gender identity or gender expression. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a unisex single-stall restroom, if available. No employee, however, shall be required to use such a restroom.

3141.8 Locker Room Accessibility. All employees have the right to use the locker room that corresponds to their gender identity or gender expression, regardless of the employee's sex assigned at birth. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area, or using the locker room that corresponds to their gender identity or gender expression before or after other employees. Any alternative arrangement for a transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.



3141.9 Dress Code. The District does not have a dress code that restrict employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with District's dress code in a manner consistent with their gender identity or gender expression.

3141.10 Discrimination/ Harassment. It is unlawful and violates the District's policy to discriminate in any way against an employee because of the employee's actual or perceived gender identity and/or gender expression. Additionally, it also is unlawful and contrary to this policy to retaliate against any person objecting to, or supporting enforcement of legal protections against gender identity and/or gender expression discrimination in employment.

3141.10.1 Investigation. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action and providing employees and staff with appropriate resources.

3141.10.2 Complaint. Any employee who believes he, she, or they are the victim of unlawful harassment or discrimination based on gender identity or gender expression shall promptly file a complaint with the immediate supervisor and/or HR/personnel manager. The process for filing a complaint is outlined in Policy 3140.7.



POLICY TITLE: Whistleblowing Policy

POLICY NUMBER: 3142

3142.1 It is the policy of Chester Public Utility District that its employees should be free to report violations of law, abuse of authority, fraud, economic waste, or gross misconduct, incompetence or inefficiency without fear of retaliation or retribution. This policy is based on a finding that the Chester Public Utility District best serves itself and its membership when it can be candid and honest without reservation in conducting the business of the Chester Public Utility District.

The Chester Public Utility District prohibits retaliation by employees, Board members or volunteers against any staff member, Board member or volunteer for making good faith complaints, reports or inquiries regarding illegal or improper activities under this policy to the Chester Public Utility District or any law enforcement agency, or for participating in a review or investigation of any such complaints under this policy. This protection extends to those whose allegations are made in good faith, but prove to be mistaken. The Chester Public Utility District reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints or reports regarding alleged illegal or improper activities, or who otherwise abuse this policy.

Therefore, the purpose of this policy is to: (1) encourage staff, Board members and volunteers to report to the Chester Public Utility District any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the Chester Public Utility District's policies, promptly to those members of the Chester Public Utility District specified in this policy; and (2) prohibit the Chester Public Utility District's Board of Directors, General Manager and supervising employees from retaliating against any employee who reports illegal or improper activities to the Chester Public Utility District or law enforcement agencies as provided herein; and (3) specify a procedure by which information regarding illegal or improper activities or retaliation by members of the Board of Directors or employees can be reported to the Chester Public Utility District and investigated; and (4) provide a hearing process to any employee or Board member who has filed a written complaint with the Chester Public Utility District alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the Chester Public Utility District or law enforcement protected by this policy.

3142.2 Definitions:

- a) "Illegal Order" means a directive to violate or assist in violating a federal, state or local law, rule or regulation, or an order to an employee to work or cause others to work in conditions outside of their scope of duty that could unreasonably threaten the health and safety of employees or the public.
- b) "Illegal or Improper Activity" means an activity by a member of the Board of Directors, an employee, or a volunteer of the Chester Public Utility District that is undertaken in the performance of that person's duties that is either: (1) a violation of any state or federal law or regulation including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, abuse of property or willful



omission to perform a duty; or (2) violates Chester Public Utility District policies, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. Illegal or Improper Activity includes alleged financial, accounting or audit improprieties and alleged ethical violations by employees or Board members



- c) "Protected Disclosure" means a good faith communication from an employee or Board member of the Chester Public Utility District to the District or law enforcement agencies that discloses information that may be evidence of Illegal or Improper Activity.
- d) "Retaliation" means an employee or director using or attempting to use his or her official authority or influence over an employee to intimidate, threaten, or coerce any employee in order to interfere with the rights of employees to freely report Illegal or Improper Activity to the [DISTRICT] or a law enforcement agency. Retaliation includes, but is not limited to, promising to confer, or conferring any benefit; affecting or threatening to affect any reprisal; or taking or directing others to take, recommend, or approve any personnel action against an employee making a Protected Disclosure including, but not limited to, demotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action including termination.

3142.3 Encouragement of reporting of illegal or improper activity: [DISTRICT] encourages employees and members of the Board to file complaints or reports about Illegal Orders or Illegal or Improper Activity or alleged Retaliation with the General Manager. All such complaints shall include specific facts supporting any allegation of Illegal or Improper Activity, or Retaliation, as defined by this policy. Complaints of Illegal or Improper Activity or Retaliation may be made anonymously, but such anonymity may impede the ability of the DISTRICT to conduct a thorough investigation. If the General Manager is alleged to be involved in the complaint or report, then such complaint shall be filed with the President of the Board of Directors. If the President of the Board is also alleged to be involved in the complaint, then the complaint or report shall be filed with the [DISTRICT]'s General Counsel.

Other allegations with respect to which the [DISTRICT] has existing complaint, grievance or appeal procedures as specified in the DISTRICT's policies should be addressed pursuant to those procedures, such as issues of alleged discrimination or harassment which are processed by the [DISTRICT]'s human resources department. This policy is not intended to provide a procedure for the filing of employee or Board member complaints regarding any employment issues other than whistleblowing activities and protection of employees from Retaliation for making Protected Disclosures.

3142.4 Investigations of Allegations of Illegal or Improper Activity: The General Manager may request that a person submitting a complaint alleging Illegal or Improper Activity provide his or her name and contact information and provide the names and contact information for any persons who could help substantiate the claim. However, this information is not required in order to submit a complaint.

Upon receiving a complaint from any employee or member of the Board that an employee or Board member has engaged in an Illegal or Improper Activity, the General Manager will conduct an investigation of the allegations in the complaint. The identity of the person filing the complaint, or of any person providing information in confidence regarding the facts in the complaint shall not be disclosed without the express permission of the person providing the information. However, the General Manager may disclose the facts in the complaint to a law enforcement



agency in the event that an allegation of criminal conduct is contained in the complaint filed with the [DISTRICT]. The General Manager may request the assistance of [DISTRICT] General Counsel and/or any outside consultant for assistance in evaluating an allegation of Illegal or Improper Activity or conducting an investigation of Illegal or Improper Activity as authorized by this policy. The General Manager shall investigate the allegations in the complaint and prepare a report of the results of the investigation within sixty (60) days of the date of the complaint.

If, upon completion of the investigation, the General Manager finds that an employee or Board member may have engaged or participated in an Illegal or Improper Activity, the General Manager shall make such findings in the investigative report and include recommended actions to prevent the continuation or recurrence of the Illegal or Improper Activity. Such recommendations may include taking disciplinary action against those employees found to have violated this policy, which action may be taken by the General Manager. The investigative report may also recommend imposing sanctions, including loss of office, on those Board members found to have violated this policy. In that event the report shall be filed with the Executive Committee of the Board of Directors which shall comply with the policies of the [DISTRICT] in initiating discipline against a member of the Board of Directors. The [DISTRICT] shall keep confidential all investigation work product including the investigative report.

3142.5 Complaints of Retaliation and Investigation. An employee or volunteer who believes he or she has been subjected to Retaliation as defined and prohibited by this policy shall file a written complaint with the General Manager which specifies the alleged retaliatory conduct and identifies the individuals allegedly engaged in such conduct.

Upon receipt of the complaint the General Manager shall commence an investigation of the allegations contained in the complaint of Retaliation, which shall include interviews of the complainant and any potential witnesses. The General Manager may utilize the services of [DISTRICT] General Counsel and/or other consultants in conducting such investigation and preparing an investigation report. A written investigation report regarding the alleged Retaliation shall be completed within thirty (30) days of receipt of a complaint of Retaliation.

Based on the investigation, the General Manager shall make a determination as to whether Retaliation occurred in violation of this policy and, if so, what steps should be taken to remedy the situation. The General Manager's decision shall be communicated to the complaining employee. In making his or her determination, if it is alleged that improper disciplinary action was taken against the complaining employee in Retaliation for having made a Protected Disclosure, the General Manager shall consider whether the taking or failing to take any personnel action with respect to an employee who has complained of Retaliation is justified on the basis of evidence separate and apart from the fact that the person has made a Protected Disclosure, such as inadequate job performance. If the evidence in the investigation reveals that a Protected Disclosure was a contributing factor in the alleged Retaliation against a former or current employee, the burden of proof shall be on the supervisor or other employee imposing the discipline to demonstrate by clear and convincing evidence that the alleged personnel action would have occurred for legitimate, independent reasons even if the complaining employee had not engaged in Protected Disclosures of Illegal or Improper Activity.



The investigation report of the alleged Retaliation prepared by the General Manager shall include a written decision as to whether this policy has been violated. If the investigation report concludes that this policy has not been violated and the complaining employee disagrees with the determination of the General Manager, the complaining employee may appeal in writing the decision to the Executive Committee of the Board of Directors. That appeal must be filed within ten (10) business days of receipt of the investigation report and decision of the General Manager.

If an appeal is filed, the Executive Committee of the Board of Directors shall conduct a hearing of the complaining employee's appeal and hear and receive all evidence submitted by the complaining employee. In hearing the appeal, the Executive Committee may take evidence, and hear testimony from the complaining employee and other witnesses. The Executive Committee shall consider whether an activity protected by this policy was a contributing factor in the alleged Retaliation against the complaining employee and if the alleged retaliatory action could have occurred for legitimate, independent business reasons even if the complaining employee had not made Protected Disclosures. The Executive Committee shall render a final decision in writing to the complaining employee within thirty (30) days after completing the hearing which concludes whether Retaliation prohibited by this policy has occurred or not. If the Executive Committee finds that the provisions of this policy have been violated, it shall order that any personnel action taken against the complaining employee be reversed and that a memorandum be placed in the employee's personnel file indicating the results of the decision of the Executive Committee of the Board of Directors on appeal.

A complaining employee shall be required to exhaust his or her administrative remedies by filing an appeal with the Executive Committee of the Board of Directors regarding any alleged violation of this policy before being entitled to commence a civil action in the Superior Court.



POLICY TITLE: Telecommuting Policy (exempt employees)
POLICY NUMBER: 3144

3144.1 Telecommuting, also called “telework,” or performing work for one’s employer from home or a remote location, is becoming an increasingly desirable employment model. High-speed internet connections, smart phones, and innovative telecommunications equipment routinely facilitate off-site work. Allowing employees the freedom to perform their job in locations other than on Chester Public Utility District property can improve employee performance, productivity and morale; facilitate optimum utilization of Chester Public Utility District office and parking facilities; promote employee health and wellness; improve air quality and traffic congestion; improve employee recruitment and retention; enhance the working life and opportunities of persons with disabilities; and effectively continue business as part of a disaster recovery or emergency plan.

Therefore, the purpose of this policy is to: (1) encourage employees who desire and are able to work from home or another remote location to discuss the feasibility of such an arrangement with their immediate supervisors; (2) develop a uniform policy for employees who work remotely; and (3) ensure that all telecommuting arrangements are in full compliance with applicable laws governing workplace safety, employee rights and responsibilities, and Chester Public Utility District policies.

3144.2 Eligibility

Only employees whose job duties can be performed away from the Chester Public Utility District office (or other primary work location) may be considered for participating in a telecommuting program. In addition, other criteria shall be considered in determining whether to grant a specific request for telecommuting. These other criteria may include, but are not limited to, years of employment at Chester Public Utility District; whether the employee’s past work performance has shown reliable and responsible performance of work duties over time; whether the employee can reliably provide alternative work space; whether the employee’s absence from the primary work location will disrupt the workflow of other employees and/or overall management of Chester Public Utility District; and whether the employee can demonstrate full understanding of the requirements of this policy. Supervisors may use other reasonable criteria in addition to these examples.

Telecommuting during a probationary or introductory period shall not be granted. Employee participation in telecommuting may be required in accordance with Chester Public Utility District’s needs. Chester Public Utility District has the right to refuse to make telecommuting available to any employee, ¹ or to require any employee to telecommute. Chester Public Utility District has no obligation to allow one employee to telecommute merely because another employee who performs the same or similar job duties has been approved for telecommuting.

A request to telecommute may be initiated by either the employee or Chester Public Utility District.

3144.3 Work Schedule

¹ Should an employee request a telecommuting arrangement due to a disability as defined by the Americans With Disabilities Act or Fair Employment and Housing Act, Chester Public Utility District will engage in an interactive process discussion with the employee to determine whether such accommodation can reasonably be provided.



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All telecommuting work schedules are at management’s discretion. Telecommunicating arrangements do not necessarily provide the employee with a flexible work schedule. The work schedule shall be consistent with the operational needs of the employee’s work group and department and overall management of Chester Public Utility District. As with any work schedule, management has the discretion to change or eliminate telecommuting arrangements to meet operational needs, or at the employee’s reasonable request.

Telecommuters may be required to spend a minimum number of work days per week or per month at their primary onsite work location. Operational needs may also demand the presence of a telecommuting employee in the office on a regularly scheduled telecommute day, with or without advance notice. When feasible, management shall attempt to provide as much notice as possible to the telecommuting employee.

The official worksite for telecommuters is where the employee regularly performs their duties. Telecommuters shall designate a remote work location, subject to management’s approval. Telecommuters must obtain approval prior to changing their permanent remote work location. Permanent work locations outside of the State of California will not be approved.

Telecommuters shall maintain regular contact with supervisors and co-workers by phone and e-mail while they are telecommuting. Unless granted express permission by the employee’s immediate supervisor, employees shall expect to adhere to a regular workday schedule as if they were present in the office, and shall be in communication by phone and e-mail during those hours.

3144.4 Meetings at the Telework Site

Telecommuting employees are not permitted to conduct work-related meetings at their remote worksites. Meetings must be conducted either onsite or through tele- or videoconferencing. Absent express written authorization from the telecommuting employee’s supervisor, no other Chester Public Utility District employee is permitted to conduct Chester Public Utility District business at the remote worksite.

3144.5 Benefits and Compensation

All benefits and compensation will be based on the employee’s position, with no distinction made between telecommuting and onsite employees. All applicable contracts, agreements and policies governing an employee’s position shall continue to apply in the telecommuting program.

3144.6 Chester Public Utility District Policies

Employees who telecommute are bound by all Chester Public Utility District policies as if they were working onsite or on Chester Public Utility District property. This includes policies governing appropriate conduct in the workplace and towards one’s fellow employees, regardless of working location. Any employee who violates any of Chester Public Utility District’s policies while telecommuting shall be subject to revocation of their telecommuting arrangement, in addition to any disciplinary measures that would be taken if the employee was working onsite.



3144.7 Health and Safety

Chester Public Utility District is committed to ensuring a safe worksite in compliance with the rules and guidelines set forth by the Division of Occupational Safety and Health (Cal/OSHA). Employees who telecommute from their home are responsible for designating one area in their home as the worksite. The employee's direct supervisor or other designated manager shall review the applicable health and safety rules with the employee, and the employee must complete a checklist and certify in writing that the worksite meets all of the requirements for a safe and healthy work environment. The employee must also certify in writing that, should any condition arise at the worksite so that the health and safety requirements are no longer met, or if any other hazardous condition occurs, the employee will notify their supervisor immediately and cease working at the remote worksite until the condition has been remediated. The employee shall not be permitted to resume telecommuting from the remote worksite without the express authorization of their supervisor.

Upon reasonable notice, management has the right to inspect the employee's designated worksite. Employees who refuse such a request, may not be allowed to continue telecommuting. Management reserves the right to refuse or rescind a telecommuting agreement based on the employee's failure to adhere to the guidelines, or if a supervisor or other manager makes the reasonable assessment that the employee's worksite poses a health or safety risk.

If an employee incurs an injury or illness in the course or scope of employment while telecommuting, Workers' Compensation laws apply. Employees must immediately notify their supervisor and complete all necessary paperwork as required by Chester Public Utility District.

Actions that the telecommuter may take during break periods from working and actions not directly related to the approved remote worksite will not be covered under Workers' Compensation. These non-covered actions include, but are not limited to, all actions that the employee would not be able to perform in a Chester Public Utility District office, such as caring for children or pets, domestic tasks, yard work, retrieving the mail, cooking, exercising and interacting with non-Chester Public Utility District employees for non-business purposes.

Chester Public Utility District shall in no instance be liable for injuries to third persons, including members of the telecommuting employee's family, who enter the employee's worksite or otherwise interact with the employee or use the employee's home office equipment.

Chester Public Utility District understands that compliance with the health and safety provisions of this policy does not necessarily provide the reasonable accommodations required by employees with disabilities. Telecommuting employees with disabilities shall be entitled to the same rights and accommodations they would be entitled to under all applicable state and federal laws and Chester Public Utility District policy. Telework may be provided as a reasonable accommodation, and such arrangement is addressed in a separate reasonable accommodation policy.

3144.8 Performance Standards and Evaluation



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An employee participating in a telecommuting arrangement is accountable under the same performance standards as employees working onsite. As in “regular” office assignments, supervisors and employees should discuss and understand what is expected to be produced during telecommuting hours and when assignments are due. Supervisors and employees should also arrange when and how to make contact with each other on telecommuting days. Employee performance must remain satisfactory or above to participate in the telecommuting program.

3144.9 Business Expenses and Reimbursement

Expenses incurred as a result of telecommuting generally will not be reimbursed by Chester Public Utility District unless they are normally reimbursable pursuant to Chester Public Utility District policies, or pre-approved in advance at the sole discretion of the employee’s supervisor. Such non-reimbursable expenses include, but are not limited to, utility costs, personal computer repair or replacement, purchase of office equipment or furniture, and travel to and from the primary Chester Public Utility District worksite if required to be onsite. If an employee who is required to telecommute believes that they are incurring expenses on behalf of Chester Public Utility District that would not ordinarily be incurred if the employee was working onsite, they should notify the supervisor to discuss reimbursement.

Telecommuting employees may use Chester Public Utility District office equipment and supplies at any time, according to need. For example, unless directed not to report to Chester Public Utility District’s office, a telecommuting employee is allowed to come to Chester Public Utility District’s office to use printing and copying equipment, administrative assistance, or other office resources to which the employee would have access working onsite. With the advance approval of the employee’s supervisor, a telecommuting employee may be permitted to take Chester Public Utility District office supplies to their remote worksite to facilitate productivity. Such supplies may include printer paper, pens and pencils, or other miscellaneous office-related items. Employees should not remove any item from Chester Public Utility District property to use offsite without the express permission of their supervisor.

3144.10 Use of Personal Computers, Smart Phones and Other Technology

Telecommuting employees using their personal computers, internet connections, smart phones and other technology are responsible for ensuring and certifying that they meet the same security standards as if they were using Chester Public Utility District technology. Those standards vary across departments, and it is the responsibility of the supervisor to discuss electronic security with the telecommuting employee and assess whether the employee’s remote worksite ensures the level of security required by Chester Public Utility District and/or department. At the supervisor’s discretion, the telecommuting employee may be required, as a condition of telecommuting, to establish a secure internet connection, install enhanced password protection or encryption software, keep confidential materials in a locked or otherwise secured location, restrict non-employees’ (such as family members’) usage of computers or smart phones used for Chester Public Utility District business, and any other measure required to maintain Chester Public Utility District’s information security standards.

Any and all policies governing employee usage of Chester Public Utility District computers, internet connections



and mobile devices shall apply to telecommuting employees when they are using their personal equipment in the course and scope of employment, and when they are using Chester Public Utility District technology at any time. Employees using Chester Public Utility District technology or conducting Chester Public Utility District business on personal devices have no expectation of privacy.

3144.11 Equal Opportunity

This policy does not alter Chester Public Utility District's commitment to maintaining an equal opportunity, discrimination-free workplace. All Chester Public Utility District policies, as well as all state and federal laws, governing Chester Public Utility District's anti-discrimination policy apply uniformly to telecommuting and onsite employees.

3144.12 Harassment-Free Workplace

This policy does not alter Chester Public Utility District's commitment to maintaining a harassment-free workplace. All Chester Public Utility District policies, as well as all state and federal laws, governing Chester Public Utility District's anti-harassment policy apply uniformly to telecommuting and onsite employees.

Any employee who feels they have been subjected to harassment in the course of performing Chester Public Utility District business should report the incident in accordance with Chester Public Utility District's anti-harassment policy. Investigations of alleged harassment shall be conducted in the same manner for telecommuters as for onsite employees, regardless of where the incident occurred.

3144.13 Procedure

Employees who wish to telecommute are encouraged to contact their immediate supervisor to discuss the feasibility of such an arrangement. Employees may arrange to telecommute regularly, or on an as-needed basis. Same-day requests for telecommuting cannot be granted unless the employee has already certified to a safety-compliant worksite and discussed information security with their supervisor.

All telecommuting arrangements are subject to ongoing review and may be revoked at any time. Nothing in this policy shall grant telecommuting employees any rights they would not have if working onsite, nor shall it limit their rights under all applicable Chester Public Utility District policies and state and federal laws.

I understand, acknowledge and agree to abide by all of the provisions contained in this policy.

[EMPLOYEE]

[SUPERVISOR]



POLICY TITLE: Lactation Accommodation Policy
POLICY NUMBER: 3146

3146.1 Chester Public Utility District recognizes the need to promote a work environment that is supportive of breastfeeding employees who wish to continue nursing their infant children when they return to work. This policy establishes guidelines for promoting a breastfeeding friendly work environment and supporting lactating employees.

3146.2 Chester Public Utility District will provide an environment that will enable employees to express their milk in a private, appropriate space. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, and access to electricity. Lactating employees will also be provided access to a sink with running water, and access to a refrigerator for storing breast milk.

3146.3 An employee may request an accommodation for reasonable lactation breaks by informing Human Resources and her supervisor in writing (preferably by electronic mail). The supervisor and the employee will discuss an appropriate break schedule for lactation. The lactation break time will, if possible, run concurrently with the employee's regular paid break time already provided. Any time in excess of a normal lunch or paid break time will not be paid. Chester Public Utility District will respond, in writing, if lactation space or additional break time, as described in this policy, cannot be provided.

3146.4 Harassment of and/or discrimination against lactating employees is prohibited. It is also prohibited to retaliate against lactating employees who request time to express breast milk at work. If you are aware of any harassment of and/or discrimination against a lactating employee, please immediately report it to Chester Public Utility District's selected representative. Any incident of discrimination or harassment of a lactating employee will be addressed in accordance with the Chester Public Utility District's policies and procedures and in accordance with state law.

Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.



POLICY TITLE: Termination Policy
POLICY NUMBER: 3148

3148.1 Progressive Discipline

At all times, Chester Public Utility District expects employees to perform to the best of their abilities and to conduct themselves appropriately. If an employee performs at an unsatisfactory level, violates a policy, or commits inappropriate acts, they will be subject to discipline. Chester Public Utility District will administer a progressive discipline system that includes one or more verbal warnings, one or more written warnings, suspension, reduction in pay, demotion, and discharge. Progressive discipline is not mandatory, and Chester Public Utility District reserves the right to deviate from any order or form of progressive discipline when appropriate. Progressive discipline is also inapplicable to staff reductions and layoffs. The severity of the infraction may warrant any level of disciplinary action, up to and including termination.

Progressive discipline requires that repeated offenses should normally carry more severe corrective actions than first offenses. A pattern of offenses after successive corrective actions should ultimately result in discharge. This policy is a guide to constructive, progressive discipline to be used in deciding on corrective action for improper conduct by employees. When assessing the appropriate level of discipline in response to an employee's offense(s) Chester Public Utility District should consider the type and severity of the offense(s), as well as the number of occurrences. In most cases, corrective actions should be administered as outlined below, with time to assess whether the employee has corrected the deficiencies. Some conduct, however, may require proceeding directly to more severe levels of discipline.

3148.2 Applicability

This policy applies to all Chester Public Utility District employees who are subject to the Personnel System. This policy does not apply to at-will, temporary, or probationary employees. Chester Public Utility District reserves the right to terminate the employment relationship of an at-will, temporary, or probationary employee at any time, with or without cause or notice, and without the opportunity for appeal.

3148.3 Causes for Discipline. The following offenses may each form the basis of disciplinary action: employee misconduct, below standard performance, attendance and tardiness, improper behavior with supervisors, fellow employees, or the public, use of alcohol or controlled substances at work, safety violations, fraud, dishonesty, theft, falsification of records, discrimination, or harassment.

Note: this list is not exhaustive. Other actions and behaviors may warrant disciplinary responses from Chester Public Utility District.

3148.4 Verbal Warning



In many situations, a verbal warning is sufficient. The purpose of a verbal warning is to clarify policies and expectations. The impact of the incident or violation should also be taken into consideration. The verbal warning should explain to the employee Chester Public Utility District's standards and requirements, what is expected in the future, and the possible consequences if the behavior or performance is not corrected. The supervisor should document in their files that the verbal warning occurred.

3148.5 Written Warning

If the conduct addressed by a verbal warning is repeated or additional problems occur, or if the conduct warrants a written warning, the supervisor should issue the employee a written warning in the form of a letter. The letter should describe the unacceptable conduct, outline Chester Public Utility District's expectations, and advise the employee of the possible consequences if the behavior or performance in question is not corrected. The written warning is to be kept in the employee's personnel file.

3148.6 Suspension

Suspension is a temporary and involuntary absence from employment without pay for disciplinary purposes. A suspension may be imposed for serious violations of rules or regulations, performance deficiencies, misconduct, and/or failure to improve in work performance, behavior, or attendance after lesser disciplinary measures have proved ineffective, or if a first offense is severe enough to warrant suspension.

The notification of suspension shall be subject to review by the General Manager, and triggers the right to the pre-disciplinary ("Skelly") procedure set forth in Section 3148.10 of this Policy.

3148.7 Reduction in Pay

Reduction in pay is a temporary decrease in an employee's base salary rate. A reduction in pay may be imposed when an employee has consistently failed to sustain employment standards or when the severity of the employee's conduct warrants imposition of such measures.

The notification of reduction in base pay shall be subject to review by the Human Resources Department, and the *Skelly* rights set forth in Section 3148.10 of this Policy.

3148.8 Demotion

Demotion is a reduction in rank, class, title, or step, made for disciplinary purposes. Usually there is a corresponding reduction in pay. Removal from special assignments or details, even if there is a corresponding reduction in pay, does not constitute demotion.

The notification of demotion shall be subject to review by the General Manager, and to the *Skelly* rights set forth in Section 3148.10 of this Policy.

3148.9 Discharge



Discharge is the permanent removal of an employee from Chester Public Utility District service. Disciplinary discharge may occur for serious violations of Chester Public Utility District policies and procedures, rules or regulations, continued performance deficiencies, misconduct, and/or failure to improve in performance, behavior, or attendance when lesser informal or formal disciplinary measures will not remediate the performance deficiencies. The commission of a single, serious offense or the commission of a series of repeated offenses may warrant termination.

The notification of discharge shall be subject to review by the General Manager and to the *Skelly* rights as set forth in Section 3148.10 of this Policy.

Discharge due to layoffs, budget reductions, reorganization, or restructuring is not considered disciplinary and may not be subject to the *Skelly* procedure or General Manager -review.

3148.10 Pre-Disciplinary Notice and Due Process (*Skelly*) Rights of Employee

An employee facing a suspension, reduction in pay, demotion, or disciplinary discharge shall be entitled to pre-disciplinary *Skelly* rights prior to final imposition of formal discipline.

The department head, with the approval of the General Manager, may place an employee on paid administrative leave for a specified period of time depending on the severity of the offending conduct. The department head shall establish the conditions of administrative leave in accordance with the Chester Public Utility District Policy on Administrative Leave.

The supervisor or disciplining authority shall prepare the proposed Notice of Intent to recommend disciplinary action, which shall be reviewed by the General Manager Department before execution. The written Notice of Intent establishes the charges that Chester Public Utility District must prove in a post-discipline appeal.

The Notice of Intent shall inform the employee of the following: (1) the reason(s) for the proposed action, (2) the charge(s) against the employee, (3) the materials upon which the action is based, (4) the employee's right to respond, either orally or in writing, to the authority initially imposing the discipline, and (5) the employee's right to a pre-disciplinary *Skelly* meeting before an impartial third party ("*Skelly* Officer"), unless waived by the employee. The Notice may also provide a reasonable deadline for responding to the proposed action.

When providing the employee with the materials upon which the action is based, Chester Public Utility District will not disclose any documents or information protected by the privacy rights of other employees, the attorney-client or attorney work product privileges, or other applicable privileges or exemptions from disclosure. District will consult legal counsel if there are questions regarding due process and privacy/confidentiality concerns.

3148.11 *Skelly* Meeting



The employee and/or the employee's representative may respond to the allegations and materials upon which the proposed discipline is based. The employee and/or the employee's representative may present documentary evidence and arguments to the *Skelly* Officer to refute and/or mitigate the basis for the proposed discipline. The employee and/or the employee's representative should present factual information to the extent possible.

The *Skelly* Officer should review the materials provided to the employee as supporting evidence upon which the proposed discipline is based and relied upon. The *Skelly* Officer shall communicate with the employee's supervisor or disciplining authority if further information or clarification is needed in regard to the charges, the level of discipline to be imposed, or the sufficiency of the evidence upon which such action is based and relied upon.

The *Skelly* Officer shall be a District employee at a manager level or higher, including a department head if appropriate. Where department personnel are too involved in or aware of the facts giving rise to discipline, or are otherwise unable to be impartial in the process, the General Manager Director, General Manager, or a designee may designate a *Skelly* Officer outside the affected department. In rare circumstances where it is not appropriate to have a District employee service as the *Skelly* Officer, a third-party neutral Officer may be designated to serve, at the sole discretion of the District.

The *Skelly* Officer shall transmit to the department head (or General Manager, if the affected employee is a department head) within ten (10) working days of the *Skelly* meeting, a written statement concurring with the proposed discipline, recommending that the discipline be modified, recommending that no discipline be imposed, or recommending further investigation. The *Skelly* Officer shall include supporting documents presented at the *Skelly* meeting by the employee and/or the employee's representative to refute the charges.

The department head (or General Manager) shall consider the *Skelly* Officer's recommendations and review any and all supporting documents provided before making a final decision..

3148.12 Written Final Notice of Discipline

In the Final Notice, the department head or General Manager notifies the employee whether the discipline listed in the Notice of Intent will be carried out. The Final Notice will discuss the employee's oral or written response to the charges in the Notice of Intent and whether the employee's response has changed the outcome.

The Final Notice should include: (1) how the employee's pre-disciplinary response impacted the decision maker's final decision, (2) incorporate by reference the facts, charges, and evidence in the Notice of Intent, (3) state the effective date of the disciplinary action, and (4) reference or summarize the employee's rights to the post-disciplinary appeal.

3148.13 Post-Discipline Appeal



If the employee wishes to contest disciplinary action after the discipline is imposed, the employee may request an appeal to the District Board by submitting a written request to the [General Manager](#) Director or General Manager within 10 working days of receiving the Final Notice. Failure to file an appeal within this time limit shall constitute a waiver of the employee's right to further appeal.

The employee's case for appeal from the Final Notice shall be heard by [the Board of Directors](#).



POLICY TITLE: Volunteer Policy
POLICY NUMBER: 3150

3150.1 Purpose:

The District desires to provide opportunities to individuals who desire to serve the District as a volunteer and need to manage those individuals in a safe and prudent manner.

3150.2 Policy:

It is the policy of the District to provide a safe and healthy work environment for all employees and those individuals who desire to serve the District as a volunteer. To do so, requires that such individuals and departments follow guidelines and that they serve in such a capacity based on an established departmental program.

3150.3 Definition of Volunteer:

Volunteers are person(s) volunteering time and services without any present or future expectation of remuneration. Meals, transportation, lodging, and reimbursement for other incidental expenses are not considered remuneration. Volunteers are not employees of the District, and this policy does not establish any employment relationship.

3150.4 Scope:

All volunteers serve at-will and at the pleasure of the District; they do not acquire any right or interest in any assignment, position, or task, and may be terminated from the assignment, position, or task at any time, without notice and without cause.

3150.5 Eligibility:

To be eligible to serve the District as a volunteer, individuals are required to:

- i. Complete any application or forms provided by the District;
- ii. Pass any required background check, physical, or other testing requirement; and
- iii. Participate in any required training or orientation program.

Background Check: The District shall conduct background checks including fingerprinting and investigating criminal history, at the District's expense, for all persons who apply as volunteers as required by state law (e.g., California Public Resources Code Section 5164). The District may also conduct periodic background checks or investigations after a volunteer's recruitment, as authorized by law.

Physical Examination: In some instances, the District may require an applicant to take a physical exam, at the District's expense, to determine if they are fit to provide the service they plan to provide and that they do not have a condition that may endanger them or the people they are supposed to serve. Such requirement is based on the position the volunteer is to fill and must be uniformly applied.



3150.6 Responsibilities:

- A. The supervisor is responsible for overseeing the work product and ensuring appropriate records access or other program elements of individuals serving the District as volunteers.
- B. Volunteers have no authority to bind the District and must not make any representations that they are employees or agents of the District.
- C. Volunteers must follow District policies prohibiting discrimination and harassment and maintain the same strict confidentiality regarding services and information obtained by the volunteers as is expected of any District regular employee. All documents and other material generated by volunteers are property of the District.
- D. Volunteers must report all incidents or accidents to their immediate District staff supervisor. An incident report and a Workers' Compensation Benefits Claim are to be completed by District staff for each accident/incident.

3150.7 Guidelines:

- A. A personnel file will be maintained by the District.
- B. Individuals are subject to all District and departmental policies and procedures.
- C. Individuals participating in a District program are eligible for District provided equipment if necessary for the safety of the individual.
- D. The District may provide uniforms or similar clothing or protective gear.
- E. With proper training and licensing, individuals may drive District vehicles when authorized to do so, subject to appropriate policies and procedures.
- F. Use of individuals as District volunteers shall not violate any provision of an MOU and/or collective bargaining agreement.
- G. Individuals may be eligible for per diem, travel or training expense reimbursement based on District or departmental approval.
- H. Individuals are provided worker's compensation coverage. The names of all individuals need to be filed with the District at least quarterly to ensure coverage. The Worker's Compensation benefit to be provided to volunteers shall be limited to the benefits provided by State law and shall not include any additional benefits as may be provided by the District to its employees.
- I. Volunteers must sign a service agreement with the District prior to their appointment as a volunteer.