



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT  
*Established: May 21, 1962*

**Virtual Participation<sup>1</sup>:**  
<https://us02web.zoom.us/j/89598037936>

**Meeting ID:**  
895 9803 7936

**Call-in Option:**  
1 (669) 900-6833

## **Board of Directors Regular Meeting Agenda<sup>2</sup> Thursday, December 14, 2023**

**Open Meeting to Closed Session - 5:30 p.m.  
Convene to Regular Meeting - 6:30 p.m.**

**Hybrid**  
**1021 Harvard Way, El Dorado Hills, CA 95762 - Norm Rowett Pavilion**

**Noelle Mattock, President**  
**Benjamin L. Paulsen, Vice President**      **Michael Martinelli, Director**  
**Heidi Hannaman, Director**                      **Stephen J. Ferry, Director**

### ***Mission Statement***

*“Enhance the quality of life for the El Dorado Hills community through innovative, responsible leadership, and by providing superior services and facilities.”*

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### **CALL TO ORDER**

- Roll Call
- Pledge of Allegiance
- Moment of Silence to honor Service Members
  - Military, Law Enforcement, Fire, Emergency Personnel
- Adoption of Agenda<sup>3</sup>

### **CLOSED SESSION PUBLIC COMMENT<sup>4</sup>**

### **ADJOURNMENT TO CLOSED SESSION**

### **CLOSED SESSION ITEMS**

- A.** Conference with Real Property Negotiator (Government Code § 54956.8):  
Property: “Option Property” of Old Executive Golf Course - Approx. 41.5 Acres  
APN: Portions of 121-040-029; 121-040-031; 121-040-032; 121-160-005  
Agency Negotiator: General Manager  
Negotiating parties: Robert Leach, West River Hotels and/or Mike Duhamel  
Under negotiations: Land Acquisition
- B.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):

Name of case: Thomas Austin and Helen Austin v. County of El Dorado, et al., Case No. PC2015063S

- C. Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)): Name of case: Concerned Citizens of El Dorado Hills Heritage Village v. Lennar Homes of California Inc., et al., Case No. 22CV0640
- D. Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)): Name of case: El Dorado Hills Community Services District vs El Dorado County, et al., Case No. 22CV1536
- E. Public Employee Appointment (Gov. Code § 54957(b)) – General Manager.

### **REPORT OUT OF CLOSED SESSION**

### **LEGAL COUNSEL UPDATES AND ADVICE**

### **BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS**

### **GENERAL PUBLIC COMMENT<sup>4</sup>**

### **CONSENT CALENDAR PUBLIC COMMENT<sup>4</sup>**

### **CONSENT CALENDAR<sup>5</sup>**

#### ***Receive & File:***

1. General Manager Report for November 2023 (K. Loewen) (pg. 5)
2. 2023 Calendar of Special Events (K. Loewen) (pg. 10)
3. Submittal of the Monthly Treasury Report (K. Loewen) (pg. 11)

#### ***Approve:***

4. November 2023 Summary of Director Meetings (K. Loewen) (pg. 13)
5. Minutes of November 09, 2023 - Board of Directors Regular Meeting - *Hybrid* (B. DiTonno) (pg. 17)
6. Minutes of November 20, 2023 - Board of Directors Special Meeting - *Hybrid* (B. DiTonno) (pg. 21)
7. Part-Time Staff Pay Structure and Salary Schedule (E. Hardy) (pg. 23)
8. Updates to District Policy 1220: Indoor Facility Rentals (T. Gotro) (pg. 27)
9. Annual Review of Policy 3273: Debt Management (T. Gotro) (pg. 32)
10. Annual Review of Policy 3350: Statement of Investment (T. Gotro) (pg. 48)
11. Updates to District Policy 4060: Committees of the Board of Directors (K. Loewen) (pg. 65)

### **GENERAL BUSINESS**

12. Approve or Deny - Design Review Appeal for Shed at 946 Big Sur Court (T. Cain) (pg. 71)
13. Review and Discuss - Funding Options for Purchase of Old Executive Golf Course (T. Gotro) (pg. 131)
14. Review and Approve - Updates for District Policy Series 2000: Personnel (E. Hardy) (pg. 141)

15. Perform Election of 2024 District Board Officers: President and Vice President

**REVIEW ITEMS PULLED FOR DISCUSSION**

**ADJOURNMENT**

The next regularly scheduled meeting of the El Dorado Hills Community Services District Board of Directors is **Thursday, December 14, 2023 at 5:30 p.m.**, in the Norm Rowett Pavilion located at 1021 Harvard Way, El Dorado Hills, California

This agenda and packet items are available online at the EDHCSD website:  
[https://www.eldoradohillscsd.org/about/csd\\_board/board\\_of\\_directors\\_meeting\\_packets.php](https://www.eldoradohillscsd.org/about/csd_board/board_of_directors_meeting_packets.php)

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance or materials to participate in this meeting, please contact the District Office at (916) 933-6624 or [mail@edhcsd.org](mailto:mail@edhcsd.org). Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting and agenda materials.

**PUBLIC MEETING CONDUCT**

Board Meeting Conduct is outlined in District Policy 5030, which can be found on our website: [EDHCSD Board Policies](#).

Virtual Public Participation in District Board Meetings is currently offered and stated on page one (1) of this Agenda. *Please note you will not be able to join the meeting until the posted start time.*

If you choose not to observe the Board of Directors meeting but wish to make a comment on a specific agenda item, please submit your comment via email to the Clerk of the Board. You will receive receipt of your comment(s), which are forwarded to the Board of Directors, and notation will be placed into the minutes of the meeting. The Clerk of the Board is here to assist you, please call (916) 614-3212 if you need any assistance with directions to access the meeting.

**PROTOCOLS FOR PUBLIC COMMENT**

Time for public comment will be provided at every meeting and will only be received at designated periods as called by the Board President or otherwise outlined on this agenda.

Individuals have three (3) minutes to address the Board with an overall time allotment of 20 minutes per topic.

Except with the consent of the Board President, individuals shall be allowed to speak to an item only once.

Individuals participating on-site will be provided with the opportunity to address the Board of Directors first, and then any virtual participants will be called upon.

Individual Board members may ask clarifying questions but will not engage in substantive dialogue with person(s) providing input to the Board.

If any person(s) providing comments to the Board of Directors creates a disruption to the meeting by refusing to follow guidelines, the Board President may take the following actions:

- Step 1 - Request the person(s) adhere to Board Meeting guidelines. If the person refuses, the President may have the speaker's microphone turned off.
- Step 2 - If the disruption continues, the President may order a recess of the Board meeting.
- Step 3 - If the disruption continues, the President may order the removal of the person from the Board meeting.

### **AGENDA FOOT NOTES**

1. **Virtual Participation:** *All participants are entered into the meeting with disabled video/audio and will remain this way through the duration of the meeting to allow for viewing/listening purposes only, unless providing Public Comment (see foot note 4). Please note: You will find recordings of Regular and Special meetings on the District's website within 72 hours of the meeting closure. Committee meetings are not recorded.*
2. **Public Records:** *Any writing that is a public record and is distributed to all, or a majority, of the Board of Directors may be available for public inspection by submitting a Public Records Request. Any records distributed during a meeting of the Board of Directors shall be made available to review at the meeting only, such items are not entered into District record. For purposes of the Brown Act §54954.2(a), the numbered items on this Agenda give a brief description of each item of business to be transacted or discussed. Recommendations of District staff, as shown in a report, do not prevent the Board from taking other action.*
3. **Adoption of Agenda:** *This agenda may be amended up to 72 hours (5:30 p.m. Monday) prior to the meeting being held. An AGENDA in FINAL FORM is located in the kiosk in front of the District Office. Additionally, a copy of the FINAL AGENDA is available on the District's website at [www.edhcsd.org](http://www.edhcsd.org).*
4. **Public Comments:** *At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board, provided that NO action may be taken on items not on the agenda unless authorized by law. Board Directors will not engage in debate on items during this time. Individuals will have three (3) minutes to address the Board with an overall time allotment of 20 minutes per topic. Individuals participating on-site will be provided with the opportunity to address the Board of Directors first, then any virtual participants will be called upon.*
5. **Consent Calendar:** *All matters on the Consent Calendar are to be approved by one motion unless a Board member requests separate action on a specific item. Members of the audience who wish to address any item on the Consent Calendar should do so before Board action is taken.*

**GENERAL MANAGER'S REPORT FOR NOVEMBER**

*Respectfully submitted by General Manager Kevin A. Loewen (Loewen)*

**STRATEGIC INITIATIVES**

**1. PARK CONSTRUCTION STATUSES** (Updated by Planning/Kevin Loewen)  
[Please find all history and current information on our website](#)

As noted above, the statuses of park construction projects are available on the District's website. Those interested in updates should track updates at the website and/or through the monthly e-newsletter, District social media, and the Community Guide. Driving interested parties to those media outputs ensures more efficient utilization of staff resources and bolsters modern connections with the community.

**2. SUSTAINABILITY [FINANCIAL]** (Updated primarily by Teri Gotro)

The General Manager and Department Heads are reviewing budget and District needs. Any adjustments will be addressed through the mid-year budget process. Staff expect to bring these changes to the Administration and Finance Committee in December.

The Finance team continues to work with the District auditor, Richardson and Company, to close out the 2022-2023 fiscal year. The final Annual Comprehensive Financial Report (ACFR) is going to be delayed a month and is expected to be delivered to the Board in January following a review of the report by the Administration & Finance Committee in December.

Staff presented an analysis to the Administration & Finance Committee on whether the District should move PG&E utility accounts to Pioneer. Through this process, information was shared that the Boards which oversee both Pioneer and PG&E will be meeting in mid-late December to set their rates for the forthcoming year. Staff will gather this data and bring a final report to the Board in January for the Board's consideration.

Finance has prepared a report for the Board to review at the December Board meeting that encompasses financing options for the \$10,000,000 purchase of the old Executive Golf Course (55 acres). Board action will determine the next steps for the finance department.

**3. INCORPORATION** (Updated by Kevin A. Loewen)

At this time, incorporation is not a reality for the community, nor the District to be the primary driver of further efforts. Should there be an outpouring of community interest toward incorporation, then that *groundswell* would in-and-of-itself be the driver of such an effort. There has been little measurable interest from the community, nor any measurable interest from the Board as a unit to put forth District resources toward incorporation. The resources of the District should not be put toward such an effort at this time, however, that may change some time in the future.

**4. VOLUNTEERING** (Updated by Chelsea Harrison)

Volunteering is such a vital part of what makes El Dorado Hills a special place. I encourage the Board of Directors, staff, and all members of the able community to participate in at least one volunteer(ing) effort within the community over the next year, as it certainly brings

each of us closer to the community we serve, and it will assuredly make your heart smile. Below is a summary of the volunteerism that the CSD was a part of this past month.

### Volunteer Totals

- 38 volunteers provided a total of 72 volunteer hours.

### Volunteer Events

- November 03: Volunteer musician, Al Kolthoff, gave a free musical performance for seniors at the Gilmore Senior Center.



- November 17: Girl Scout Troop 1947 assisted Parks Staff with planting new roses and bushes in the “Jackson Walkway” area near Fairchild Park.



- November 27: National Charity League assisted Recreation Staff with decorating and preparing for the District's Cookies and Breakfast with Santa events.
- November 28: Boys Team Charity assisted Recreation Staff with decorating and preparing for the District's Cookies and Breakfast with Santa events.
- November 29: Oak Ridge Interact Club assisted Recreation Staff with decorating and preparing for the District's Cookies and Breakfast with Santa events.

### Upcoming Volunteer Events

- December 01: California Cadet Corps will assist Parks Staff with painting the fence at Overlook Park.
- December 01: National Charity League will assist Recreation Staff with the Cookies with Santa event.
- December 02: Boys Team Charity, Oak Ridge Interact Club, and individual community members will assist Recreation Staff with the Breakfast with Santa event. There will be two shifts of volunteers for this event.

### Adopt-A-Park Updates

There are currently nine (9) District parks/trails adopted: Art Weisberg Park, Kalithea Park, Community Park, New York Creek Trail, Peter Bertelsen Park, Valley View Sports Park, Waterford Park, William McCabe Park, and the EDH Blvd. Trail.

### General Interest Lists

- Heart Decorating - 18 Volunteers
- Gilmore Senior Center - 56 Volunteers
- Adopt-A-Park - 48 Volunteers
- Bass Lake Regional Park Projects - 70 Volunteers
- Bass Lake Regional Park Welcome Booth Attendant - 14 Volunteers
- Bass Lake Regional Park Steward - 12 Volunteers

## **5. FRANCHISE UPDATE (Updated by Teri Gotro)**

### Comcast

The District continues to get complaints from Highland Hills residents. Staff have reached out to Comcast and their response, as of December 04, is that their subcontractor will have the finishing work completed by December 08, unless some unforeseen circumstances arise.

Comcast submitted a grant application to get state funds to enhance broadband services in underserved areas of California which includes Green Springs Ranch area. The grant was submitted on September 29, 2023. Comcast updated the District on December 06, 2023, stating they did not receive any challenges to the application. The next steps are on December 20, 2023, where the California Public Utilities Commission (CPUC) will incorporate objections and responses into ongoing application evaluations and then will transition into the final stages of reviewing the application. In addition, Assemblyman Joe Patterson recently submitted a letter of support for the project, which does span across all El Dorado County.

### El Dorado Disposal Services (EDDS)

EDDS is running a campaign to educate residents on how to avoid contamination of garbage. This continues to be an issue and it impedes them from meeting the strict State requirements for reducing landfill waste. This public education will include letters to the residents, followed up by social media, and phone messages. The District will assist with delivering the message. This will start in January 2024.

## **6. OTHER (Updated by Kevin Loewen)**

Over the next year (2024) the Board of Directors are advised to review new policies and new committees created in 2023 to ensure they are effectuating the intent of which they were adopted by the Board. Additionally, over the next year it is advisable that good governance training be provided and received by the Board in an open forum, such as through a series of training delivered across a multitude of Board meetings. This will ensure that all Directors receive the same training, as would the public that participate in those meetings in a live format.

## **DISTRICT PRESENCE AND COLLABORATION IN THE COMMUNITY**

11/06-08 DiTonno, Cain, and Ross all attended the annual CSDA Board Secretary/Clerk Conference in Monterey, CA. This conference provides relevant information and training for those in the role of the Clerk or in assistance thereof. It is a great

opportunity for staff to gain a better understanding of what can be done to ensure proper meeting procedures are handled for their Districts.

- 11/09 The El Dorado Hills Fire Department's Color Guard attended and presented a Veterans Day flag raising ceremony at the Gilmore Senior Center. Light refreshments were served, with 45 seniors attending the event. Senior Center Staff led the crowd in the Pledge of Allegiance and the "Star Spangled Banner." We also had a "Wall of Honor" displaying photos of the senior Veterans and their family members.



- 11/13 Director of Administration and Finance Gotro attended the bimonthly meeting for the El Dorado County Solid Waste Advisory Committee (EDSWAC) at the El Dorado County offices. The District holds one seat on this committee with an assigned alternate.

- 11/14 Parks staff completed the November 2023 Adopt-A-Highway cleanup. This took place from approximately 8:00 a.m. - 9:30 a.m. with 4 bags of trash and some other miscellaneous debris collected alongside Hwy 50. The cleanup took place on both east and west bound sides of Hwy 50 starting from the El Dorado County line to Clarksville Road.

- 11/14-17 Human Resources Manager Hardy attended the annual CALPELRA conference. Topics included items such as staff engagement, healthcare options, and union negotiation. This is a great opportunity for staff to obtain relevant training and stay up to date with current legal updates surrounding HR.

- 11/17 Gilmore Senior Center staff hosted a Friendsgiving Potluck at the Gilmore Senior Center from 1:00 p.m. to 3:00 p.m., with 42 seniors in attendance. This year's event included a turkey, ham, many different side dishes, sparkling cider, and a table full of desserts. The food was delicious and there were no leftovers!





## **HUMAN RESOURCES UPDATES** (Updated by Elise Hardy)

The District has completed several recruitments and has been successful in hiring one full-time staff.

The full-time Maintenance Worker role was filled by Josh Westmoreland. Josh brings experience repairing and maintaining synthetic turf and various other irrigation experience from the private sector. Josh began his new role on November 27, 2023.

The District also welcomes Tova Fleming. Tova has been hired as a part-time Recreation Coordinator specializing in Special Event Coordination. Tova brings experience with special events coordination from multiple employers, including the Effie Yeaw Nature Center. Tova began her new role on November 16, 2023.

Staff was also successful in filling multiple part-time Recreation Leader positions. New hires include Kyra Fujiwara, Jiselle English, Lodivina Alvarez, Emma Driscoll, Joseph McCauley, and Trevor Fenton.

Ongoing recruitments include full-time Maintenance Worker, part-time Recreation Specialist, and part-time CC&R Technician.

Staff hosted our Holiday Decoration and Potluck on Wednesday, November 29. Activities included lunch and decorating the pavilion, outdoor walkway, and gymnasium.



## **OFFICE CLOSURES**

Veterans Day - November 10, 2023

Thanksgiving Day - November 23, 2023

Day After Thanksgiving - November 24, 2023

***End of Report***



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors

**From:** Kevin A. Loewen, General Manager

**Prepared By:** Sandra Montgomery, Recreation Superintendent /  
Brittany DiTonno, Executive Assistant/Clerk of the Board

**Meeting Date:** December 14, 2023

**Report Date:** November 30, 2023

**Subject:** **Calendar of Special Events for December 2023<sup>1</sup>**

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EVENT	DATE	TIME	LOCATION
Cookies with Santa	Fri., Dec 01	4:00 p.m. - 6:00 p.m.	Community Gym
Breakfast with Santa - 2 sessions available!	Sat., Dec 02	8:00 a.m. - 9:15 a.m. 10:00 a.m. - 11:15 a.m.	Community Gym
EDH Fire Santa Run (Night 2 - Official Stop)	Wed., Dec 06	Approximately 6:40 p.m.	Pavilion
Christmas Luncheon (Senior Event)	Fri., Dec 08	10:30 a.m. - 1:00 p.m.	Community Gym
Jingle Drive (Partnered with ORHS Band)	Sat., Dec 09	5:00 p.m. - 8:00 p.m.	St. Andrews Frontage Road

<sup>1</sup> Please be advised these events may be cancelled/rescheduled at any time.



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors  
**From:** Kevin A. Loewen, General Manager  
**Prepared By:** Teri Gotro, Director of Administration and Finance  
**Meeting Date:** December 14, 2023  
**Report Date:** November 30, 2023  
**Subject:** **Treasury Report Submittals - Monthly**

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**Recommended Action:**

Receive and file.

**Background:**

Staff provide the Board of Directors with a quarterly financial statement and treasury report. The quarterly report provides summary and analyses, whereas this submittal is the monthly treasury report without analyses. This complies with Government Code §53607.

**Master Plan Strategic Recommendations:**

- F.1 Diversify funding sources that support expanded and diversified facilities, programs, and initiatives including:
- Investing the District's portfolio to maximize yield and investment revenues with the Investment Policy.

**Attachment:**

- A. Treasury Report - October 2023

## El Dorado Hills Community Services District

Treasury Report  
October 31, 2023



INVESTMENT PORTFOLIO	BOOK VALUE	OCTOBER 2023 INTEREST EARNED/ VALUE CHANGE	YTD FY2024 INTEREST EARNED/ VALUE CHANGE
CAMP - INVESTMENT POOL	\$ 10,557,485	\$ 49,592	\$ 192,873
EL DORADO COUNTY TREASURER	21,259,443	\$ 42,451	131,596
LAIF - INVESTMENT POOL *	461,465	\$ 3,874	4,124
FIVE STAR BANK-PETTY CASH	5,000	\$ -	-
FIVE STAR BANK	13,342,840	\$ 39,139	148,535
STIFEL SECURITIES	4,010,967	\$ 25,582	56,596
<b>TOTAL INVESTMENT PORTFOLIO</b>	<b>\$ 49,637,200</b>	<b>\$ 160,638</b>	<b>\$ 533,724</b>

FIDUCIARY PORTFOLIO	BOOK VALUE	OCTOBER 2023 INTEREST EARNED/ VALUE CHANGE	YTD FY2024 INTEREST EARNED/ VALUE CHANGE
FIDUCIARY FUNDS, CALPERS PENSION	11,835,423	\$ -	-
FIDUCIARY FUNDS, CALPERS OPEB TRUST *	2,311,011	\$ -	(92,457)
<b>TOTAL CALPERS PORTFOLIO</b>	<b>\$ 14,146,434</b>	<b>\$ -</b>	<b>\$ (92,457)</b>

<b>TOTAL DISTRICT PORTFOLIO</b>	<b>\$ 63,783,634</b>	<b>\$ 160,638</b>	<b>\$ 441,267</b>
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\*Distributed Quarterly

1. I hereby certify that the investments are in compliance with the investment policy adopted by the governing board.
2. The District has the ability to meet its budgeted expenditures for the next six months.
3. This report includes the book value as of the date published.
4. The book value for County Pool is the withdrawal value provided by the County Treasurer.
5. The checking accounts include checking, money market, and certificates of deposit accounts held in the name of the District.
6. The fiduciary funds with CalPERS are restricted long-term assets and are not considered a current financial resource. Pension values reported are as of most recent Actuarial Report dated June 30, 2022.
7. This report meets the requirements of Government Code Section 53646.

DocuSigned by:

11/09/2023

17E7DCB7F7CB4B6

Prepared by:

Teri Gotro, Director of Administration & Finance

DocuSigned by:

11/09/2023

ED84E8688CE3414

Authorized by:

Kevin A. Loewen, General Manager



**To:** Board of Directors

**From:** Kevin A. Loewen, General Manager

**Meeting Date:** December 14, 2023

**Report Date:** November 30, 2023

**Subject:** **Summary of Director Meetings for November 2023**

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The following is a summary of last month’s Board and Board Committee meetings and activities.

Approval of this report by the Board includes approval for board member participation in meetings or activities that may or may not have been previously approved<sup>1</sup>. *(In accordance with District Policy §4030, §4090 and California Government Code §53232.3(d)).*

**PAST MEETINGS & ACTIVITIES**

<b>Meeting/Event</b>	<b>Date</b>
Franchise Ad Hoc	11/07/2023
Regular Board Meeting	11/09/2023
Administration and Finance Committee	11/20/2023
Special Board Meeting	11/20/2023

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**NOVEMBER 07, FRANCHISE AD HOC:** Attendance included Board Directors Ferry and Hannaman. District staff included Administration and Finance Director Gotro. The Committee discussed El Dorado Disposal Service’s (EDDS) performance for 2023, updates on Household Liens for garbage collection outstanding balances, Committee support for \$75k Cal Recycle Grant (Round 2), and updates on Comcast’s projects in the Community.

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**NOVEMBER 09, BOARD OF DIRECTORS REGULAR MEETING:** See Minutes.

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**NOVEMBER 20, ADMINISTRATION AND FINANCE COMMITTEE:**  
*HYBRID - Virtual and 1030 St. Andrews Dr., El Dorado Hills, CA 95762*

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<sup>1</sup> Approved for Board Director attendance.

In attendance were Board Directors Mattock and Martinelli. On-site District staff included: General Manager Loewen, Director of Administration and Finance Gotro, Executive Assistant/Board Clerk DiTonno, and Administrative Specialist Ross. Virtual District staff included: Director of Parks and Recreation Hornstra. Others in attendance included two (2) LLAD Advisory Committee Members, and approximately one (1) member of the public onsite and two (2) virtually.

**Call to Order - 12:11 p.m.**

- Roll Call
- Adoption of Agenda

**The agenda was adopted as presented.**

**Committee Member Comments & Future Agenda Items - None**

**Public Comment**

General public comment was received by one (1) member of the public.

**General Business**

**1. Review and Discuss - Pioneer Community Energy Analysis (T. Gotro)**

Gotro presented a summary of the staff report. Pioneer representatives were available to answer the committee's questions. Committee members are forwarding this to the full Board for review.

**2. Review and Discuss - LLAD Advisory Committee Recommendations for Making Underfunded LLADs Sustainable (T. Gotro)**

Gotro presented the key points of the staff report. Two of the LLAD Advisory Committee members were available and added comments on the subject. The Committee is in support of the direction the LLAD Advisory Committee proposal to better position the underfunded LLADs. This item was for discussion only and will be carried back to the LLAD Advisory Committee meeting set for November 30, 2023.

**3. Review and Support - Annual Review of Policy 3350: Statement of Investments (T. Gotro)**

Gotro presented the staff report highlighting the changes requested by staff for the Statement of Investments, better known as the Investment Policy. The Committee had no additional changes and requested this item to be moved to the full Board for approval with unanimous support from the Committee.

**4. Review and Support - Annual Review of Policy 3273: Debt Management (T. Gotro)**

Gotro presented the staff report highlighting the changes requested by staff for the Debt Management Policy. The Committee had no additional changes and requested this item to be moved to the full Board for approval with unanimous support from the Committee.

**5. Review and Support - Updates to Policy 1220: Indoor Facility Rental (T. Gotro)**

Gotro presented the staff report highlighting the changes requested by staff for the Indoor Facility

Policy. The Committee had no additional changes and requested this item to be moved to the full Board for approval with unanimous support from the Committee.

**Director Mattock called a short recess - 1:30 p.m.**

**Director Mattock called the meeting back to order - 2:07 p.m.**

**6. Review and Support - Updates to Policy Series 2000: Personnel (E. Hardy)**

Gotro presented the staff report for the updates to Policy Series 2000. The Committee had several questions and suggested changes. These questions were answered by staff. The Committee requested this item be moved to the full Board for approval with unanimous support from the Committee with the condition that their suggested edits were included.

**7. Review and Support - Part-time Staff Pay Structure Updates as a Result of Minimum Wage Increase (E. Hardy)**

Gotro presented the staff report on this agenda item. The Committee had no additional changes and requested this item to be moved to the full Board for approval with unanimous support from the Committee.

**8. Review and Support - Updates to Policy 4060: Committees of the Board of Directors (K. Loewen)**

DiTonno outlined the proposed updates. The Committee unanimously approved moving forward to the full board for review. The Committee also provided their recommendations for an updated Committee name which has been outlined in the staff report for the December 14, 2023, Regular Board meeting.

**9. Discussion - Anonymous written public request to *Add Written Public Comment to Meeting Agenda Packet.* (T. Gotro)**

The Committee and staff had a discussion regarding this item. The Committee requested staff to do some policy research and bring the item back to the Committee at a later date with the requested information.

**10. Discussion - Anonymous written public request to *Improve Financial Reporting of CSD Projects, Community Events or Other Major Functions affecting the District* (T. Gotro)**

The Committee and staff had a discussion regarding this item. The Committee requested staff to do some policy research and bring the item back to the Committee at a later date with the requested information.

**Adjournment - 2:49 p.m.**

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**NOVEMBER 20, BOARD OF DIRECTORS SPECIAL MEETING:** See Minutes.

**UPCOMING MEETINGS/ACTIVITIES**

<b>Meeting/Event</b>	<b>Date</b>
Compliance and Design Review Committee	12/04/2023
Regular Board Meeting	12/14/2023
Administration and Finance Committee	12/19/2023





**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS REGULAR MEETING**

**November 09, 2023**  
**MINUTES**

Board President, Noelle Mattock, called the meeting to order on Thursday, November 09, 2023, at 5:31 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California, and Zoom Virtual Conferencing.

On-site attendees included the following:

Board Directors:

- Noelle Mattock, President
- Benjamin Paulsen, Vice President
- Michael Martinelli, Director
- Heidi Hannaman, Director
- Stephen J. Ferry, Director

District Staff:

- Teri Gotro, Director of Administration and Finance
- Mark Hornstra, Director of Parks and Recreation
- Jeff Kernen, Principal Planner
- Brittany DiTonno, Executive Assistant/Board Clerk
- Elise Hardy, HR Manager
- Talley Cain, Staff Services Analyst
- Ryan Kukkola, Parks Superintendent

Other Attendees:

- David Tyra, Legal Counsel
- Taylor Hall-Vining, IT

General Public:

- Approx. 81 Members

Virtual attendees included the following:

District Staff:

- Kevin A. Loewen, General Manager

General Public:

- Approximately 8 Members

President Mattock asked Vice President Paulsen to lead the Pledge of Allegiance.

President Mattock called for a moment of silence to honor American service members (military, law enforcement, fire, and other emergency personnel).

**ADOPTION OF AGENDA**

President Mattock called for the adoption of the Agenda.

**Motion No. 1. Director Martinelli moved and Vice President Paulsen seconded the motion to adopt the agenda as presented.**

**Motion passed unanimously:**

**Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

**REPORT OUT OF CLOSED SESSION FROM SEPTEMBER 18, 2023**

President Mattock noted direction had been provided to staff.

**REPORT OUT OF CLOSED SESSION FROM SEPTEMBER 27, 2023**

President Mattock noted direction had been provided to staff.

**CLOSED SESSION PUBLIC COMMENT**

Public comment was received by one (1) member of the public.

**ADJOURNMENT TO CLOSED SESSION - 5:36 p.m.**

**CLOSED SESSION ITEMS**

- A.** Conference with Real Property Negotiator (Government Code § 54956.8):  
Property: CEDHSP - Old Executive Golf Course  
APN: 121-040-029; 121-040-031; 121-040-032; 121-160-005  
Agency Negotiator: General Manager  
Negotiating parties: Parker Development Company  
Under negotiations: Land Acquisition
- B.** Conference with Real Property Negotiator (Government Code § 54956.8):  
Property: 50 Acre Valley View SP  
APN: 118-130-020  
Agency Negotiator: General Manager  
Negotiating parties: East Ridge Investors (AKT)  
Under negotiations: Land Acquisition
- C.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):  
Name of case: Thomas Austin and Helen Austin v. County of El Dorado, et al., Case No. PC2015063S
- D.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):  
Name of case: Concerned Citizens of El Dorado Hills Heritage Village v. Lennar Homes of California Inc., et al., Case No. 22CV0640
- E.** Conference with Legal Counsel - Existing Litigation (Government Code § 54956.9(d)(1)):  
Name of case: El Dorado Hills Community Services District vs El Dorado County, et al., Case No. 22CV1536

**REPORT OUT OF CLOSED SESSION - 6:37 p.m.**

President Mattock noted direction has been provided to staff to schedule a special meeting for Monday, November 20, 2023 at 5:30 p.m. for further review of Item A.

President Mattock noted direction has been provided to staff and legal counsel for the remaining items.

**GENERAL MANAGER MONTHLY REPORT**

- 1. Gotro advised there is nothing additional to the written report.

**LEGAL COUNSEL UPDATES AND ADVICE**

Legal Counsel advised there were no updates to provide at this time.

**BOARD OF DIRECTORS' COMMENTS & FUTURE AGENDA ITEMS**

General thanks and comments were received by each Board Director.

**GENERAL PUBLIC COMMENT**

Public Comment was received by one (1) member of the public.

**CONSENT CALENDAR PUBLIC COMMENT - None**

**CONSENT CALENDAR**

***Receive & File:***

2. 2023 Calendar of Special Events (K. Loewen)
3. Submittal of the Monthly Treasury Report (K. Loewen)
4. Submittal of 1<sup>st</sup> Quarter Financial Statements and Treasury Report (T. Gotro)

***Approve:***

5. October 2023 Summary of Director Meetings (K. Loewen)
6. Minutes of October 12, 2023 - Board of Directors Regular Meeting - *Hybrid* (B. DiTonno)
7. ~~Updates to Youth Athletic Field Use and Allocation Policy 1160 and Cost Recovery Policy 3240 (M. Hornstra)~~
8. CC&R Advisory Committee Recommendation that the Board of Directors Authorize Staff to Direct District Legal Counsel to Send Third and Final Notices of Non-Compliance to: (T. Cain)

**Property Owner:** Karen A Mayfield  
**Property Address:** 531 Platt Circle  
**Village:** Crescent Ridge  
**APN:** 120-522-005  
**Case#:** CE-23-306  
**Violations:** Crescent Ridge, Section 3.13 - Exterior Alterations;  
Temporary Structures  
  
Crescent Ridge, Section 4.02 - Approval Required

**Motion No. 2.** Director Martinelli moved and Vice President Paulsen seconded the motion to approve the consent calendar with item 7 pulled for further review.

**Motion passed unanimously:**  
**Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

**GENERAL BUSINESS**

9. Review and Discuss - Bike Park and Trails Stakeholder Workshops Follow-Up with Presentation (J. Kernen)

**Public comment for item 9 was received by eighteen (18) members of the public.**

**Motion No. 3.** Director Martinelli moved and Vice President Paulsen seconded the motion to approve both projects proposed under CIP 954 and approve the requested additional funding.

**Motion passed unanimously:**  
**Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

10. Review and Discuss - Bass Lake Park Project Environmental Analysis Level (J. Kernen)

Public comment for item 10 was received by one (1) member of the public.

**Motion No. 4. Director Martinelli moved and Director Ferry seconded the motion to approve changing the level of CEQA as proposed in the report as well as the associated augmented proposal for the work.**

**Motion passed unanimously:**

**Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

11. Review and Approve - Application of Grants for Replacement of Gas-powered Vehicles with Electric Vehicles (M. Hornstra)

**No action was taken on this item.**

12. Consider Options - Regarding Carson Creek LLAD #39 Initiative (D. Tyra)

Public comment for item 12 was received by two (2) members of the public.

**Motion No. 5. Vice President Paulsen moved and Director Ferry seconded the motion to table the item to be reviewed again at the Special Meeting scheduled for November 20, 2023.**

**Motion passed unanimously:**

**Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

**REVIEW ITEMS PULLED FOR DISCUSSION**

7. Updates to Youth Athletic Field Use and Allocation Policy 1160 and Cost Recovery Policy 3240 (M. Hornstra)

**Motion No. 6. Vice President Paulsen moved and Director Ferry seconded the motion to approve changes to District Policy 3240: Cost Recovery, to align with the Board's approval of the new athletic cost recovery methodology from May 11, 2023; and approve the changes to the District Policy 1160: Field Allocation, as recommended by the youth Athletic Working Group to clarify Residency status criteria as well as implement components of the new cost recovery elements.**

**Motion passed unanimously:**

**Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

**ADJOURNMENT - 9:43 p.m.**

**APPROVED:** \_\_\_\_\_  
*Noelle Mattock, President (2023)*  
*District Board of Directors*

**DATE:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
*Kevin A. Loewen, General Manager*  
*Secretary to the Board of Directors*

**DATE:** \_\_\_\_\_



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS SPECIAL MEETING**

**November 20, 2023  
MINUTES**

Board President, Noelle Mattock, called the meeting to order on Monday, November 20, 2023, at 5:30 p.m., jointly in person at the Norm Rowett Pavilion at El Dorado Hills Community Services District (District), located at 1021 Harvard Way, El Dorado Hills, California, and Zoom Virtual Conferencing.

On-site attendees included the following:

Board Directors:

- Noelle Mattock, President
- Benjamin Paulsen, Vice President
- Michael Martinelli, Director
- Heidi Hannaman, Director
- Stephen J. Ferry, Director

District Staff:

- Kevin A. Loewen, General Manager
- Brittany DiTonno, Executive Assistant/Clerk of the Board
- Teri Gotro, Director of Administration and Finance
- Jeff Kernen, Principal Planner
- Talley Cain, Staff Services Analyst
- Julia Griffin, Communications Specialist

Other Attendees:

- David Tyra, Legal Counsel
- Taylor Vining, IT

General Public:

- Approx. 76 Members

Virtual attendees included the following:

- General Public:  
- Approx. 70 Members

President Mattock led the Pledge of Allegiance.

President Mattock called for a moment of silence to honor American service members (military, law enforcement, fire, and other emergency personnel).

**ADOPTION OF AGENDA**

President Mattock called for the adoption of the Agenda.

**Motion No. 1. Director Ferry moved and Director Martinelli seconded the motion to adopt the agenda as presented.**

**Motion passed unanimously:**

**Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

**GENERAL PUBLIC COMMENT**

Public comment was received by two (2) members of the public.

**GENERAL BUSINESS**

1. Consider Options - Regarding Carson Creek LLAD #39 Initiative (D. Tyra)

**Public comment for Item #1 was received by three (3) members of the public.**

**Motion No. 2. Director Hanaman moved and Director Ferry seconded the motion to submit the ordinance without alteration to the voters pursuant to Elections Code section 1405.**

**Motion passed, outlined as follows:**

**Yes - 4 - Ferry, Hannaman, Martinelli, Paulsen**

**No - 1 - Mattock**

2. Review and Consider - Preservation, Purchase, and Sale of the Old Executive Golf Course (K. Loewen)

**Public comment for Item #2 was received by twenty-four (24) members of the public.**

**Motion No. 3. President Mattock moved and Director Hannaman seconded the motion to approve the agreement as presented and direct staff to process necessary land acquisition actions to effectuate the agreement.**

**Motion passed unanimously:**

**Yes - 5 - Ferry, Hannaman, Martinelli, Mattock, Paulsen**

**Additional direction was also provided to Staff.**

**ADJOURNMENT - 8:12 p.m.**

**APPROVED:** \_\_\_\_\_  
*Noelle Mattock, President (2023)*  
*District Board of Directors*

**DATE:** \_\_\_\_\_

**ATTEST:** \_\_\_\_\_  
*Kevin A. Loewen, General Manager*  
*Secretary to the Board of Directors*

**DATE:** \_\_\_\_\_



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors  
**From:** Elise Hardy, Human Resources Manager  
**Meeting Date:** December 14, 2023  
**Report Date:** November 30, 2023  
**Subject:** **Pay Structure Updates for Part-Time Staff as a Result of Minimum Wage Increase**

---

**Recommended Action:**

Review and adopt updates to the Part-Time Staff Pay Structure as a result of the minimum wage increase.

**Background:**

On July 31, 2023, California Governor Newsom certified a minimum wage increase for all employers for 2024 under Labor Code section 1182.12(c)(3)(A). The current minimum wage is \$15.50 per hour and the state hourly minimum wage will increase, effective January 01, 2024, to \$16.00 per hour. With this increase, an updated part-time staff pay structure is required.

**Discussion:**

The proposed part-time staff pay structure reflects the State-required minimum wage adjustments and accommodates the percentage differences between classifications to avoid compaction between the ranges. Additionally, the proposed pay structure is amended to allow the District to remain competitive in light of legislation raising the minimum rate of pay for fast food workers, which takes effect in 2024. Current part-time employees will be placed at the step which most closely matches their current pay rate; however, no employee will receive a decrease in salary. The Administration and Finance Committee has reviewed this item and supports forwarding it to the full Board for review and approval.

**Master Plan Strategic Recommendations:**

G.2 Regularly evaluate the employment needs of the District to ensure full-time, part-time, and seasonal staffing, taking into consideration the depth and breadth of District services, best practices, and the District's strategic plan.

**Fiscal Impact:**

Fiscal impact for the remainder of FY 22/23 would have an overall estimated increase of \$27,500.00. The amount is an assumption of six (6) months' salary adjustments to current part-time classifications and impending seasonal new hires. The anticipated increase will be reflected in the upcoming mid-year budget update.

**Attachments:**

- A. Current Part-Time Staff Pay Structure
- B. Proposed Part-Time Staff Pay Structure for 2024





## Part-Time Pay Structure

### Hourly Rates

*Effective Date: January 1, 2023*

Job Classifications	Step 1	Step 1A	Step 2	Step 2A	Step 3	Step 3A	Step 4	Step 4A	Step 5	Step 5A
Recreation Leader I Pool Cashier	\$15.75	\$16.14	\$16.54	\$16.95	\$17.37	\$17.80	\$18.25	\$18.71	\$19.18	\$19.66
Recreation Leader II Maintenance Aide Lifeguard	\$16.50	\$16.91	\$17.33	\$17.76	\$18.20	\$18.66	\$19.13	\$19.61	\$20.10	\$20.60
Recreation Specialist	\$17.50	\$17.94	\$18.39	\$18.85	\$19.32	\$19.80	\$20.30	\$20.81	\$21.33	\$21.86
Office Assistant Head Lifeguard	\$18.00	\$18.45	\$18.91	\$19.38	\$19.86	\$20.36	\$20.87	\$21.39	\$21.92	\$22.47
Administrative Assistant I	\$21.00	\$21.53	\$22.07	\$22.62	\$23.19	\$23.77	\$24.36	\$24.97	\$25.59	\$26.23
Recreation Coordinator Pool Manager	\$22.00	\$22.55	\$23.11	\$23.69	\$24.28	\$24.89	\$25.51	\$26.15	\$26.80	\$27.47
Administrative Specialist Contract Compliance Technician Volunteer Coordinator	\$24.25	\$24.86	\$25.48	\$26.12	\$26.77	\$27.44	\$28.13	\$28.83	\$29.55	\$30.29
Purchasing Specialist Information Technology Technician Administrative Assistant II Accounting Technician CC&R Compliance Technician	\$26.00	\$26.65	\$27.32	\$28.00	\$28.70	\$29.42	\$30.16	\$30.91	\$31.68	\$32.47
Communications Specialist	\$28.00	\$28.70	\$29.42	\$30.16	\$30.91	\$31.68	\$32.47	\$33.28	\$34.11	\$34.96



## Part-Time Pay Structure

### Hourly Rates

*Effective Date: December 31, 2023*

Job Classifications	Step 1	Step 1A	Step 2	Step 2A	Step 3	Step 3A	Step 4	Step 4A	Step 5	Step 5A
Recreation Leader I Pool Cashier	\$16.25	\$16.66	\$17.08	\$17.51	\$17.95	\$18.40	\$18.86	\$19.33	\$19.81	\$20.31
Recreation Leader II Maintenance Aide Lifeguard	\$17.06	\$17.49	\$17.93	\$18.38	\$18.84	\$19.31	\$19.79	\$20.28	\$20.79	\$21.31
Recreation Specialist	\$18.08	\$18.53	\$18.99	\$19.46	\$19.95	\$20.45	\$20.96	\$21.48	\$22.02	\$22.57
Office Assistant Head Lifeguard	\$18.80	\$19.27	\$19.75	\$20.24	\$20.75	\$21.27	\$21.80	\$22.35	\$22.91	\$23.48
Administrative Assistant I	\$21.34	\$21.87	\$22.42	\$22.98	\$23.55	\$24.14	\$24.74	\$25.36	\$25.99	\$26.64
Recreation Coordinator Pool Manager	\$22.36	\$22.92	\$23.49	\$24.08	\$24.68	\$25.30	\$25.93	\$26.58	\$27.24	\$27.92
Administrative Specialist Contract Compliance Technician Volunteer Coordinator	\$24.65	\$25.27	\$25.90	\$26.55	\$27.21	\$27.89	\$28.59	\$29.30	\$30.03	\$30.78
Purchasing Specialist Information Technology Technician Administrative Assistant II Accounting Technician CC&R Compliance Technician	\$26.43	\$27.09	\$27.77	\$28.46	\$29.17	\$29.90	\$30.65	\$31.42	\$32.21	\$33.02
Communications Specialist	\$28.46	\$29.17	\$29.90	\$30.65	\$31.42	\$32.21	\$33.02	\$33.85	\$34.70	\$35.57



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors  
**From:** Teri Gotro, Director of Administration and Finance  
**Prepared by:** Talley Cain, Staff Services Analyst  
**Meeting Date:** December 14, 2023  
**Report Date:** November 20, 2023  
**Subject:** **Updates for District Policy 1220: *Indoor Facility Rental***

---

**Recommended Action:**

Review and support forwarding to the full Board for review and approval, the El Dorado Hills Community Services District (District) Policy revisions for Policy 1220: *Indoor Facility Rental*.

**Background:**

District policies are regularly reviewed, and updates are implemented to stay in compliance with current practices.

**Discussion:**

The District's Policy 1220: *Indoor Facility Rental* was last updated and approved by the Board on May 14, 2020. Since that update, the Facility Rental application has been updated with more robust language and the information provided in Policy 1220 is not as accurate as the rental application. The rental application is updated every year and is more up to date than the existing policy with the current practices of the District. The Administration & Finance Committee unanimously supports moving this item to the full Board for review and approval.

**Attachments:**

- A. District Policy 1220: *Indoor Facility Rental* - REDLINE
- B. District Policy 1220: *Indoor Facility Rental* - CLEAN

# 1000 - GENERAL



## INDOOR FACILITY RENTALS #1220

**1220.10** The El Dorado Hills Community Services District recreational programs and other District-sponsored activities shall receive priority use of ~~indoor~~ facilities. When available, the El Dorado Hills Community Services District offers facilities for rental by individuals and organizations, including [indoor facilities, outdoor facilities, and athletic fields. Rental applications are updated yearly and contain all available facilities for that year.:](#)

### Indoor District Facilities

- ~~Community Activities Building (CAB)~~
  - ~~Gym~~
  - ~~Kitchen~~
  - ~~Classroom~~
  - ~~Exercise Room~~
- ~~Oak Knoll Club House~~
- ~~Pavilion~~

### Outdoor Picnic Areas

- ~~Kalitheia Village Park~~
- ~~Bertelsen Village Park~~
- ~~Promontory Community Park~~
- ~~Lake Forest Village Park~~
- ~~Valley View Sports Park~~
- ~~Heritage Village Park~~
- ~~Blackstone Village Park~~

~~Athletic Fields - Use and Allocation of Athletic Fields see Policy 1160.~~

**1220.20** **Regulation Guidelines for Use of District Facilities**  
Sets forth facility use fees and processes for reserving and using District Facilities. This ~~document policy~~ is reviewed annually by staff and approved by the General Manager. ~~See Policy 1440 - Regulations For the Use of District Owned Parks, Natural Areas, and Open Spaces for all applicable regulations.~~

**1220.30** **Standard fFacility uUse fFees**  
These fees are reviewed annually by staff and recommendations are approved by the General Manager. Fees are set based upon similar facilities in the vicinity of El Dorado Hills, maintaining the District's competitiveness in the market, and offsetting parks and facilities staff and maintenance costs.

**1220.30.01** Community residents, non-residents, business meetings, political activities, clubs or any other individual or business that is not non-profit will pay the standard facility use fee.

# 1000 - GENERAL



**1220.30.02** Non-Profit organizations headquartered in El Dorado Hills and registered with the State of California, District Staff, and District Board Directors will be given a 15% discount on standard facility use fees.

Non-Profit organizations in El Dorado County and registered with the State of California, will be given a 10% discount on standard facility use fees.

The ~~Non-Profit~~ overall discount for all ~~organizations~~ non-profit organizations, Board of Directors, or District Staff will not exceed \$200.

**1220.30.03** District-sponsored groups or events, governmental agencies, District partners, and community advisory groups may be given additional discounts. These groups and organizations will be reviewed by the General Manager on an annual basis for eligibility.

For Businesses or Private Enterprises use of facilities - see Policy 1190.

*Adopted: 1989*

*Amended: 1991; 1992; October 1994; June 1995; December 1996; June 2000; April 08, 2004; May 10, 2012; February 12, 2015; September 12, 2019; May 14, 2020*

# 1000 - GENERAL



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## FACILITY RENTALS #1220

**1220.10** The El Dorado Hills Community Services District recreational programs and other District-sponsored activities shall receive priority use of facilities. When available, the El Dorado Hills Community Services District offers facilities for rental by individuals and organizations, including indoor facilities, outdoor facilities, and athletic fields. Rental applications are updated yearly and contain all available facilities for that year.

**1220.20** **Regulation for Use of District Facilities**  
Sets forth facility use fees and processes for reserving and using District Facilities. This policy is reviewed annually by staff and approved by the General Manager. See *Policy 1440 - Regulations For the Use of District Owned Parks, Natural Areas, and Open Spaces* for all applicable regulations.

**1220.30** **Standard Facility Use Fees**  
These fees are reviewed annually by staff and recommendations are approved by the General Manager. Fees are set based upon similar facilities in the vicinity of El Dorado Hills, maintaining the District's competitiveness in the market, and offsetting parks and facilities staff and maintenance costs.

**1220.30.01** Community residents, non-residents, business meetings, political activities, clubs or any other individual or business that is not non-profit will pay the standard facility use fee.

**1220.30.02** Non-Profit organizations headquartered in El Dorado Hills and registered with the State of California, District Staff, and District Board Directors will be given a 15% discount on standard facility use fees.

Non-Profit organizations in El Dorado County and registered with the State of California, will be given a 10% discount on standard facility use fees.

The overall discount for all non-profit organizations, Board of Directors, or District Staff will not exceed \$200.

**1220.30.03** District-sponsored groups or events, governmental agencies, District partners, and community advisory groups may be given additional discounts. These groups and organizations will be reviewed by the General Manager on an annual basis for eligibility.

For Businesses or Private Enterprises use of facilities - see Policy 1190.

# 1000 - GENERAL



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*Adopted: 1989*

*Amended: 1991; 1992; October 1994; June 1995; December 1996; June 2000; April 08, 2004; May 10, 2012; February 12, 2015; September 12, 2019; May 14, 2020*



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors  
**From:** Teri Gotro, Director of Administration and Finance  
**Meeting Date:** December 14, 2023  
**Report Date:** November 20, 2023  
**Subject:** **Annual Review of District Policy 3273: Debt Management**

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**Recommended Action:**

Review the current Debt Management Policy 3273, make edits if warranted, and approve staff's recommended changes.

**Background:**

According to the District's current Debt Policy, it should be reviewed annually by staff and the Board to ensure the policy is current and applicable for the District. This is a policy that was adopted by the Board on January 14, 2021, and was last updated by the Board of Directors on December 08, 2022.

**Discussion:**

It is the duty of the Administration & Finance Committee to review the Debt Policy and provide staff with any changes to ensure the policy is current and in accordance with the District's intentions. Staff - along with debt-issuance experts - have reviewed the policy and have made edits that will align the District with a debt policy that will allow for the District to consider all viable options if the Board chooses to use debt services in the future. The Administration and Finance Committee has reviewed the policy and supports the amended policy to be forwarded to the full Board for approval.

**Master Plan Recommendations:**

F.6 Practice fiscal responsibility in all acquisitions, in particular at the early stages of the sale and expenditures.

**Attachments:**

- A. District Policy 3273: Debt Management - REDLINE
- B. District Policy 3273: Debt Management - CLEAN



# 3000 - OPERATIONS



## DEBT MANAGEMENT #3273

### 3273.00 Introduction

The Debt Management Policy (“Debt Policy”) sets forth the guidelines and formalizes debt issuance and management related policies and procedures for the El Dorado Hills Community Services District (the “District”), California. The debt policies of the District are subject to and limited by applicable provisions of state and federal law, and prudent debt management principles.

### 3273.10 Objectives

The primary objectives of the District’s debt and financing related activities are to:

- Maintain cost-effective access to the capital markets through prudent fiscal; management policies and practices;
- Minimize debt service commitments through effective planning and cash management;
- Ensure future financial flexibility;
- Maintain full and complete financial disclosure and reporting;
- Achieve full and timely repayment of debt;
- Comply with Government Code Section 8855(i);
- Ensure the District is in compliance with all applicable federal and state securities laws; and
- Achieve the highest practical credit ratings.

### 3273.20 Background/Procedures

Government Code section 8855(i) requires any issuer of public debt to provide the California Debt and Investment Advisory Commission (CDIAC) no later than 30 days prior to the sale of any debt issue a report of the proposed issuance. Effective January 01, 2017, issuers must certify on the Report of Proposed Debt Issuance that they have adopted local debt policies concerning the use of debt and that the proposed issuance is consistent with those policies. The issuer’s local debt policies must include the following:

### 3273.30 Limitations of Debt Issuance

#### 1. Long-Term Debt

Long-term debt may be issued to finance the construction, acquisition, and rehabilitation of capital improvements and facilities, equipment and land to be owned and operated by the District.

- (a) Long-term debt financings are appropriate when the following conditions exist:
- When the project to be financed is necessary to provide basic services.

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- When the project to be financed will provide benefit to constituents over multiple years.
  - When total debt does not constitute an unreasonable burden to the District and its taxpayers.
  - When the debt is used to refinance outstanding debt in order to produce debt service savings or to realize the benefits of a debt restructuring.
  - The additional debt complies with outstanding debt covenants.
  - A Citizens Oversight Committee is set up to oversee the ongoing oversight of voter approved public debt.
- (b) Long-term debt financings will not generally be considered appropriate for current operating expenses and routine maintenance expenses.
- (c) The District may use long-term debt financings subject to the following conditions:
- The project to be financed must be approved by the District Board of Directors.
  - The weighted average maturity of the debt (or the portion of the debt allocated to the project) will not exceed the average useful life of the project to be financed by more than 20%.
  - The District estimates that sufficient revenues will be available to service the debt through its maturity.
  - The District determines that the issuance of the debt will comply with the applicable state and federal law.
2. Short-term debt  
Short-term debt may be issued to provide interim construction financing for projects that will ultimately be funded by cash, long-term debt or other sources. Short-term debt may also be issued to provide financing for an even cash flow balance. Short-term debt must be fully paid-off within a five-year period or restructured to long-term debt provided that the conditions for long-term debt are satisfied.
3. Financings on Behalf of Other Entities  
The District may also find it beneficial to issue debt on behalf of other governmental agencies or private third parties in order to further the public purposes of the District. In such cases, the District shall take reasonable steps to confirm the financial feasibility of the project to be financed and the financial solvency of any borrower and that the issuance of such debt is consistent with the policies set forth herein. A Joint Use Agreement (JUA) is required if the District is to partake in this debt option.
4. Governing Law  
The District shall issue and manage debt in accordance with limitations and constraints imposed by California law and federal tax law. Such constraints include, but are not limited to, private activity tests, review of eligible projects, spend-down tests and arbitrage rebate limitations.

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## 3273.40 Types of Debt Issued:

While the District strives to adhere to the Debt Policy, changes in capital markets, unforeseen circumstances, or extraordinary conditions may require exceptions. Exceptions to the Debt Policy shall be reviewed with the Board of Directors for consideration prior to debt issuance.

The following types of debt are allowable under this Debt Policy:

Revenue bonds - A category of municipal bond supported by the revenue from a specific project, such as a toll bridge, highway, or local stadium. Revenue bonds that finance income-producing projects are thus secured by a specific revenue source.

Lease revenue bonds and lease-purchase transactions (LRB) - A loan made to the government entity that is repaid by income (“revenue”) generated by the project. Voters do not approve of LRBs because taxes are not supposed to be used to pay for the projects.

Refunding bonds - Outstanding bonds that are paid off using proceeds from a new issue. Usually done because of a decline in interest rates, which reduces the cost of funding.

Certificates of participation (COP) - Tax-exempt bonds issued by a state entity ies usually secured with revenue from an equipment or facility lease. COPs enable government entities to finance capital projects without technically issuing long-term debt.

Bank and direct private placement loans - Financing in which a bank enters into a loan agreement or other type of financing agreement.

State revolving loan or other governmental agency - A fund administered by the state for the purpose of providing flow-interest loans for investments in water and sanitation infrastructure, as well as for the implementation of nonpoint source pollution control and **estuary** protection projects. An SRF receives its initial capital from federal grants and state contributions. It then emits bonds that are guaranteed by the initial capital. It then “revolves” through the repayment of principal and the payment of interest on outstanding loans.

Lines and letters of credit - A preset amount of money that a financial institution like a bank or credit union has agreed to lend you. You can withdraw from the line of credit as needed.

Bond or grant anticipation note - A short-term interest-bearing security issued in advance d of a larger, future bond issue. Bond anticipation notes are smaller short-term bonds that are issued by corporations or

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governments, such as local municipalities, wishing to generate funds for upcoming projects.

General Obligation Bonds – A bond backed solely by the credit and taxing power of the District, rather than by revenue of a project. Voter approval is required.

Revenue anticipation notes (RAN) - A form of note, or short-term loan that a government usually repays from a named revenue source within a period of one year. Often used to solve problems associated with the mismatch between the receipt of property tax revenue and ongoing expenditures.

Land-secured financings, such as special tax revenue bonds issued under the Mello-Roos Community Facilities Act of 1982, as amended, and limited obligation bonds issued under applicable assessment statutes.

Conduit financings - A means for private companies, nonprofit organizations, and public entities to raise capital via tax-exempt municipal bonds to fund large-scale projects that typically benefit the general public.

The District may from time to time find that other forms of debt would be beneficial to further its public purposes and may approve such debt without an amendment of this Debt Policy.

## 3273.50

### Debt Issuance:

1. Method of Sale - The General Manager, and/or their designee, will decide as to the most effective method to offer securities to investors. Bonds will ~~primarily~~ be sold through competitive or negotiated, depending on sale but may alternatively be sold through negotiated sale due to volatile market conditions, ~~complex~~ security features, and/or policy goals. Private placements will ~~generally be avoided~~ be evaluated and considered based on economic and non-economic factors. The General Manager, and/or their designee, shall be responsible for determining the appropriate way to offer any securities to investors.

For negotiated sale, any underwriters that are currently suspended by the California State Treasurer's Office from its negotiated underwriting pool may not participate in the District's negotiated sale, pending Board's approval.

2. Credit Rating - The District seeks to obtain and maintain the highest possible credit rating for all categories of short-term and long-term debt. Ratings may be obtained from Moody's, Standard and Poor's, Fitch, or other nationally recognized rating agencies.
3. Debt Capacity - The District will keep outstanding debt within the practical limits of the District's debt service coverage ratio, debt rating and other

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- applicable law.
4. Structural Features
    - Terms - Debt terms will not exceed the average useful life of the asset.
    - Coupon Structure - Debt may include par, premium, discount, and capital appreciation bonds. Coupon structure other than one for par must demonstrate advantageous relative to par bond structure.
    - Fixed vs. Variable Rate - Long-term debt shall be issued as fixed rate debt unless the District makes a specific determination as to why a variable rate issue would be beneficial to the District in a specific circumstance.
    - Maturity Structure - The District's long-term debt may include serial and term bonds.
    - Redemption - The District debt can be issued with call provisions which enable the District to retire the debt earlier or enable the refunding of debt prior to maturity. The District will evaluate the efficiency of call provision alternatives for each transaction when warranted by market conditions and opportunity.
    - Tax Exemption - The District will evaluate tax status of any bond sale with bond counsel and comply with all applicable laws and regulations.
    - Consultant Assistance - The District shall utilize the services of independent municipal advisors when deemed appropriate by the General Manager and/or their designee. The District shall utilize the services of bond counsel on all debt financings. The General Manager and/or their designee shall have the authority to periodically select service providers necessary to meet legal requirement and minimize the District's debt cost. Services may include municipal advisory, underwriting, trustee, escrow agent, arbitrage, special tax, or other consulting. To achieve a balance between service and cost, a competitive bid process or sole-source selection should be utilized.
    - Credit Enhancement - The District shall procure credit enhancement for a sale of bonds if it is cost effective to do so. The District in consultation with the Municipal Advisor and Underwriters will insure the bonds over the life of the term if it is deemed beneficial.
  5. Debt Service Reserve - Long Term Debt ~~will~~may require the District to establish a Debt Service Reserve Account to set aside funds to ensure full and timely payments to all bondholders.
  6. Disclosure Procedures - The District shall comply with SEC regulations on disclosures, which requires financial and operating information with the Official Statement and with the Continuing Disclosure Annual Report.

## **3273.60 Relationship of Debt to Capital Improvement Program and Budget:**

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The District is committed to long-term capital planning. The District intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the District's capital budget and the capital improvement plan.

The District shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues. The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements that are the result of normal wear and tear.

The District shall integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the District's public purposes.

The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements in circumstances when the sole purpose of such debt financing is to reduce annual budgetary expenditures.

The District shall seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its general fund.

## **3273.70 Policy Goals Related to District's Planning Goals and Objectives:**

The District is committed to long-term financial planning, maintaining appropriate reserves levels and employing prudent practices in governance, management and budget administration. The District intends to issue debt for the purposes stated in this Policy and to implement policy decisions incorporated in the District's annual operations budget.

It is a policy goal of the District to protect taxpayers and constituents by utilizing conservative financing methods and techniques so as to obtain the highest practical credit ratings (if applicable) and the lowest practical borrowing costs.

The District will comply with applicable state and federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related assessments, rates and charges.

When refinancing debt, it shall be the policy goal of the District to realize, whenever possible, and subject to any overriding non-financial policy considerations, (i) minimum net present value debt service savings equal to or greater than 3.0% of the refunded principal amount, and (ii) present value debt service savings equal to or greater than 100% of any escrow fund negative arbitrage.

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3273.80

## **Debt Administration/Internal Control Procedures:**

1. When issuing debt, in addition to complying with the terms of this Debt Policy, the District shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds.

The District will periodically review the requirements of and will remain in compliance with the following:

- Any continuing disclosure undertakings under SEC Rule 15c2-12;
  - Any federal tax compliance requirements, including without limitation arbitrage and rebate compliance, related to any prior bond issues; and
  - The District's investment policies as they relate to the investment of bond proceeds.
2. Whenever reasonably possible, proceeds of debt will be held by a third-party trustee and the District will submit written requisitions for such proceeds. The District will submit a requisition only after obtaining the signature of the General Manager, and/or their designee. In those cases, where it is not reasonably possible for the proceeds of debt to be held by a third-party trustee, the Finance Department shall retain records of all expenditures of proceeds through the final payment date for the debt.
  3. Investment of bond proceeds shall be consistent with federal tax requirements and with requirement contained in the indenture or trust agreements.
  4. The District shall follow the United States Internal Revenue Service (IRS) guideline for record retention. Records are to be retained for the life of bond plus three (3) years. For refunding, the refunded bonds retention schedule is reset to match the life of refunding bond plus three (3) years.
  5. The District shall engage a qualified firm to perform Arbitrage Rebate Calculations for all District bond issuances and prepare reports and filing documents as necessary. 90% of the Cumulative Rebate Liability (reduced by any applicable computation date credits) is required to be paid to the IRS no later than sixty (60) days after the end of each fifth bond/COP year. 100% of the Cumulative Rebate Liability (reduced by any applicable computation date credits) is required to be paid to the IRS within 60 days of the full defeasance or final maturity of the bonds/COPs.
  6. The District shall fully budget all debt service obligations annually. The District will make all debt service payments on time per the bond document schedule.
  7. A Citizen Advisory ~~Oversight~~ Committee will be set up to oversee and review any voter approved public debt.

3273.90

## **Policy Review**

District Management and Board of Directors will review this policy prior to any new debt issuance.

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*Adopted: January 14, 2021*  
*Amended: December 08, 2022*



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## DEBT MANAGEMENT #3273

### 3273.00 Introduction

The Debt Management Policy (“Debt Policy”) sets forth the guidelines and formalizes debt issuance and management related policies and procedures for the El Dorado Hills Community Services District (the “District”), California. The debt policies of the District are subject to and limited by applicable provisions of state and federal law, and prudent debt management principles.

### 3273.10 Objectives

The primary objectives of the District’s debt and financing related activities are to:

- Maintain cost-effective access to the capital markets through prudent fiscal; management policies and practices;
- Minimize debt service commitments through effective planning and cash management;
- Ensure future financial flexibility;
- Maintain full and complete financial disclosure and reporting;
- Achieve full and timely repayment of debt;
- Comply with Government Code Section 8855(i);
- Ensure the District is in compliance with all applicable federal and state securities laws; and
- Achieve the highest practical credit ratings.

### 3273.20 Background/Procedures

Government Code section 8855(i) requires any issuer of public debt to provide the California Debt and Investment Advisory Commission (CDIAC) no later than 30 days prior to the sale of any debt issue a report of the proposed issuance. Effective January 01, 2017, issuers must certify on the Report of Proposed Debt Issuance that they have adopted local debt policies concerning the use of debt and that the proposed issuance is consistent with those policies. The issuer’s local debt policies must include the following:

### 3273.30 Limitations of Debt Issuance

#### 1. Long-Term Debt

Long-term debt may be issued to finance the construction, acquisition, and rehabilitation of capital improvements and facilities, equipment and land to be owned and operated by the District.

- (a) Long-term debt financings are appropriate when the following conditions exist:
- When the project to be financed is necessary to provide basic services.

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- When the project to be financed will provide benefit to constituents over multiple years.
  - When total debt does not constitute an unreasonable burden to the District and its taxpayers.
  - When the debt is used to refinance outstanding debt in order to produce debt service savings or to realize the benefits of a debt restructuring.
  - The additional debt complies with outstanding debt covenants.
  - A Citizens Oversight Committee is set up to oversee the ongoing oversight of voter approved public debt.
- (b) Long-term debt financings will not generally be considered appropriate for current operating expenses and routine maintenance expenses.
- (c) The District may use long-term debt financings subject to the following conditions:
- The project to be financed must be approved by the District Board of Directors.
  - The weighted average maturity of the debt (or the portion of the debt allocated to the project) will not exceed the average useful life of the project to be financed by more than 20%.
  - The District estimates that sufficient revenues will be available to service the debt through its maturity.
  - The District determines that the issuance of the debt will comply with the applicable state and federal law.
2. Short-term debt  
Short-term debt may be issued to provide interim construction financing for projects that will ultimately be funded by cash, long-term debt or other sources. Short-term debt may also be issued to provide financing for an even cash flow balance. Short-term debt must be fully paid-off within a five-year period or restructured to long-term debt provided that the conditions for long-term debt are satisfied.
3. Financings on Behalf of Other Entities  
The District may also find it beneficial to issue debt on behalf of other governmental agencies or private third parties in order to further the public purposes of the District. In such cases, the District shall take reasonable steps to confirm the financial feasibility of the project to be financed and the financial solvency of any borrower and that the issuance of such debt is consistent with the policies set forth herein. A Joint Use Agreement (JUA) is required if the District is to partake in this debt option.
4. Governing Law  
The District shall issue and manage debt in accordance with limitations and constraints imposed by California law and federal tax law. Such constraints include, but are not limited to, private activity tests, review of eligible projects, spend-down tests and arbitrage rebate limitations.

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## 3273.40

### Types of Debt Issued:

While the District strives to adhere to the Debt Policy, changes in capital markets, unforeseen circumstances, or extraordinary conditions may require exceptions. Exceptions to the Debt Policy shall be reviewed with the Board of Directors for consideration prior to debt issuance.

The following types of debt are allowable under this Debt Policy:

Revenue bonds - A category of municipal bond supported by the revenue from a specific project, such as a toll bridge, highway, or local stadium. Revenue bonds that finance income-producing projects are thus secured by a specific revenue source.

Lease revenue bonds and lease-purchase transactions (LRB) - A loan made to the government entity that is repaid by income ("revenue") generated by the project. Voters do not approve of LRBs because taxes are not supposed to be used to pay for the projects.

Refunding bonds - Outstanding bonds that are paid off using proceeds from a new issue. Usually done because of a decline in interest rates, which reduces the cost of funding.

Certificates of participation (COP) - Tax-exempt bonds issued by a state entity usually secured with revenue from an equipment or facility lease. COPs enable government entities to finance capital projects without technically issuing long-term debt.

Bank and direct private placement loans - Financing in which a bank enters into a loan agreement or other type of financing agreement.

State revolving loan or other governmental agency - A fund administered by the state for the purpose of providing flow-interest loans for investments in water and sanitation infrastructure, as well as for the implementation of nonpoint source pollution control and **estuary** protection projects. An SRF receives its initial capital from federal grants and state contributions. It then emits bonds that are guaranteed by the initial capital. It then "revolves" through the repayment of principal and the payment of interest on outstanding loans.

Lines and letters of credit - A preset amount of money that a financial institution like a bank or credit union has agreed to lend you. You can withdraw from the line of credit as needed.

Bond or grant anticipation note - A short-term interest-bearing security issued in advance of a larger, future bond issue. Bond anticipation notes are smaller short-term bonds that are issued by corporations or

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governments, such as local municipalities, wishing to generate funds for upcoming projects.

General Obligation Bonds – A bond backed solely by the credit and taxing power of the District, rather than by revenue of a project. Voter approval is required.

Revenue anticipation notes (RAN) - A form of note, or short-term loan that a government usually repays from a named revenue source within a period of one year. Often used to solve problems associated with the mismatch between the receipt of property tax revenue and ongoing expenditures.

Land-secured financings, such as special tax revenue bonds issued under the Mello-Roos Community Facilities Act of 1982, as amended, and limited obligation bonds issued under applicable assessment statutes.

Conduit financings - A means for private companies, nonprofit organizations, and public entities to raise capital via tax-exempt municipal bonds to fund large-scale projects that typically benefit the general public.

The District may from time to time find that other forms of debt would be beneficial to further its public purposes and may approve such debt without an amendment of this Debt Policy.

## 3273.50

### Debt Issuance:

1. Method of Sale - The General Manager, and/or their designee, will decide as to the most effective method to offer securities to investors. Bonds will be sold through competitive or negotiated, depending on market conditions, security features, and/or policy goals. Private placements will be evaluated and considered based on economic and non-economic factors. The General Manager, and/or their designee, shall be responsible for determining the appropriate way to offer any securities to investors.

For negotiated sale, any underwriters that are currently suspended by the California State Treasurer's Office from its negotiated underwriting pool may not participate in the District's negotiated sale, pending Board's approval.

2. Credit Rating - The District seeks to obtain and maintain the highest possible credit rating for all categories of short-term and long-term debt. Ratings may be obtained from Moody's, Standard and Poor's, Fitch, or other nationally recognized rating agencies.
3. Debt Capacity - The District will keep outstanding debt within the practical limits of the District's debt service coverage ratio, debt rating and other applicable law.
4. Structural Features

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- Terms - Debt terms will not exceed the average useful life of the asset.
  - Coupon Structure - Debt may include par, premium, discount, and capital appreciation bonds. Coupon structure other than one for par must demonstrate advantageous relative to par bond structure.
  - Fixed vs. Variable Rate - Long-term debt shall be issued as fixed rate debt unless the District makes a specific determination as to why a variable rate issue would be beneficial to the District in a specific circumstance.
  - Maturity Structure - The District's long-term debt may include serial and term bonds.
  - Redemption - The District debt can be issued with call provisions which enable the District to retire the debt earlier or enable the refunding of debt prior to maturity. The District will evaluate the efficiency of call provision alternatives for each transaction when warranted by market conditions and opportunity.
  - Tax Exemption - The District will evaluate tax status of any bond sale with bond counsel and comply with all applicable laws and regulations.
  - Consultant Assistance - The District shall utilize the services of independent municipal advisors when deemed appropriate by the General Manager and/or their designee. The District shall utilize the services of bond counsel on all debt financings. The General Manager and/or their designee shall have the authority to periodically select service providers necessary to meet legal requirement and minimize the District's debt cost. Services may include municipal advisory, underwriting, trustee, escrow agent, arbitrage, special tax, or other consulting. To achieve a balance between service and cost, a competitive bid process or sole-source selection should be utilized.
  - Credit Enhancement - The District shall procure credit enhancement for a sale of bonds if it is cost effective to do so. The District in consultation with the Municipal Advisor and Underwriters will insure the bonds over the life of the term if it is deemed beneficial.
5. Debt Service Reserve - Long Term Debt may require the District to establish a Debt Service Reserve Account to set aside funds to ensure full and timely payments to all bondholders.
6. Disclosure Procedures - The District shall comply with SEC regulations on disclosures, which require financial and operating information with the Official Statement and with the Continuing Disclosure Annual Report.

## 3273.60

### **Relationship of Debt to Capital Improvement Program and Budget:**

The District is committed to long-term capital planning. The District intends to issue debt for the purposes stated in this Debt Policy and to implement policy

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decisions incorporated in the District's capital budget and the capital improvement plan.

The District shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues. The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements that are the result of normal wear and tear.

The District shall integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the District's public purposes.

The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements in circumstances when the sole purpose of such debt financing is to reduce annual budgetary expenditures.

The District shall seek to issue debt in a timely manner to avoid having to make unplanned expenditures for capital improvements or equipment from its general fund.

## **3273.70 Policy Goals Related to District's Planning Goals and Objectives:**

The District is committed to long-term financial planning, maintaining appropriate reserves levels and employing prudent practices in governance, management and budget administration. The District intends to issue debt for the purposes stated in this Policy and to implement policy decisions incorporated in the District's annual operations budget.

It is a policy goal of the District to protect taxpayers and constituents by utilizing conservative financing methods and techniques so as to obtain the highest practical credit ratings (if applicable) and the lowest practical borrowing costs.

The District will comply with applicable state and federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related assessments, rates and charges.

When refinancing debt, it shall be the policy goal of the District to realize, whenever possible, and subject to any overriding non-financial policy considerations, (i) minimum net present value debt service savings equal to or greater than 3.0% of the refunded principal amount, and (ii) present value debt service savings equal to or greater than 100% of any escrow fund negative arbitrage.

## **3273.80 Debt Administration/Internal Control Procedures:**

1. When issuing debt, in addition to complying with the terms of this Debt

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Policy, the District shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds.

The District will periodically review the requirements of and will remain in compliance with the following:

- Any continuing disclosure undertakings under SEC Rule 15c2-12;
  - Any federal tax compliance requirements, including without limitation arbitrage and rebate compliance, related to any prior bond issues; and
  - The District's investment policies as they relate to the investment of bond proceeds.
2. Whenever reasonably possible, proceeds of debt will be held by a third-party trustee and the District will submit written requisitions for such proceeds. The District will submit a requisition only after obtaining the signature of the General Manager, and/or their designee. In those cases, where it is not reasonably possible for the proceeds of debt to be held by a third-party trustee, the Finance Department shall retain records of all expenditures of proceeds through the final payment date for the debt.
  3. Investment of bond proceeds shall be consistent with federal tax requirements and with requirement contained in the indenture or trust agreements.
  4. The District shall follow the United States Internal Revenue Service (IRS) guideline for record retention. Records are to be retained for the life of bond plus three (3) years. For refunding, the refunded bonds retention schedule is reset to match the life of refunding bond plus three (3) years.
  5. The District shall engage a qualified firm to perform Arbitrage Rebate Calculations for all District bond issuances and prepare reports and filing documents as necessary. 90% of the Cumulative Rebate Liability (reduced by any applicable computation date credits) is required to be paid to the IRS no later than sixty (60) days after the end of each fifth bond/COP year. 100% of the Cumulative Rebate Liability (reduced by any applicable computation date credits) is required to be paid to the IRS within 60 days of the full defeasance or final maturity of the bonds/COPs.
  6. The District shall fully budget all debt service obligations annually. The District will make all debt service payments on time per the bond document schedule.
  7. A Citizen Advisory Committee will be set up to oversee and review any voter approved public debt.

## 3273.90

### Policy Review

District Management and Board of Directors will review this policy prior to any new debt issuance.

*Adopted: January 14, 2021*

*Amended: December 08, 2022*



**To:** Board of Directors

**From:** Teri Gotro, Director of Administration and Finance

**Meeting Date:** December 14, 2023

**Report Date:** November 20, 2023

**Subject:** **Annual Review of the District Policy 3350: Statement of Investment**

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**Recommended Action:**

Review the current Investment Policy and provide feedback for any changes the Board deems necessary.

**Background:**

Pursuant to Government Code Section 53646, the Statement of Investments Policy must be reviewed and submitted annually to the District's Board of Directors. As per Policy 4060.70, the Board's standing Administration and Finance Committee shall be concerned with the functions, activities, operations, compensation and welfare of District staff, as well as the financial management of the District, including the review of the District's Statement of Investment Policy.

**Discussion:**

It is required of staff and the Board to review the Statement of Investments Policy annually to ensure that the District is within regulation and make any edits to keep the policy current so investment opportunities can be realized with little risk. Staff use the *Local Agency Investment Guidelines* set forth by the California Debt and Investment Advisory Commission (CDIAC) as a tool to complete the review process and ensure the District's policy adheres to these recommendations. The CDIAC Investment Policy Table (Attachment B) is attached to provide the Board the opportunity to see investment options available to local government. The District's current policy is more conservative than allowed by statute, as previous reviews by the District's Board of Directors have deemed some of these investments as too risky. In 2020, the Board approved an updated policy with minor changes.

Management has reviewed the current policy and is recommending minor changes to better define the District's market rate checking account as a collateralized bank deposit investment. The Administration and Finance Committee has reviewed the policy with changes and recommended it to be moved to the full Board for review and approval with no changes. Staff did make a change recommended by the auditor after the Administration and Finance Committee meeting. It is adding



the Powers Authority investment option which better defines the District's investments in California Asset Management Program (CAMP). This investment is currently providing the highest investment yields in the District's portfolio.

**Master Plan Recommendations:**

F.6 Practice fiscal responsibility in all acquisitions, in particular at the early stages of the sale and expenditures.

**Fiscal Impact:**

There are no immediate fiscal impacts. However, this policy allows staff the means to seek investment opportunities that may increase the investment revenues for all funds maintained by the District.

**Attachments:**

- A. District Policy 3350: Statement of Investment - REDLINE
- B. District Policy 3350: Statement of Investment - CLEAN
- C. CDIAC Investment Policy Table

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## STATEMENT OF INVESTMENT ~~S~~-POLICY #3350

### 3350.10 Introduction

This statement will identify various policies and procedures that will foster a prudent and systematic investment program and which will organize and formalize investment related activities. The related activities, which comprise good cash management, include:

- A. Accurate cash projections
- B. Timely collection of revenues
- C. Control of disbursements
- D. Cost-effective banking relations

### 3350.20 Scope

This policy will cover all funds and investment activities under the direction of the El Dorado Hills CSD or its investment managers.

### 3350.30 Objectives

In order of priority, the District will meet the prudent investor standard through the following three objectives:

- A. **Safety:** The primary objective of this policy is to protect, preserve and maintain cash and investments of the District.
- B. **Liquidity:** An adequate percentage of the portfolio will be maintained in liquid short-term securities, which can be converted to cash as necessary to meet disbursement requirements. The liquidity percentage will be determined from time to time from projected cash flow reports. Investments will be made in securities with active secondary or resale markets. Securities with low market risk will be emphasized.
- C. **Yield:** Within the constraints of safety and liquidity, the highest and best yield will be sought.
- D. **Market Average Rate of Return:** The portfolio will be designed to attain a market average rate of return, taking into account the District's risk constraints, the cash flow characteristics of the portfolio and state law.
- E. **Diversification:** The portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types of individual financial institutions. No more than 10% or the FDIC limit, whichever is less, of the portfolio may be invested in any one institution. U.S. government, agency securities and collateralized bank deposits are exempt from this limitation.
- F. **Prudence:** This investment policy is based on the "prudent investment standard" which states: "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a

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like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.” (Government Code Section 53600.3)

- G. Public Trust:** All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust. In a diversified portfolio it must be recognized that occasional measured losses are inevitable and must be considered within the context of the overall investment return.

*(Amended October 8, 2009)*

## 3350.40

### **Authority to Invest Money**

Sections 53601, 53601.1 61240 and 16429.1 of the Government Code provide legal authorization for investments of funds of local agencies. All investments of the District shall conform to the restrictions of those laws. Under the authority of Section 61240, the General Manager is designated Treasurer to the Board.

## 3350.50

### **Reporting**

#### **A. Quarterly**

1. The Treasurer shall submit a quarterly investment report to the Board of Directors, and the District’s Auditor. This report will include all items required by Government Code Section 53646. These items are:
  - a. Type of investment
  - b. Institution (issuer)
  - c. Date of maturity
  - d. Amount of deposit or cost of the security
  - e. Current market value of securities with maturities over one year
  - f. Rate of interest
  - g. Statement relating the report to the Statement of Investment Policy
  - h. Statement that there are sufficient funds to meet the next six months’ obligations
  - i. Accrued interest as prescribed by Government Code Section 53646.
2. The quarterly report may also include non-mandatory items such as:
  - a. Interest earned to date
  - b. Average weighted yield
  - c. Average days to maturity
  - d. Actual transactions

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- e. Percentage distribution of investment types
  - f. Other measurements and comparisons.
- B. Annually**  
The Treasurer shall prepare a report detailing the performance of the portfolio as of June 30.

## 3350.60 Investment Instruments and Maturities

### A. Permitted Investments

Investments shall be made in accordance with California Government Code section 53601 et. seq. through section 53635 et. seq. Authorized investments shall also include, in accordance with California Government Code section 16429.1, investments into LAIF. As the California Government Code is amended, this policy shall also become amended.

Subject to the additional requirements imposed by Government Code Section 53601, the District may purchase securities subject to the following limits:

<u>PERMITTED INVESTMENTS/DEPOSIT</u>	<u>MAXIMUM PORTFOLIO CONCENTRATION</u>	<u>MINIMUM QUALITY</u>	<u>MAXIMUM MATURITY</u>
U.S. Treasury Bills, Bonds and Notes	Unlimited		5 years*
U.S. Government and Agency Securities	Unlimited		5 years*
Registered Treasury Notes & Bonds issued by any of the other 49 states in addition to California	Unlimited		5 years*
Time Certificates of Deposit	25%		5 years*
Negotiable Certificates of Deposit	30%		5 years*
LAIF	\$40,000,000		<del>5 years</del> NA
Medium Term Notes	30%	A	5 years*
<u>Joint Powers Authority Pool</u>	<u>Unlimited</u>		<u>NA</u>
<del>Money Market and Mutual Funds</del> <u>and Money Market Mutual Funds</u>	20%**	AAA	5 years
<u>Collateralized Bank Deposits</u>	<u>Unlimited</u>		<u>NA</u>

\*Maximum term unless expressly authorized by the Board of Directors and within the prescribed time frame for the approval. (Government Code Section 53601).

\*\*~~Money Market Funds and Mutual Funds~~ and Money Market Mutual Funds are subject to a combined limit of 20% of portfolio.

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Investments shall be purchased according to the minimum credit standards listed. In the event of a downgrade in credit after the date of purchase, the Treasurer shall advise the Board of Directors at the next regular meeting and will use his/her best professional judgment concerning the retention of the security in the portfolio.

## B. Excluded Investments

The following investments or investment practices are not permitted under this Statement of Investment Policy:

1. Purchase of sale of securities on margin
2. Reverse Repurchase Agreements
3. Financial futures and financial options
4. Guaranteed Small Business Administration (SBA) Notes
5. Government National Mortgage Associate (GNMA) Notes

## 3350.61

### Definitions of Terms for Permitted Investments

#### Treasury Bills, Notes & Bonds:

- Treasury Bills are short-term instruments with maturities of no more than one year. They fill investment needs similar to money market funds and savings accounts.
- Treasury Bonds cover terms of longer than ten (10) years, and are currently being issued in maturities of thirty (30) years. Interest is also paid semi-annually.
- Treasury Notes are intermediate- to long-term investments, typically issued in maturities of two, three, five, seven and ten (10) years.

#### U.S. Government & Agency Securities:

"Agencies" is a term used to describe two types of bonds: (1) bonds issued or guaranteed by U.S. federal government agencies; and (2) bonds issued by government-sponsored enterprises (GSEs) - corporations created by Congress to foster a public purpose, such as affordable housing. Bonds issued or guaranteed by federal agencies such as the Government National Mortgage Association (Ginnie Mae) are backed by the "full faith and credit of the U.S. government," just like Treasuries.

#### Treasury Notes Registered Treasure Notes & Bonds (issued by any of the other 49 states in addition to California):

A bond whose issuer records ownership and interest payments. This includes bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.

#### Time Certificates of Deposit:

A savings account or certificate of deposit (CD) that is held for a fixed-term, with the understanding that the depositor can make a withdrawal only by

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giving notice. A time deposit is an interest-bearing bank deposit that has a specified date of maturity. Although funds can be withdrawn from CDs without notice (on demand), there are penalties for early withdrawal.

## Negotiable Certificates of Deposit (CD's):

A certificate of deposit with a minimum face value of \$100,000. These are guaranteed by the bank and can usually be sold in a highly liquid secondary market, but they cannot be cashed-in before maturity.

## The Local Agency Investment Fund (LAIF):

The Local Agency Investment Fund (LAIF) is a voluntary program created by statute; began in 1977 as an investment alternative for California's local governments and special districts. The enabling legislation for the LAIF is Section 16429.1 et seq. of the California Government Code. This program offers local agencies the opportunity to participate in a major portfolio, which invests hundreds of millions of dollars, using the investment expertise of the State Treasurer's Office investment staff at no additional cost to the taxpayer.

## Joint Powers Authority Pool:

An investment pool that is created by two or more public agencies by agreement to jointly exercise the authority to invest funds insecurities/obligations as described by California Government Code Section 53601(p) giving authority for the JPA to invest in the securities/obligations authorized in subdivision (a) to (r).

## Medium Term Notes:

A note that usually matures in five to 10 years. Notes range in maturity from one to 10 years. By knowing that a note is medium term, investors have an idea of what its maturity will be when they compare its price to that of other fixed-income securities. All else being equal, the coupon rate on medium-term notes will be higher than those achieved on short-term notes. A corporate note continuously offered by a company to investors through a dealer.

## Money Market Collateralized Bank Deposits:

An interest-bearing account that typically pays a higher interest rate than a savings account, and which provides the account holder with limited check-writing ability. A money market account thus offers the account holder benefits typical of both savings and checking accounts. An account at a FDIA insured bank used to hold collateral or in which is recorded the receipt of an advice of custody evidencing that collateral is held by or for the pledgor subject to the security interest of the pledgee. The District's Market Rate Account is an example of this investment vehicle.

## Mutual Funds and Money Market Mutual Funds:

# 3000 - OPERATIONS

An investment vehicle that is made up of a pool of funds collected from many investors for the purpose of investing in securities such as stocks, bonds, money market instruments and similar assets. Mutual funds are operated by money managers, who invest the fund's capital and attempt to produce capital gains and income for the fund's investors. A mutual fund's portfolio is structured and maintained to match the investment objectives stated in its prospectus.

## **3350.70**     **Internal Controls**

The system of internal control has been established and maintained in written form. The controls are designed to prevent losses of public funds arising from fraud, error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. The most important controls are: control of collusion, separation of duties, separation of transaction authority from accounting and bookkeeping, custodial safekeeping, delegation of authority, limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized investment officials, documentation of transactions and strategies, and annual review of controls by the Treasurer.

## **3350.80**     **Banks and Security Dealers**

In selecting financial institutions for the deposit of investment of District funds, the Treasurer shall consider the credit worthiness of institutions. The Treasurer shall continue to monitor their credit characteristics and financial history throughout the period in which District funds are deposited or invested. A commercial rating or bank watch service may be used to accomplish this objective.

## **3350.90**     **Investment Risks**

The District recognizes that investment risks can result from issuer defaults, market price changes of various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. Investment managers are expected to display prudence in the selection of securities as a way to minimize default risk. No individual investment transaction shall be undertaken, which jeopardizes the total capital position of the overall portfolio. As needed, the Treasurer shall periodically meet with the Administration & Finance Committee to establish guidelines and strategies to control credit risk, market risk and illiquidity.

In addition to these general policy considerations, the following specific policies will be followed:

- A.** All transactions will be executed on a delivery versus payment basis.
- B.** A competitive bid process, when practical, will be used to place all investments.

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## 3350.100 **Safekeeping and Custody**

Securities purchased from broker/dealers will be held in a third-party custodian/safekeeping account except the collateral for time deposits in banks and savings and loans. An approved Agent of Depository holds collateral for time deposits of thrifts. Collateral for time deposits in banks will be held in the District's name in the bank's Trust Department.

## 3350.110 **Statement of Investments Policy - Annual Review**

Pursuant to Government Code Section 53646, the Statement of Investments Policy will be reviewed and submitted annually to the El Dorado Hills CSD's Board of Directors.

*Approved: December 09, 2004*

*Amended: April 10, 2008; October 08, 2009; April 14, 2016; November 10, 2019; August 13, 2020*



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## STATEMENT OF INVESTMENTS #3350

### 3350.10 Introduction

This statement will identify various policies and procedures that will foster a prudent and systematic investment program and which will organize and formalize investment related activities. The related activities, which comprise good cash management, include:

- A. Accurate cash projections
- B. Timely collection of revenues
- C. Control of disbursements
- D. Cost-effective banking relations

### 3350.20 Scope

This policy will cover all funds and investment activities under the direction of the El Dorado Hills CSD or its investment managers.

### 3350.30 Objectives

In order of priority, the District will meet the prudent investor standard through the following three objectives:

- A. **Safety:** The primary objective of this policy is to protect, preserve and maintain cash and investments of the District.
- B. **Liquidity:** An adequate percentage of the portfolio will be maintained in liquid short-term securities, which can be converted to cash as necessary to meet disbursement requirements. The liquidity percentage will be determined from time to time from projected cash flow reports. Investments will be made in securities with active secondary or resale markets. Securities with low market risk will be emphasized.
- C. **Yield:** Within the constraints of safety and liquidity, the highest and best yield will be sought.
- D. **Market Average Rate of Return:** The portfolio will be designed to attain a market average rate of return, taking into account the District's risk constraints, the cash flow characteristics of the portfolio and state law.
- E. **Diversification:** The portfolio will be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types of individual financial institutions. No more than 10% or the FDIC limit, whichever is less, of the portfolio may be invested in any one institution. U.S. government, agency securities and collateralized bank deposits are exempt from this limitation.
- F. **Prudence:** This investment policy is based on the "prudent investment standard" which states: "When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a

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like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the agency.” (Government Code Section 53600.3)

- G. Public Trust:** All participants in the investment process shall act as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust. In a diversified portfolio it must be recognized that occasional measured losses are inevitable and must be considered within the context of the overall investment return.

## **3350.40 Authority to Invest Money**

Sections 53601, 53601.1 61240 and 16429.1 of the Government Code provide legal authorization for investments of funds of local agencies. All investments of the District shall conform to the restrictions of those laws. Under the authority of Section 61240, the General Manager is designated Treasurer to the Board.

## **3350.50 Reporting**

### **A. Quarterly**

1. The Treasurer shall submit a quarterly investment report to the Board of Directors, and the District’s Auditor. This report will include all items required by Government Code Section 53646. These items are:
  - a. Type of investment
  - b. Institution (issuer)
  - c. Date of maturity
  - d. Amount of deposit or cost of the security
  - e. Current market value of securities with maturities over one year
  - f. Rate of interest
  - g. Statement relating the report to the Statement of Investment Policy
  - h. Statement that there are sufficient funds to meet the next six months’ obligations
  - i. Accrued interest as prescribed by Government Code Section 53646.
2. The quarterly report may also include non-mandatory items such as:
  - a. Interest earned to date
  - b. Average weighted yield
  - c. Average days to maturity
  - d. Actual transactions
  - e. Percentage distribution of investment types
  - f. Other measurements and comparisons.

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**B. Annually**

The Treasurer shall prepare a report detailing the performance of the portfolio as of June 30.

**3350.60 Investment Instruments and Maturities**

**A. Permitted Investments**

Investments shall be made in accordance with California Government Code section 53601 et. seq. through section 53635 et. seq. Authorized investments shall also include, in accordance with California Government Code section 16429.1, investments into LAIF. As the California Government Code is amended, this policy shall also become amended.

Subject to the additional requirements imposed by Government Code Section 53601, the District may purchase securities subject to the following limits:

<u>PERMITTED INVESTMENTS/DEPOSIT</u>	<u>MAXIMUM PORTFOLIO CONCENTRATION</u>	<u>MINIMUM QUALITY</u>	<u>MAXIMUM MATURITY</u>
U.S. Treasury Bills, Bonds and Notes	Unlimited		5 years*
U.S. Government and Agency Securities	Unlimited		5 years*
Registered Treasury Notes & Bonds issued by any of the other 49 states in addition to California	Unlimited		5 years*
Time Certificates of Deposit	25%		5 years*
Negotiable Certificates of Deposit	30%		5 years*
LAIF	\$40,000,000		5 years
Medium Term Notes	30%	A	5 years*
Mutual Funds and Money Market Mutual Funds	20%**	AAA	5 years
Collateralized Bank Deposits	Unlimited		5 years

*\*Maximum term unless expressly authorized by the Board of Directors and within the prescribed time frame for the approval. (Government Code Section 53601).*

*\*\* Mutual Funds and Money Market Mutual Funds are subject to a combined limit of 20% of portfolio.*

Investments shall be purchased according to the minimum credit standards listed. In the event of a downgrade in credit after the date of purchase, the Treasurer shall advise the Board of Directors at the next

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regular meeting and will use his/her best professional judgment concerning the retention of the security in the portfolio.

## **B. Excluded Investments**

The following investments or investment practices are not permitted under this Statement of Investment Policy:

1. Purchase or sale of securities on margin
2. Reverse Repurchase Agreements
3. Financial futures and financial options
4. Guaranteed Small Business Administration (SBA) Notes
5. Government National Mortgage Associate (GNMA) Notes

## **3350.61 Definitions of Terms for Permitted Investments**

### Treasury Bills, Notes & Bonds:

- Treasury Bills are short-term instruments with maturities of no more than one year. They fill investment needs similar to money market funds and savings accounts.
- Treasury Bonds cover terms of longer than ten (10) years and are currently being issued in maturities of thirty (30) years. Interest is also paid semi-annually.
- Treasury Notes are intermediate- to long-term investments, typically issued in maturities of two, three, five, seven and ten (10) years.

### U.S. Government & Agency Securities:

"Agencies" is a term used to describe two types of bonds: (1) bonds issued or guaranteed by U.S. federal government agencies; and (2) bonds issued by government-sponsored enterprises (GSEs) - corporations created by Congress to foster a public purpose, such as affordable housing. Bonds issued or guaranteed by federal agencies such as the Government National Mortgage Association (Ginnie Mae) are backed by the "full faith and credit of the U.S. government," just like Treasuries.

### Treasury Notes Registered Treasure Notes & Bonds (issued by any of the other 49 states in addition to California):

A bond whose issuer records ownership and interest payments. This includes bonds payable solely out of the revenues from a revenue-producing property owned, controlled, or operated by a state or by a department, board, agency, or authority of any of the other 49 states, in addition to California.

### Time Certificates of Deposit:

A savings account or certificate of deposit (CD) that is held for a fixed-term, with the understanding that the depositor can make a withdrawal only by giving notice. A time deposit is an interest-bearing bank deposit that has a specified date of maturity. Although funds can be withdrawn from CDs without notice (on demand), there are penalties for early withdrawal.

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## Negotiable Certificates of Deposit (CD's):

A certificate of deposit with a minimum face value of \$100,000. These are guaranteed by the bank and can usually be sold in a highly liquid secondary market, but they cannot be cashed-in before maturity.

## The Local Agency Investment Fund (LAIF):

The Local Agency Investment Fund (LAIF) is a voluntary program created by statute; began in 1977 as an investment alternative for California's local governments and special districts. The enabling legislation for the LAIF is Section 16429.1 et seq. of the California Government Code. This program offers local agencies the opportunity to participate in a major portfolio, which invests hundreds of millions of dollars, using the investment expertise of the State Treasurer's Office investment staff at no additional cost to the taxpayer.

## Medium Term Notes:

A note that usually matures in five to 10 years. Notes range in maturity from one to 10 years. By knowing that a note is medium term, investors have an idea of what its maturity will be when they compare its price to that of other fixed-income securities. All else being equal, the coupon rate on medium-term notes will be higher than those achieved on short-term notes. A corporate note continuously offered by a company to investors through a dealer.

## Collateralized Bank Deposits:

An account at a FDIA insured bank used to hold collateral or in which is recorded the receipt of an advice of custody evidencing that collateral is held by or for the pledgor subject to the security interest of the pledgee. The District's Market Rate Account is an example of this investment vehicle.

## Mutual Funds and Money Market Mutual Funds:

An investment vehicle that is made up of a pool of funds collected from many investors for the purpose of investing in securities such as stocks, bonds, money market instruments and similar assets. Mutual funds are operated by money managers, who invest the fund's capital and attempt to produce capital gains and income for the fund's investors. A mutual fund's portfolio is structured and maintained to match the investment objectives stated in its prospectus.

## **3350.70**

### **Internal Controls**

The system of internal control has been established and maintained in written form. The controls are designed to prevent losses of public funds arising from fraud, error, misrepresentation of third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. The most important controls are control of collusion, separation of duties, separation of transaction authority from accounting and bookkeeping, custodial safekeeping, delegation of authority, limitations regarding securities losses and remedial

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action, written confirmation of telephone transactions, minimizing the number of authorized investment officials, documentation of transactions and strategies, and annual review of controls by the Treasurer.

## **3350.80 Banks and Security Dealers**

In selecting financial institutions for the deposit of investment of District funds, the Treasurer shall consider the credit worthiness of institutions. The Treasurer shall continue to monitor their credit characteristics and financial history throughout the period in which District funds are deposited or invested. A commercial rating or bank watch service may be used to accomplish this objective.

## **3350.90 Investment Risks**

The District recognizes that investment risks can result from issuer defaults, market price changes of various technical complications leading to temporary illiquidity. Portfolio diversification is employed as a way to control risk. Investment managers are expected to display prudence in the selection of securities as a way to minimize default risk. No individual investment transaction shall be undertaken, which jeopardizes the total capital position of the overall portfolio. As needed, the Treasurer shall periodically meet with the Administration & Finance Committee to establish guidelines and strategies to control credit risk, market risk and illiquidity.

In addition to these general policy considerations, the following specific policies will be followed:

- A. All transactions will be executed on a delivery versus payment basis.
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## **3350.110 Statement of Investments Policy - Annual Review**

Pursuant to Government Code Section 53646, the Statement of Investments Policy will be reviewed and submitted annually to the El Dorado Hills CSD's Board of Directors.

*Approved: December 09, 2004*

*Amended: April 10, 2008; October 08, 2009; April 14, 2016; November 10, 2019; August 13, 2020*

**FIGURE 1**

**ALLOWABLE INVESTMENT INSTRUMENTS PER STATE GOVERNMENT CODE (AS OF JANUARY 1, 2023)<sup>A</sup> APPLICABLE TO ALL LOCAL AGENCIES<sup>B</sup>**

See "Table of Notes for Figure 1" on the next page for footnotes related to this figure.

INVESTMENT TYPE	MAXIMUM MATURITY <sup>C</sup>	MAXIMUM SPECIFIED % OF PORTFOLIO <sup>D</sup>	MINIMUM QUALITY REQUIREMENTS	GOV'T CODE SECTIONS
Local Agency Bonds	5 years	None	None	53601(a)
U.S. Treasury Obligations	5 years	None	None	53601(b)
State Obligations— CA And Others	5 years	None	None	53601(c) 53601(d)
CA Local Agency Obligations	5 years	None	None	53601(e)
U.S Agency Obligations	5 years	None	None	53601(f)
Bankers' Acceptances	180 days	40% <sup>E</sup>	None	53601(g)
Commercial Paper—Non-Pooled Funds <sup>F</sup> (under \$100,000,000 of investments)	270 days or less	25% of the agency's money <sup>G</sup>	Highest letter and number rating by an NRSRO <sup>H</sup>	53601(h)(2)(c)
Commercial Paper—Non-Pooled Funds (min. \$100,000,000 of investments)	270 days or less	40% of the agency's money <sup>G</sup>	Highest letter and number rating by an NRSRO <sup>H</sup>	53601(h)(2)(c)
Commercial Paper— Pooled Funds <sup>I</sup>	270 days or less	40% of the agency's money <sup>G</sup>	Highest letter and number rating by an NRSRO <sup>H</sup>	53635(a)(1)
Negotiable Certificates of Deposit	5 years	30% <sup>J</sup>	None	53601(i)
Non-negotiable Certificates of Deposit	5 years	None	None	53630 et seq.
Placement Service Deposits	5 years	50% <sup>K</sup>	None	53601.8 and 53635.8
Placement Service Certificates of Deposit	5 years	50% <sup>K</sup>	None	53601.8 and 53635.8
Repurchase Agreements	1 year	None	None	53601(j)
Reverse Repurchase Agreements and Securities Lending Agreements	92 days <sup>L</sup>	20% of the base value of the portfolio	None <sup>M</sup>	53601(j)
Medium-Term Notes <sup>N</sup>	5 years or less	30%	"A" rating category or its equivalent or better	53601(k)
Mutual Funds And Money Market Mutual Funds	N/A	20%	Multiple <sup>P,Q</sup>	53601(l) and 53601.6(b)
Collateralized Bank Deposits <sup>R</sup>	5 years	None	None	53630 et seq. and 53601(n)
Mortgage Pass-Through and Asset-Backed Securities	5 years or less	20%	"AA" rating category or its equivalent or better	53601(o)
County Pooled Investment Funds	N/A	None	None	27133
Joint Powers Authority Pool	N/A	None	Multiple <sup>S</sup>	53601(p)
Local Agency Investment Fund (LAIF)	N/A	None	None	16429.1
Voluntary Investment Program Fund <sup>T</sup>	N/A	None	None	16340
Supranational Obligations <sup>U</sup>	5 years or less	30%	"AA" rating category or its equivalent or better	53601(q)
Public Bank Obligations	5 years	None	None	53601(r), 53635(c) and 57603

## TABLE OF NOTES FOR FIGURE 1

- <sup>A</sup> Sources: Sections 16340, 16429.1, 27133, 53601, 53601.6, 53601.8, 53630 et seq., 53635, 53635.8, and 57603.
- <sup>B</sup> Municipal Utilities Districts have the authority under the Public Utilities Code Section 12871 to invest in certain securities not addressed here.
- <sup>C</sup> Section 53601 provides that the maximum term of any investment authorized under this section, unless otherwise stated, is five years from the settlement date. However, the legislative body may grant express authority to make investments either specifically or as a part of an investment program approved by the legislative body that exceeds this five year remaining maturity limit. Such approval must be issued no less than three months prior to the purchase of any security exceeding the five-year maturity limit.
- <sup>D</sup> Percentages apply to all portfolio investments regardless of source of funds. For instance, cash from a reverse repurchase agreement would be subject to the restrictions.
- <sup>E</sup> No more than 30 percent of the agency's money may be in bankers' acceptances of any one commercial bank.
- <sup>F</sup> Includes agencies defined as a city, a district, or other local agency that do not pool money in deposits or investment with other local agencies, other than local agencies that have the same governing body.
- <sup>G</sup> Local agencies, other than counties or a city and county, may purchase no more than 10 percent of the outstanding commercial paper and medium-term notes of any single issuer.
- <sup>H</sup> Issuing corporation must be organized and operating within the U.S., have assets in excess of \$500 million, and debt other than commercial paper must be in a rating category of "A" or its equivalent or higher by a nationally recognized statistical rating organization, or the issuing corporation must be organized within the U.S. as a special purpose corporation, trust, or LLC, have program wide credit enhancements, and have commercial paper that is rated "A-1" or higher, or the equivalent, by a nationally recognized statistical rating agency.
- <sup>I</sup> Includes agencies defined as a county, a city and county, or other local agency that pools money in deposits or investments with other local agencies, including local agencies that have the same governing body. Local agencies that pool exclusively with other local agencies that have the same governing body must adhere to the limits set forth in Section 53601(h)(2)(C).
- <sup>J</sup> No more than 30 percent of the agency's money may be in negotiable certificates of deposit that are authorized under Section 53601(i).
- <sup>K</sup> Effective January 1, 2020, no more than 50 percent of the agency's money may be invested in deposits, including certificates of deposit, through a placement service as authorized under 53601.8 (excludes negotiable certificates of deposit authorized under Section 53601(j)). On January 1, 2026, the maximum percentage of the portfolio reverts back to 30 percent. Investments made pursuant to 53635.8 remain subject to a maximum of 30 percent of the portfolio.
- <sup>L</sup> Reverse repurchase agreements or securities lending agreements may exceed the 92-day term if the agreement includes a written codicil guaranteeing a minimum earning or spread for the entire period between the sale of a security using a reverse repurchase agreement or securities lending agreement and the final maturity dates of the same security.
- <sup>M</sup> Reverse repurchase agreements must be made with primary dealers of the Federal Reserve Bank of New York or with a nationally or state chartered bank that has a significant relationship with the local agency. The local agency must have held the securities used for the agreements for at least 30 days.
- <sup>N</sup> "Medium-term notes" are defined in Section 53601 as "all corporate and depository institution debt securities with a maximum remaining maturity of five years or less, issued by corporations organized and operating within the United States or by depository institutions licensed by the United States or any state and operating within the United States."
- <sup>O</sup> No more than 10 percent invested in any one mutual fund. This limitation does not apply to money market mutual funds.
- <sup>P</sup> A mutual fund must receive the highest ranking by not less than two nationally recognized rating agencies or the fund must retain an investment advisor who is registered with the SEC (or exempt from registration), has assets under management in excess of \$500 million, and has at least five years' experience investing in instruments authorized by Sections 53601 and 53635.
- <sup>Q</sup> A money market mutual fund must receive the highest ranking by not less than two nationally recognized statistical rating organizations or retain an investment advisor registered with the SEC or exempt from registration and who has not less than five years' experience investing in money market instruments with assets under management in excess of \$500 million.
- <sup>R</sup> Investments in notes, bonds, or other obligations under Section 53601(n) require that collateral be placed into the custody of a trust company or the trust department of a bank that is not affiliated with the issuer of the secured obligation, among other specific collateral requirements.
- <sup>S</sup> A joint powers authority pool must retain an investment advisor who is registered with the SEC (or exempt from registration), has assets under management in excess of \$500 million, and has at least five years' experience investing in instruments authorized by Section 53601, subdivisions (a) to (o).
- <sup>T</sup> Local entities can deposit between \$200 million and \$10 billion into the Voluntary Investment Program Fund, upon approval by their governing bodies. Deposits in the fund will be invested in the Pooled Money Investment Account.
- <sup>U</sup> Only those obligations issued or unconditionally guaranteed by the International Bank for Reconstruction and Development (IBRD), International Finance Corporation (IFC), and Inter-American Development Bank (IADB), with a maximum remaining maturity of five years or less.





**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors

**From:** Kevin A. Loewen, General Manager

**Prepared By:** Brittany DiTonno, Executive Assistant/Clerk of the Board

**Meeting Date:** December 14, 2023

**Report Date:** November 30, 2023

**Subject:** **Updates to District Policy 4060: *Committees of the Board of Directors***

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**Recommended Action:**

Review and approve proposed updates to District Policy 4060: Committees of the Board of Directors.

**Background:**

District Policy 4060 relates directly to the Subcommittees of the Board of Directors and was last updated in September 2021.

**Discussion:**

The policy was reviewed by staff and some minor updates were identified, with most of those updates for the current named Compliance and Design Review Committee of the Board. The newly formed LLAD Citizen's Advisory Committee was assigned to have oversight from this Board subcommittee. Therefore, the policy needed to be updated to ensure it encapsulated this new advisory committee.

In addition, staff believe the committee itself should be renamed to fully capture its oversight and essence. Each subcommittee of the Board is named in a way that easily distinguishes their purview. The current name of this committee only touches on a small portion of the actual purview of the committee itself. On November 20, 2023, the Administration and Finance Committee reviewed the proposed policy updates and a list of naming options, outlined below. The Administration and Finance Committee provided their recommendations and support forwarding to the full Board of Directors for review and approval.

List of optional names provided to the Administration and Finance Committee as mentioned above:

- Compliance and Advisory Committee
- Compliance and Citizen's Advisory Committee
- Citizen's Advisory and Compliance Committee
- Citizen's Advisory Committee
- Resident Oversight Committee
- Community Benefits Committee\*
- Community Standards Committee
- Community Advisory Committee

*\*Administration and Finance Committee Pick*

**Attachments:**

- A. District Policy 4060: Committees of the Board of Directors - REDLINE
- B. District Policy 4060: Committees of the Board of Directors - CLEAN

# 4000 - BOARD OF DIRECTORS



## COMMITTEES OF THE BOARD OF DIRECTORS #4060

### 4060.10 Ad Hoc Committees:

The President shall appoint such ad hoc committees as may be deemed necessary or advisable by the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

### 4060.20 Standing Sub-Committees:

The following shall be standing committees of the Board:

**4060.20.1** Parks and Planning Committee

**4060.20.2** Recreation and Volunteer Committee

**4060.20.3** Administration and Finance Committee

**4060.20.4** ~~Community Benefits Compliance and Design Review~~ Committee

**4060.30** The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January.

**4060.40** The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. The committees shall meet as needed.

**4060.40.1** All committee meetings shall conform to applicable open meeting laws as outlined in the Ralph M. Brown Act.

**4060.50** The Board's standing Parks and Planning Committee shall be concerned with the formulation of plans and policies for arranging, realizing, and/or recommending the acquisition, design, and development of District parks and facilities.

**4060.60** The Board's standing Recreation and Volunteer Committee shall be concerned with the development, implementation, and marketing of recreation programs, including customer service, policies, procedures, staffing, budget, and community group relations such as Sports Groups Agreements/MOUs. The committee shall recommend policies on the District's overall volunteer program and projects.

# 4000 - BOARD OF DIRECTORS



**4060.70** The Board's standing Administration and Finance Committee shall be concerned with the functions, activities, operations, operational policies, compensation and welfare of District staff, ~~as well as and~~ the financial management of the District, including the preparation of an annual budget and major expenditures.

**4060.80** The Board's standing ~~Compliance and Design Review~~Community Benefits Committee shall be concerned with the review of community member appeals in relation to CC&R functions or DRC denials; as well as oversight of all District formed Volunteer Citizen Advisory Committees, including committee operations and applicant interviews prior to full Board review. Lastly, any District policies in relation to the above named oversights.~~volunteer application review; citizen committee volunteer and committee operations review.~~

*Amended: August 14, 2014*

# 4000 - BOARD OF DIRECTORS



## COMMITTEES OF THE BOARD OF DIRECTORS #4060

### **4060.10**     Ad Hoc Committees:

The President shall appoint such ad hoc committees as may be deemed necessary or advisable by the Board. The duties of the ad hoc committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made.

### **4060.20**     Standing Sub-Committees:

The following shall be standing committees of the Board:

**4060.20.1**     Parks and Planning Committee

**4060.20.2**     Recreation and Volunteer Committee

**4060.20.3**     Administration and Finance Committee

**4060.20.4**     Community Benefits Committee

**4060.30**     The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January.

**4060.40**     The Board's standing committees may be assigned to review District functions, activities, and/or operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. The committees shall meet as needed.

**4060.40.1**     All committee meetings shall conform to applicable open meeting laws as outlined in the Ralph M. Brown Act.

**4060.50**     The Board's standing Parks and Planning Committee shall be concerned with the formulation of plans and policies for arranging, realizing, and/or recommending the acquisition, design, and development of District parks and facilities.

**4060.60**     The Board's standing Recreation and Volunteer Committee shall be concerned with the development, implementation, and marketing of recreation programs, including customer service, policies, procedures, staffing, budget, and community group relations such as Sports Groups Agreements/MOUs. The committee shall recommend policies on the District's overall volunteer program and projects.

# 4000 - BOARD OF DIRECTORS



- 4060.70** The Board's standing Administration and Finance Committee shall be concerned with the functions, activities, operations, operational policies, compensation and welfare of District staff, and the financial management of the District, including the preparation of an annual budget and major expenditures.
- 4060.80** The Board's standing Community Benefits Committee shall be concerned with the review of community member appeals in relation to CC&R functions or DRC denials; as well as oversight of all District formed Volunteer Citizen Advisory Committees, including committee operations and applicant interviews prior to full Board review. Lastly, any District policies in relation to the above named oversights.

*Amended: August 14, 2014*



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors  
**From:** Talley Cain, Staff Services Analyst - Resident Services  
**Meeting Date:** December 14, 2023  
**Report Date:** December 05, 2023  
**Subject:** Design Review Appeal - Shed at 946 Big Sur Court

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**Recommended Action:**

Review and approve or deny the Compliance and Design Committee supported appeal submitted by property owner, Peter Barkann, 946 Big Sur Court, Park Village, Unit 3, Lot 158, APN 120-123-019.

**Background:**

In February 1993, the District appointed a Design Review Committee (DRC) to perform the responsibilities of architectural and design review and approval delegated to the District. The CC&Rs for Park Village Unit 3 state the following as it relates to property improvements:

**Park Village 3, Section 3 - Architectural Control of Improvements**

No building shall be erected, placed, or altered in external design or color on any lot until construction plans and specification satisfactory to the Committee, the exterior color scheme, an a plan showing the location of the structure on the lot have been approved by the Architectural Control Committee as being in conformity with these Covenants and as to conformity and harmony of external design and appearance with surrounding development, and as to location of the building and finished ground elevation. Approval shall be as provided in Section 24.

**Discussion:**

On August 15, 2023, the DRC reviewed and held over their application. The Committee was not able to come to a decision with 4 members and held over the application to wait for a full committee decision. On August 22, 2023, the DRC reviewed the application again, and the Committee motioned 3-2 to approve all improvements to the lot except for the shed, which was denied. The denial of the shed was based on the Committee wanting to see revisions made to the shed plans to help it blend in better with the existing home, specifically lowering the height of the shed/changing the roofline/shortening the roof overhang.

On August 29, 2023, the District received an Appeal from Mr. and Mrs. Barkann, which included a statement from them.

On October 02, 2023, the Compliance and Design Review Committee met and reviewed the initial appeal submitted by Peter Barkann. The Committee sent the homeowner back to the DRC to submit another set of plans with additional items added to the shed to change the look of the shed from the street. For example, planting a tree in front of it, or adding a window.

The homeowner returned to the DRC on October 17, 2023, with an updated set of plans that included 4 different options that changed the look of the shed from the street without changing the size or shape of the shed. The DRC denied all options in the plan with a 4-1 vote, stating that the only options they would consider would be changing the roofline, changing the height, and/or changing the overhang of the roof.

On November 01, 2023, the District received a second appeal from Mr. and Mrs. Barkann, which included a statement from them that details the exact changes they would like to make to have the shed approved.

On December 04, 2023, the Compliance and Design Board Subcommittee met and heard the appeal from Mr. Barkann. Mr. Barkann explained that he and his wife are willing to shorten the overhang of the shed and plant two trees in front of it between the shed and the home. Two Design Review Committee members were in attendance and explained that the DRC had originally requested that the homeowner change the roofline, overhang, and height. The Subcommittee reviewed and supported forwarding the appeal to the full Board of Directors for review.

### **Master Plan Recommendations:**

- E.1 Continue to be a community-driven agency that values transparency, input, and ideas from residents, stakeholders, and partners.

### **Attachments:**

- A. Second Homeowner Appeal - Shed at 946 Big Sur Court - Dated November 01, 2023
- B. Second Property Improvement Application - Dated October 09, 2023
- C. DRC Meeting Minutes - Dated October 17, 2023
- D. First Homeowner Appeal - Shed at 946 Big Sur Court - Dated August 29, 2023
- E. First Property Improvement Application - Dated August 07, 2023
- F. DRC Meeting Minutes - Dated August 22, 2023



EL DORADO HILLS COMMUNITY SERVICES DISTRICT  
APPEAL TO THE BOARD OF DIRECTORS  
REGARDING DESIGN REVIEW COMMITTEE (DRC) ACTION

(\$65.00 appeal fee due at time of submission.)

Today's Date 11/1/23 Check # 119 Receipt # 347269

APPELLANT: PETER & JULIE BARKANN

ADDRESS: 946 BIG SUR CT EDH, 95762

TELEPHONE: Day [REDACTED] Evening [REDACTED]

EMAIL ADDRESS: [REDACTED]

NAME OF APPLICANT (if different than appellant): \_\_\_\_\_

ACTION BEING APPEALED: CE-23-343 Property Improvement

DATE OF DRC ACTION: 10/19/23

PROPERTY IMPROVEMENT ITEM THE DRC ACTED UPON: SHED APPROVAL

ARGUMENT SUPPORTING APPEAL: SEE ATTACHED LETTER.

(Attach additional page(s), if needed.)

NOTE: Unless otherwise specified in the property owner's CC&Rs, an appeal of an action by the Design Review Committee must be submitted to the Compliance & Design Review office within 10 business days following the action. The Board of Directors will respond in writing to the appellant within 45 business days after receipt of the formal appeal. For directions to the Parks building and office hours, please visit the CSD website, [www.edhcsd.org](http://www.edhcsd.org), or call (916) 614-3211.

Julie Barkann  
Signature of Property Owner

10/31/23  
Date

October 30, 2023

To: El Dorado Hills Community Services District

From: Peter & Julie Barkann  
946 Big Sur Court  
El Dorado Hills, CA. 95762

RE: CE-23-343 Property Improvements 946 Big Sur Court (Barkann)

Greetings Appeal Board,

Regretfully our shed issues are back in your hands. We reapplied for our shed to the CSD and included the suggestions we all spoke of in our meeting on October 4<sup>th</sup>, 2023. The reply we got from the CSD was a carbon copy of our July 31, 2023 application. There was no apparent consideration or comments on suggestions we proposed.

I would like your permission to shorten the length of the overhang by 2 feet and plant 2 tall trees in front of the fence so they obscure the shed, and call it good.

Our shed doesn't break any rules in the CC&Rs, and conforms to building code. It's similar that way to the many other sheds in our neighborhood, and in/around El Dorado Hills. None of the points raised are comparatively an anomaly to the other sheds we see, and you have seen on your drive-bys.

I urge you all to please let our solutions suffice, and to allow us to complete the shed. The weather is changing rapidly to winter (rain), our materials are beginning to deteriorate (the plywood is swelling, the roof has no permanent cover on it and is leaking) and I would like to finish siding and roofing ASAP. Please, grant our appeal so we can complete our project.

Thank you all again for your consideration, we appreciate it. I'll be attending the meeting by zoom again if you send me an invite.

Peter & Julie Barkann

October 9, 2023

To: El Dorado Hills Community Services District

From: Peter & Julie Barkann  
946 Big Sur Court  
El Dorado Hills, CA. 95762

RE: CE-23-343 Property Improvements 946 Big Sur Court (Barkann)

Greetings CSD,

We were not exactly sure how to re-apply for approval of our shed (you already have all of our paperwork), so we decided a letter would be appropriate.

We wanted to reiterate that we are thankful you did not fine us for completing projects prior to having your approval. While negligence is no excuse, we did not realize there were CCRs. We also didn't know about your organization and its processes that are required prior to beginning the improvements we set out to do. I know I made it clear to Rebecca, but in no way did we mean to usurp your authority.

Both Julie and I work full time jobs, we are unable to attend the meetings.

The summary of the appeal meeting was that our application was neither approved nor denied. The committee made recommendations they thought may be an acceptable compromise for Architectural review. I was told to mock up some options for changing the way the shed looks, and maybe how to hide/obscure the view.

During the appeal, we went through the CCRs and determined that no rules are being broken with the shed's design (height, distance from the setbacks, overhang, roof pitch orientation as compared to the home's roof pitch orientation, etc.).

I do not wish to articulate every design aspect of our shed (unless you'd like me to). Suffice to say that our shed was purpose-built for what we wanted to accomplish. I'll refrain from a complete list of what those things are, but here's one item that is critically important to us:

The direction of the shed's roof pitch is specifically designed so:

- The Redwood tree receives all water runoff. We have nursed that tree back from near death over the past year and a half.
- The overhang shelters us from the weather and sun when dealing with garbage and recycling cans, and allows us to keep them outside, behind the fence gate.
- The height of the shed accommodates specific storage racks on casters and additional lofted storage above the racks.

It is our opinion that our shed being “shot down” comes down to something that is highly subjective, and not very fair. We are literally surrounded by similar structures in El Dorado Hills and Folsom. Not just in our neighborhood, but everywhere.

In an effort to hopefully save our shed as it sits (and the time and money we’ve invested) we’d like to propose some options for the CSD to consider.

### Add A Window

What if we were to add a window to the side of the shed facing Big Sur Court? It would visually break up the shed wall a bit?



This is obviously a mock up. It doesn’t have to be this style window; we’d be happy to consider anything you recommend. We’d also consider painting the shed a different color? Light Brown? Tan? Dark Brown like the tree & garage door?

## Add Some Trees

Can we add some trees in front of the fence? Some nice tall ones? Perhaps Privets? We'd consider any other trees you might find more desirable. Here's a mock up of a Privet in front of the fence.



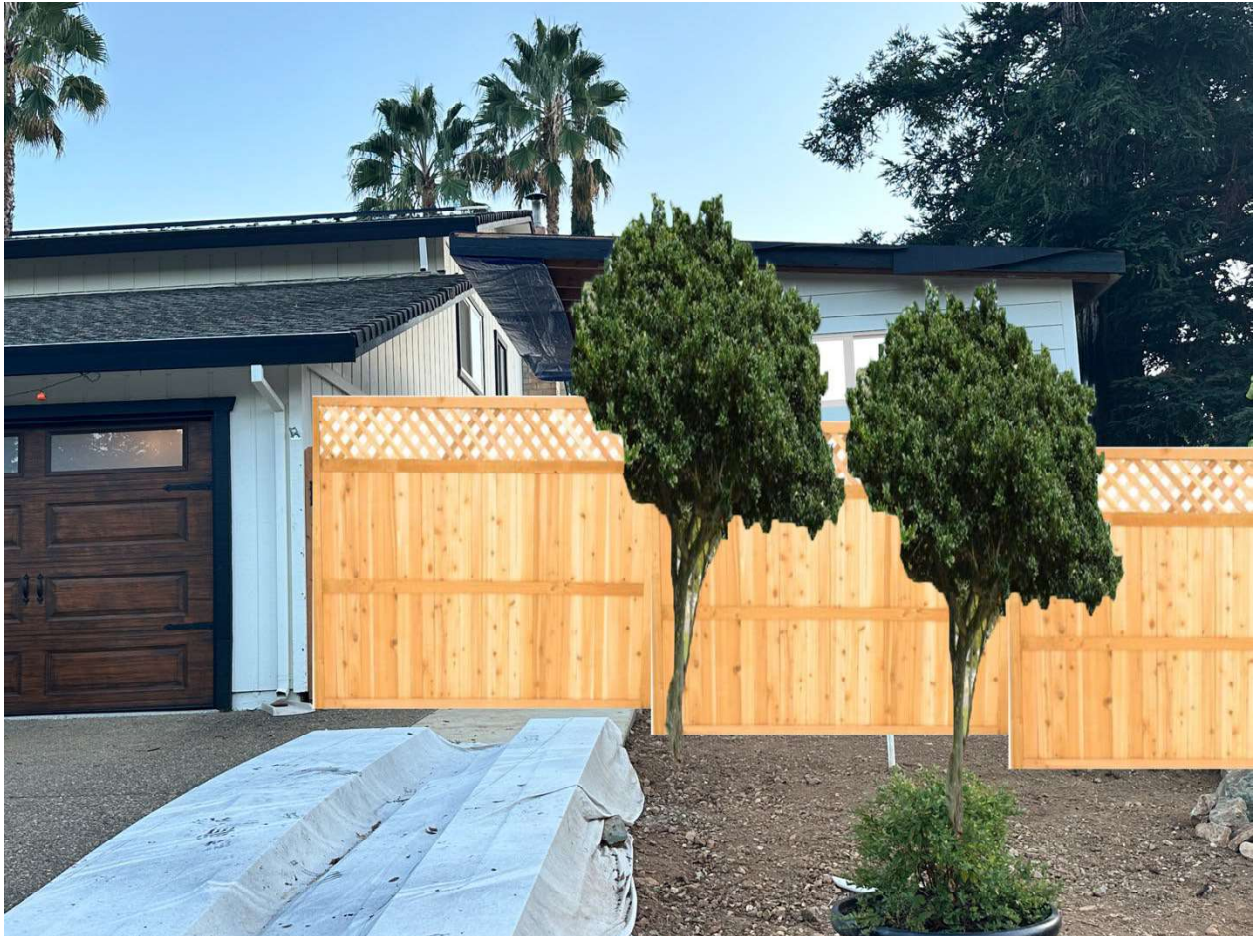
## Change The Fence

We could change the fence design. We certainly can make it 7 feet without county approval, but we could make it higher than that with approval. We can also change the fence to a panel design that has “steps” so it is more linear on the top. The mockup uses the only panel we could find a picture of to insert. If you chose this option, we’d like the fence to be darker, not light Cedar color as pictured. We not a photoshop wizzards, so again, it’s just an illustration of an idea.



## All Suggestions Combined

This option is very costly and we'd need a little time for it. Each idea obviously carries a cost, but this one would be a heavy hit on time and money. We'd implement it over the course of the next year.



While least desirable for us (time and money) this idea incorporates everything; the shed window, the fence and trees in front of the fence.

Again, we'd be happy to consider any feedback on implementation materials and colors that you think would better suit our property and neighborhood.

Thank you all for your additional consideration, we appreciate it.

Peter & Julie Barkann

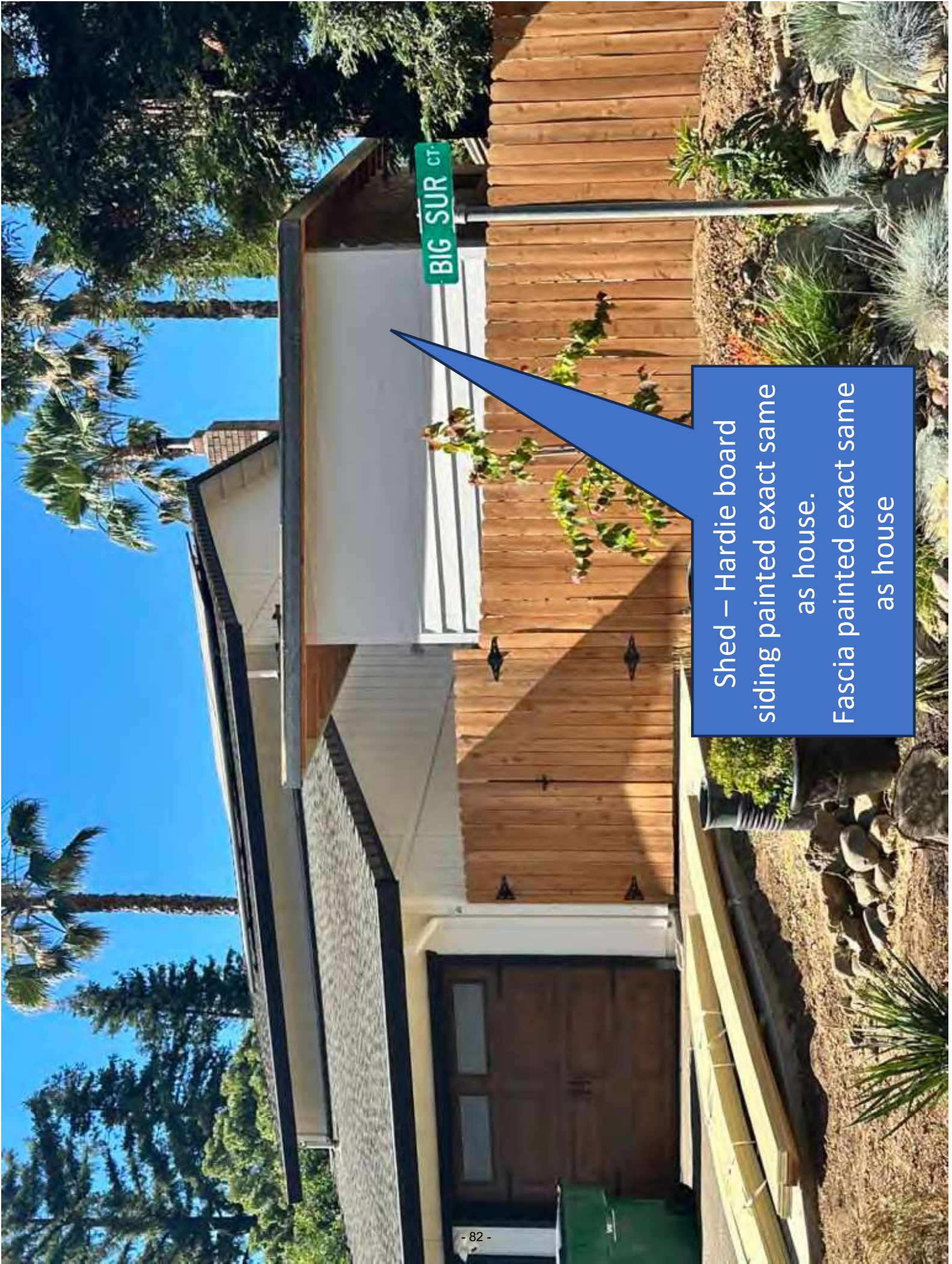
**Original exterior of home**





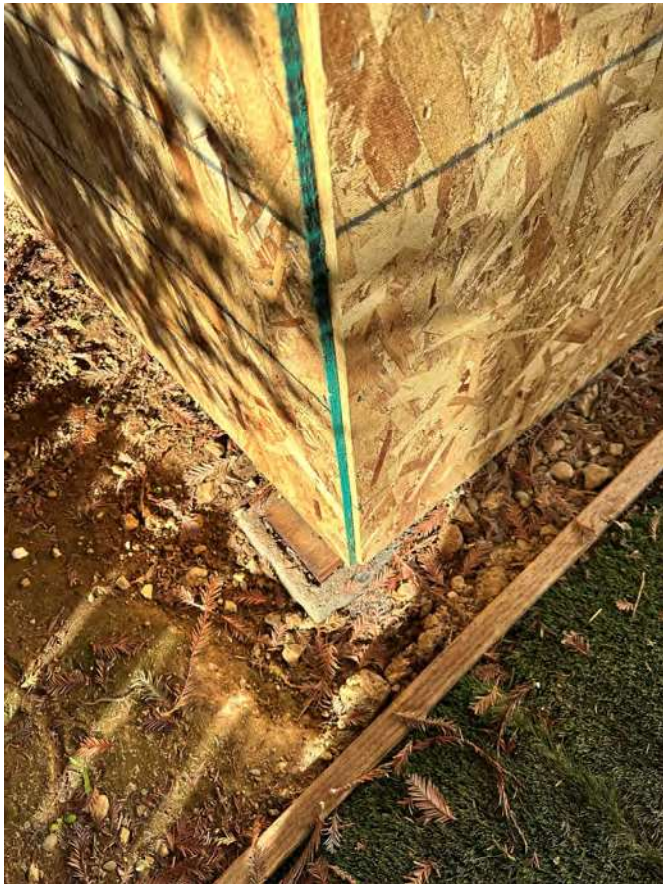


Shed



BIG SUR CT.

Shed – Hardie board siding painted exact same as house.  
Fascia painted exact same as house

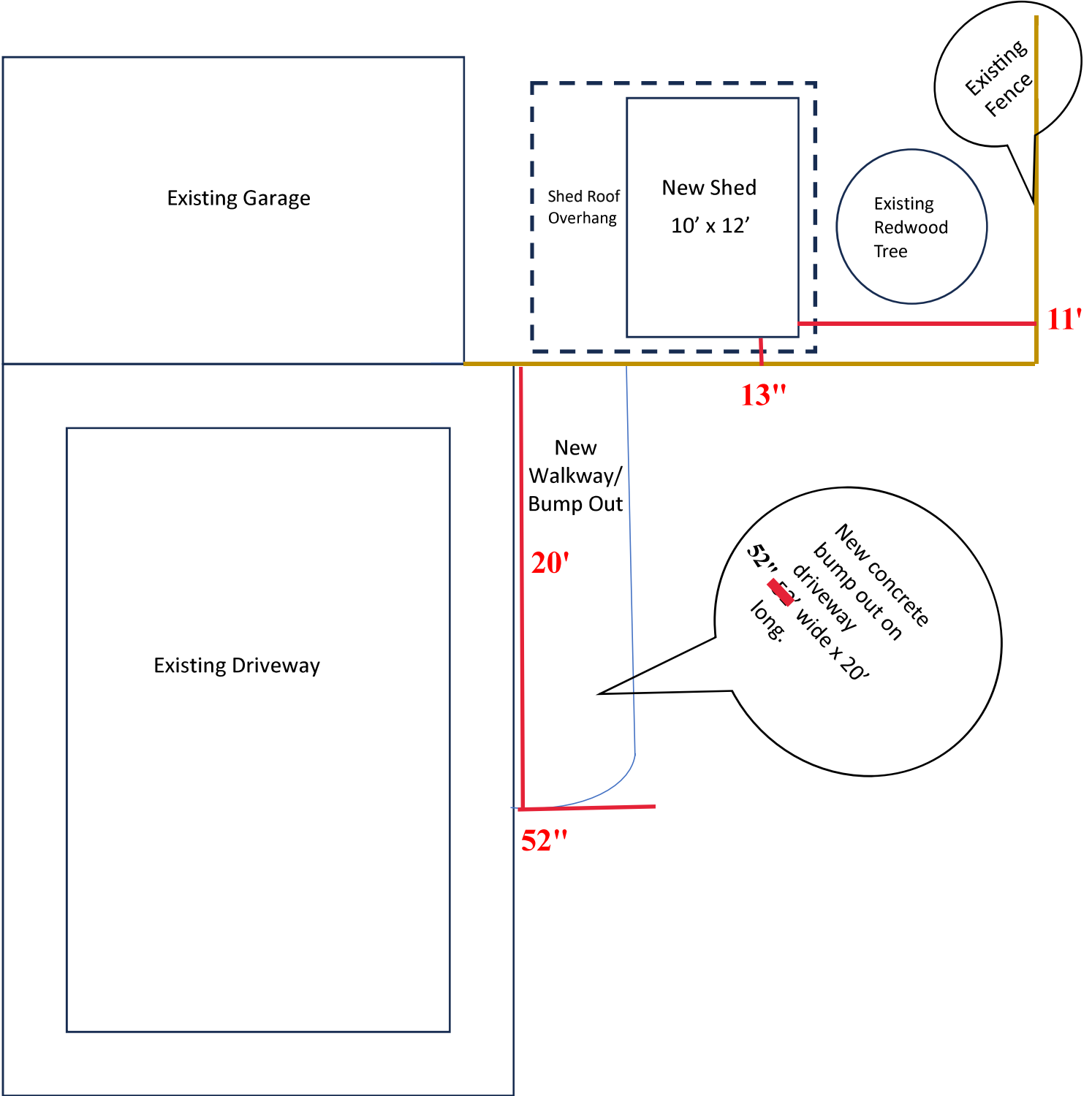


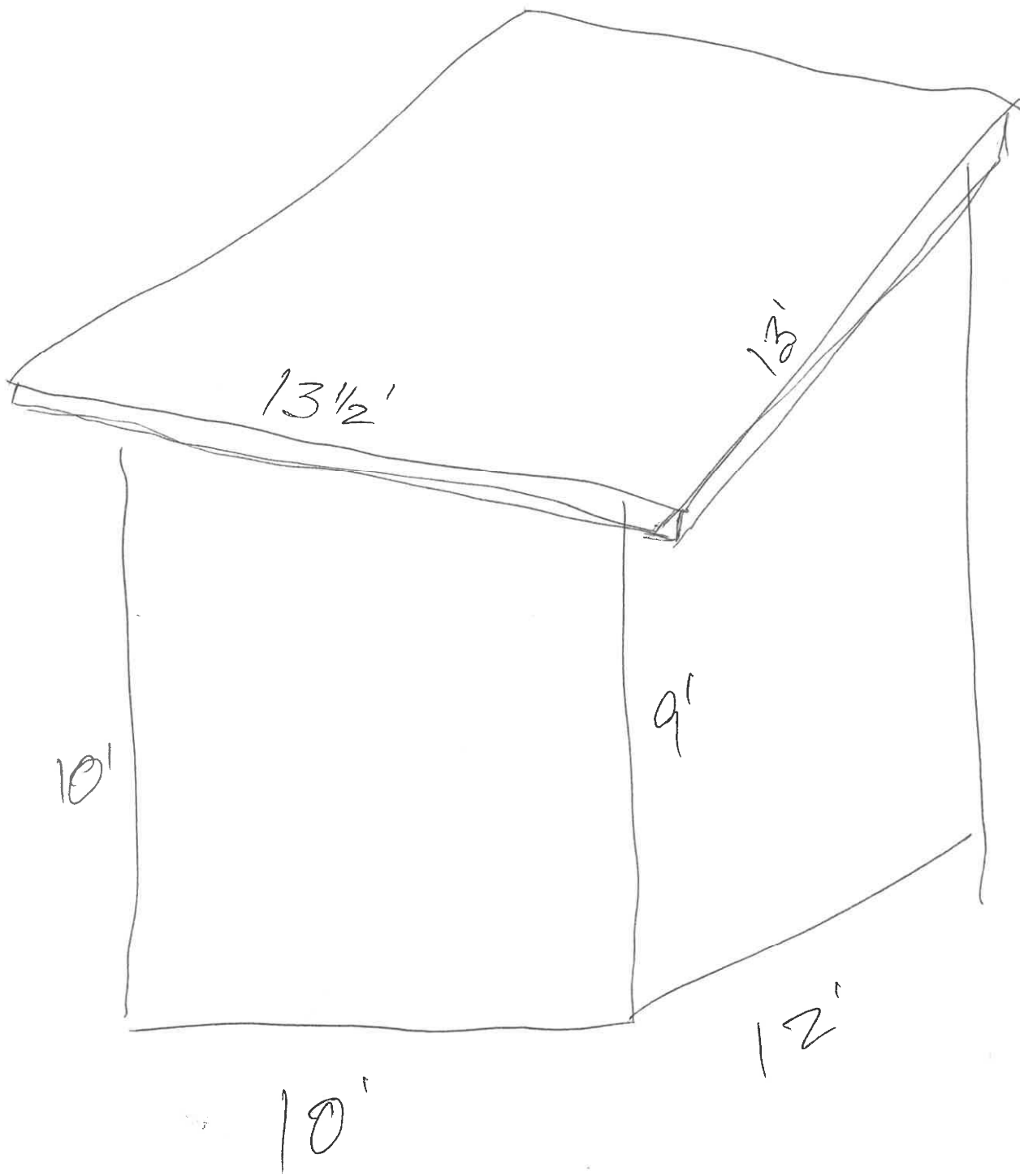
1 – New Concrete Walkway/Bump Out

2 – New 10" x 12" shed

Most recent Google Earth photo with overlaid rectangles showing locations of driveway addition and shed.



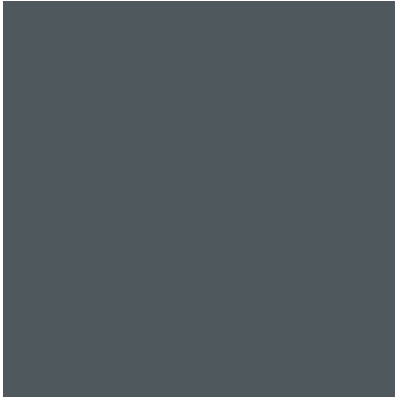




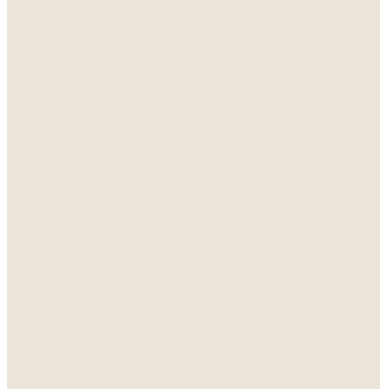
Shed

- Shed is 10' x 12' (120 sqft), 10' Height
- Shed siding is Hardie Board Siding
- Shed Body is painted the same color as the house, Kelly Moore Stocking White  
Shed Roof Fascia is Behr Submarine Gray, same color as the house.
- Roofing material has not been chosen yet.

Brick Paint & Shed Roof  
Fascia Behr Submarine Gray



Shed Body Color  
Kelly Moore Stocking White





**Design Review Committee  
Regular Meeting Minutes  
Tuesday, October 17, 2023  
8:00 AM**

**1021 Harvard Way, El Dorado Hills, CA 95762  
Norm Rowett Pavilion**

***Don Sgamba, Chairman***  
***Bill Willman, Vice Chairman***                      ***Nicole Davidson, Member***  
***David Pivetti, Member***                              ***Wayne Lowery, Alternate***  
***Sandy Simmons, Member***

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**CALL TO ORDER 8:00 AM**

- **Roll Call:** Committee members Sgamba, Willman, Pivetti, Simmons, Davidson, and Lowery present. Staff Services Analyst Talley Cain and Administrative Assistant Rebecca Truman present.

**GENERAL PUBLIC COMMENT<sup>2</sup>**

**CONSENT CALENDAR<sup>3</sup>**

1. Adoption of Agenda
2. Approval of Minutes, October 10, 2023
3. Approval of Solar Applications

**SOLAR**

None

**CONSENT CALENDAR APPROVED (Davidson/Simmons) 5-0**



**OLD BUSINESS**

None

**NEW BUSINESS**

NB1. VILLAGE: Park Village Unit 3 Lot 158 APN 120-123-019  
NAME: Barkann, Peter  
SITE: 946 Big Sur Court  
RE: Shed Resubmittal (10/9/23)  
CASE: CE-23-343  
**MOTION: Denied (Willman/Simmons) 4-1 Davidson Opposed**

NB2. VILLAGE: Fairchild Village Unit 4 Lot 246 APN 125-720-005  
NAME: Fletcher, Dean  
SITE: 2513 Kennedy Place  
RE: Roofing: Eagle Concrete Roofing Tile Bel Air  
1<sup>st</sup> Color Choice: 4503 Sierra Madre-Range of Charcoal Black Streaks  
2<sup>nd</sup> Color Choice: 4697 Slate Range-Range of Charcoal (10/9/23)  
**MOTION: Approved (Willman/Simmons) 5-0**

**DISCUSSION & INFORMATIONAL ITEM(S):**

Discuss Solar Application process.

- No changes to the DRC Solar process.

**ADJOURNMENT 8:51 AM**

The next regularly scheduled meeting of the District's Design Review Committee is **Tuesday, October 24, 2023, at 8:00 AM** in the Norm Rowett Pavilion located at 1021 Harvard Way, El Dorado Hills, California

**NOTICE TO PUBLIC**

This agenda and packet items are available online at the EDHCSO website:

[https://www.eldoradohillscsd.org/residents/design\\_review/drc\\_meeting\\_schedule.php](https://www.eldoradohillscsd.org/residents/design_review/drc_meeting_schedule.php)

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance or materials to participate in this meeting, please contact the District Office at (916) 933-6624 or [residentservices@edhcsd.org](mailto:residentservices@edhcsd.org).

Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting and agenda materials.

**1APPEALS**

Any approval or denial by the Design Review Committee may be appealed to the District's Board of Directors within 10 business days following the meeting. Appeal forms are available on

the District website, <https://www.eldoradohillscsd.org> or can be made available for pickup at the Resident Services Office at 1021 Harvard Way.

**<sup>2</sup>PUBLIC COMMENTS**

At this time, members of the public may address the Design Review Committee regarding any item within the subject matter jurisdiction of the Design Review Committee, provided that NO action may be taken on items not on the agenda unless authorized by law. Comments shall be limited to three (3) minutes per person and to an overall time limit of twenty (20) minutes per topic.

**<sup>3</sup>CONSENT CALENDAR**

All matters on the consent Calendar are to be approved by one motion unless a Committee Member requests separate action on a specific item. Members of the audience who wish to address any item on the Consent Calendar must do so before Design Review Committee action is taken.

EL DORADO HILLS COMMUNITY SERVICES DISTRICT  
APPEAL TO THE BOARD OF DIRECTORS  
REGARDING DESIGN REVIEW COMMITTEE (DRC) ACTION

(\$65.00 appeal fee due at time of submission.)

Today's Date 8/29/2023 Check # 115 Receipt # 344763

APPELLANT: Peter & Julie Barkann

ADDRESS: 946 Big Sur Court El Dorado Hills, CA

TELEPHONE: Day [REDACTED] Evening [REDACTED]

EMAIL ADDRESS: [REDACTED]

NAME OF APPLICANT (if different than appellant): \_\_\_\_\_

ACTION BEING APPEALED: Changes to partially built shed

DATE OF DRC ACTION: August 23, 2023

PROPERTY IMPROVEMENT ITEM THE DRC ACTED UPON: Partially built shed, Case # CE-23-343

ARGUMENT SUPPORTING APPEAL: First, let me reiterate one thing, I'm sorry I started this project prior to submittal and approval of the CSD. We were ignorantly unaware of any CC&Rs and your committee. In the rush to purchase the house, while we see we signed off on the CC&Rs, the fact that we did was lost in the reams of paperwork.  
Regarding the shed, it's design and placement. The shed is purpose-built. It's intentionally tall to accomodate metal rolling racks that we currently have in the garage. (Please see additional attached pages, (Attach additional page(s), if needed.)

**NOTE: Unless otherwise specified in the property owner's CC&Rs, an appeal of an action by the Design Review Committee must be submitted to the Compliance & Design Review office within 10 business days following the action. The Board of Directors will respond in writing to the appellant within 45 business days after receipt of the formal appeal. For directions to the Parks building and office hours, please visit the CSD website, [www.edhcsd.org](http://www.edhcsd.org), or call (916) 614-3211.**

Peter Barkann  
Signature of Property Owner

8/29/2023  
Date

H:DRC/FORMS/APPEAL REV 2019 JAN 10 LH

### Argument Supporting Appeal (Continued)

Above the racks there will be a shelf/"loft" that will accommodate other tall seasonal items we currently have in the garage.

The shed is built close to the side door of the garage so that we can wheel tools, hand trucks, carts and shelving between the garage and shed. I'm a hobbyist welder & wood worker and have a bevy of heavy things on wheels. When I build things, I roll tools and machines in and out of the garage (and shed) depending on what I'm working on. That is why I built the shed up front, near the garage.

The front wall of the shed (that faces the house) is 9' 10" tall (I rounded up to 10' in the description). The tallest part of the shed roof that faces the house is 10' 6" tall.

Our garage roof is 9'10" at the fence (10' 1 3/4" tall in front of the shed) and goes to a height of 15' 7".

The shed roof at its tallest is 10' 5 3/4". 7 3/4" taller than the roof at the fence line, and **5' 2 3/4"** **SHORTER** than the tallest part of our garage roof.

The overhang on our home is 24" (measured from the face of the siding to the outside edge of the shingles or gutter). The overhang on the shed is 34" long to accommodate keeping us out of the rain/covering the garbage cans during inclement weather. After the soffit is painted, you'd likely not notice that the shed overhang is slightly longer (10") than the overhang of the roof on the house.

The shed is no taller, nor does it stick up any higher above the fence than many other structures/vehicles in/around our home. The overhang is about the same as many other structures around our home. The opposing pitches of the garage roof and the shed roof are no different than other structures around our home. There are many MANY structures and vehicles in plain sight that are considerably taller than the fence they are behind. There are many MANY structures next to homes that have roof lines and pitches that are either perpendicular or completely different to the pitches on the home they are sitting next to.

We have provided some pictures of similarly built structures and other things that we felt were relevant. We spent 15 minutes in the car snapping pictures, there are literally hundreds more that look just like these pictures. There is an abundance of relevant visual support that bolsters what we are saying. Our shed is not any different than the hundreds (literally hundreds) of other structures/things sticking up above fence lines next to homes all over the place.

Lastly, to change the structure of the shed at this point will cost me thousands of dollars. One exterior wall is already sided, caulked and painted. The Hardy Siding cannot be removed without permanent damage that will make the pieces unusable.

We stopped dead in our tracks when we read your letter. We have done nothing but apologize and comply since we read that letter. The things we stored in the shed have been soaked in the rain because the roof isn't finished and there is no more room in the garage (we merged 2 homes). We didn't intentionally do anything to piss anyone off. We are just trying to make our home.....ours. We want it be polished looking and functional.

We understand why the CC&Rs are in place, and at this point we do not feel that we are violating any of the CC&Rs with our shed. It's a very easy case to make; We feel singled out based on other existing structures we see in and around our neighborhood and El Dorado Hills. There are literally hundreds of similar examples. We only spent 15 minutes driving around in our car. Please let us finish our shed as is.

Respectfully,  
Peter & Julie Barkann

p.s. One contributing factor worth mentioning is that our house and shed are uphill of the street which drastically skews perception. There is a gazebo in someone's backyard that faces El Dorado Hills Blvd within 1000' of your office. The gazebo roof has a different pitch than the roof of the house. The gazebo looks like it sticks up 20' above the fence line. I don't THINK it sticks up that high, but that is how it looks because it's uphill. Once our shed is complete it will blend in with the way the house looks. In the future we plan on residing the house with the same Hardy Siding we used on the shed. Once that transition is complete, the shed and house will blend 100%.

I'm going to appeal the decision.

For now I'm just gonna put a tarp on the roof and call it good.

The attached pictures are of properties right here in my subdivision.

All of the sheds are higher than mine.

All of the roof lines, are at different angles to their home's in roof line.

All of them are taller than mine.

I built mine so that it could accommodate the height of some Costco racks, as well as a small overhead "loft" which will allow me to store a bunch of seasonal crap.

The roof is pitched the way it is and has the overhang the way it is so that the garbage cans that sit behind the gate and in front of the shed are somewhat sheltered.

Also, the roof is pitched that way so that the redwood tree gets the benefit of the water coming off the roof, which is very important. We do not want to lose that tree.

Anyway, I'll submit the appeal form within the next 10 days. I'll put a tarp on the roof today to keep the stuff in the shed dry.

Thanks again Rebecca,  
Peter



971 Big Sur Court



937 Sequoia Court



929 Mt. Ranier Way



3500 Mesa Verdes Drive



937 Mt. Rainier Way

































**AMENDMENT OF DECLARATION OF RESTRICTIONS  
FOR PARK VILLAGE UNIT 3**

Whereas, certain real property located in El Dorado Hills, County of El Dorado, State of California, that is described as ALL LOTS as shown upon the Plat of Park Village Unit 3, recorded in the office of the County Recorder of El Dorado County is subject to certain Covenant, Conditions, and Restrictions (CC&Rs) which were recorded in the office of the El Dorado County Recorder on June 13, 1962, in Book C, Map Number 92.

WHEREAS, the Architectural Control Committee of El Dorado Hills has indicated a willingness to approve additional roof coverings otherwise restricted by Paragraph 4a of the CC&Rs, providing that a majority of the lot owners of Unit 3 of Park village sign a petition indicating their desire to amend their CC&Rs to include these additional roof coverings in Paragraph 4a.

NOW, therefore, the undersigned, who constitute a majority of the lot owners in said Park Village Unit 3, hereby agree that the CC&Rs shall be amended by including Clay tiles, Fiberglass shingles, Concrete tiles, or other material that meets at least a class C fire rating in Paragraph 4a titled Roof Pitch, Material, and Color by amending Paragraph 4a to read as follows:

" No dwelling shall have a roof Pitch exceeding five units of measure horizontally to one unit of measure Vertically. All roofs shall be surfaced with fire treated wood shake or wood shingles, composition rock, clay tiles, fiberglass shingles, concrete tiles or other material that meets at least a "class C" fire rating. No roof shall have a pure color of red, yellow, blue, or green or other color closely allied hue which would convey a vivid primary color".

DATE	NAME	ADDRESS	LOT #
<u>2/15/90</u>	<u>JAMES G. ANDERSON</u>	<u>3399 MESA VERDES DR.</u>	<u>184</u>
	(print name)	(street)	
	<u>EL DORADO HILLS, CA</u>	<u>95230</u>	
	(city, state)	(zip)	
	<u>James G. Anderson</u>	<u>James G. Anderson</u>	
	(signature)	(signature)	
	<u>Carl D. Yuen</u>	<u>Carl D. Yuen</u>	
	(signature)	(witness)	

<u>2-15-90</u>	<u>John T. HOSHALL</u>	<u>3402 MESA VERDES DR</u>	<u>170</u>
	(printed name)	(street)	
	<u>EL DORADO HILLS, CA</u>	<u>95630</u>	
	(city, state)	(zip)	
	<u>John T. Hoshall</u>	<u>John T. Hoshall</u>	
	(signature)	(signature)	
	<u>Carl D. Yuen</u>	<u>Carl D. Yuen</u>	
	(signature)	(witness)	

<u>2-15-90</u>	<u>MILDRED D. HARRIS</u>	<u>3388 MESA VERDES DR</u>	<u>172</u>
	(printed name)	(street)	
	<u>EL DORADO HILLS, CA</u>	<u>95630</u>	
	(city, state)	(zip)	
	<u>Mildred D. Harris</u>	<u>Mildred D. Harris</u>	
	(signature)	(signature)	
	<u>Carl D. Yuen</u>	<u>Carl D. Yuen</u>	
	(signature)	(witness)	

Restrictions herein, if any, based  
on race, color, religion or national  
origin are deleted.

Escrow No. 11166  
No. 12855

DECLARATION OF RESTRICTIONS  
PARK VILLAGE UNIT # 3  
EL DORADO HILLS

BOOK 643 PAGE 406

THIS DECLARATION, made this 1st day of JULY, 1963,  
by El Dorado Hills West, a California corporation,

WITNESSETH:

WHEREAS, El Dorado Hills West is the owner of the real  
property described in Section 1 of this Declaration of Restrictions,  
consisting of 104 residential lots and 1 church lot in a portion of  
the subdivision known as El Dorado Hills; and

WHEREAS, it is the desire and intention of El Dorado Hills  
West to sell said lots and to impose upon them mutual, beneficial  
restrictions under a general plan or scheme of improvement for the  
benefit of all of said lots and the future owners thereof, to insure  
a pleasant residential environment and the preservation of property  
values;

NOW, THEREFORE, El Dorado Hills West hereby declares that  
all of the property described in Section 1 hereof is held and shall  
be held, sold, conveyed, encumbered, leased, rented, used, occupied,  
enjoyed and improved subject to the following covenants, restric-  
tions, limitations, reservations and easements, hereinafter some-  
times referred to merely as "Covenants", each and all of which are  
declared, and agreed to by each purchaser, to be in furtherance of  
a general plan for the subdivision, improvement, and sale of the  
property, and the same shall inure to the benefit of and pass with  
each and every lot covered hereby, and the same are established and  
agreed upon for the purposes set forth above, for the mutual benefit  
of all of said lots. All of the covenants, restrictions, limitations,  
reservations and easements shall run with the land and shall be bind-  
ing on all parties having or acquiring any right, title or interest  
in the described property or any part thereof.

1. Property Subject to This Declaration. The real pro-  
perty subject to this declaration is all that real property in the  
County of El Dorado, State of California, that is described as  
follows:

Lot 114 through 217 and Lot A, inclusive, as shown  
upon the Plat of Park Village Unit No. 3, recorded  
in the office of the County Recorder of El Dorado  
County, on June 6, 1963, in Book D of Maps,  
Map No. 4.

2. Land Use and Building Type. No lot in unit, other than  
Lot A, shall be used except for single-family private residential  
purposes. No building shall be erected, placed or permitted to re-  
main on any lot other than one detached first class single-family  
dwelling, a private garage or carport for the use of the occupants  
of said dwelling, and other usual and appropriate outbuildings in-  
cidental and appurtenant to a private dwelling, including a guest  
house and servants' quarters.

3. Architectural Control of Improvements. No building  
shall be erected, placed, or altered in external design or color on  
any lot until construction plans and specifications satisfactory to  
the Committee, the exterior color scheme, and a plan showing the  
location of the structure on the lot have been approved by the

WHEN RECORDED MAIL TO:

BANKERS TITLE GUARANTY COMPANY  
918 8TH STREET  
SACRAMENTO, CALIFORNIA

1

Architectural Control Committee as being in conformity with these Covenants and as to conformity and harmony of external design and appearance with surrounding development, and as to location of the building and finished ground elevation. Approval shall be as provided in Section 24.

4. Dwellings. No residence or dwelling shall be constructed or permitted to remain on any lot having a total floor area of less than 1200 square feet, exclusive of open porches, garages or other outbuildings. Each residence or dwelling shall further comply with each of the following, unless the Architectural Control Committee specifically approves variation therefrom:

a. Roof, Material, and Color. All roofs shall be surfaced with wood shake, wood shingles or composition rock. No roof shall have a finished pure color of red, yellow, blue, or green, or other closely allied hue which would convey a vivid primary color;

b. Siding Material and Color. There shall be no prescribed siding material except that no vertical side of any structure shall have a finished surface of imitation wooden shingles, composition board or other siding which is unsuitable or inferior in the opinion of the Committee;

c. Enclosure of Service Areas. Storage and service areas shall not be visible from any street on which the property fronts, and no clothing or household fabrics shall be hung out on any lot unless the same are enclosed by a fence or other enclosure at least six inches higher than such hanging articles;

d. Driveways. All driveways shall be surfaced with concrete, asphaltic concrete or bituminous mix with no color of said materials. The gradient between any two points on the surface of the driveway shall not exceed a maximum of 25%;

e. Off-Street Parking. Off-street parking spaces shall be provided for each lot at the minimum of two parking spaces within an enclosed private garage or a carport upon the lot.

5. Completion and Occupancy of Dwelling. When the erection of any dwelling is once commenced, the work thereon must be prosecuted diligently and must be completed within a reasonable time. The exterior finish, including finished painting, shall in any event be completed within twelve months after the commencement of construction. No dwelling shall be occupied prior to its completion and connection with utility facilities. Temporary structures on any lot shall be permitted only as incidental to and during the period of construction of a dwelling on any lot. No such temporary structure shall be inhabited or used for any residential purposes, either temporarily or permanently.

6. Design Control of Swimming Pools, Fences, Landscaping and Other Improvements. No swimming pool, fence or wall shall be constructed or permitted upon any lot without the approval of the Architectural Control Committee as to location, height, materials, design, color and safety.

7. Set-back lines. No structure shall be located within any set-back area, nor shall any portion of a structure, except the eaves thereof to the extent of not more than 30 inches, be located over any set-back area, except that structures other than the principal dwelling house may be located within such set-back areas with the

**specific written approval of the Architectural Control Committee.**

8. Cross Visibility at Intersections. No trees shall be planted or permitted to remain on any corner lot between the street and the set-back line unless the foliage line is maintained at sufficient height to prevent obstruction of safe cross-visibility of vehicular traffic approaching the intersection.

9. Lot Size. No lot shown on the recorded Plat should be subdivided. No dwelling shall be erected or placed on any lot having a width of less than 65 feet at the minimum building set-back line nor upon any lot having an area of less than 7,000 square feet.

10. Signs. No sign of any kind shall be displayed to the public view on any lot upon which a dwelling has been constructed and inhabited as a residence except the following:

a. One identification sign, non-animated and non-flashing and not exceeding one square foot in dimension on the face thereof, containing only the name(s) of the occupant(s) and/or the address of the property.

b. On any lot for sale or for rent, one non-flashing and non-animated sign not to exceed five square feet, advertising the sale or rental of said property.

Signs advertising the sale or rental of lots upon which no dwelling has been constructed or inhabited shall comply with any uniform regulations which may be prescribed by the Architectural Control Committee respecting size and kind.

c. Notwithstanding any provision hereinabove to the contrary, the declarant herein expressly reserves unto himself the right to construct and maintain signs for the orderly advertisement and sale of all or any portion of El Dorado Hills.

11. Nuisances. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

12. Mailboxes. Brightly painted support or structural devices for mailboxes which simulate human or animal figures, or any other mailbox device which is in the opinion of the Architectural Control Committee unsuitable or inharmonious with surrounding development, shall not be permitted.

13. Outdoor Night Light. No outdoor night lighting system which will shine or glare directly onto adjacent or nearby property shall be erected on any lot.

14. Antennas. No television or other transmitting or receiving antennas shall be erected or maintained within or upon any lot except those devices which may be erected, maintained and used entirely within the enclosed portion of the dwelling thereon.

15. Trailers, Inoperable Cars, etc. No boats, boat trailers, house trailers or inoperable cars shall be regularly parked on any street, upon any driveway, or upon any lot unless they are to the rear of the street set-back line behind a suitable fence so as to be not visible from the street.

16. Paving of Yards. No front yard shall be paved, except for sidewalks, and driveways not exceeding 18 feet in width.

1195

*Bank Village Unit #3*



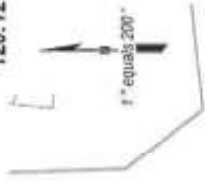
**130.24.030 Residential Zone Development Standards**

Allowed uses and associated structures shall comply with the following development standards in Table 130.24.030 below, in addition to any other applicable requirements of this Title, unless a variance is obtained in compliance with Section 130.52.070 (Variance) or standards are modified pursuant to a Development Plan permit in compliance with Section 130.52.040 (Development Plan Permit):

**Table 130.24.030 – Residential Zones Development Standards**

Development Attribute <sup>2</sup>	RM <sup>3</sup>	R1	R20K	R1A	R2A	R3A	RE
Minimum Lot Size for Interior Lot	6,000 or 2,000 sq ft	6,000 sq ft	20,000 sq ft	1 acre	2 acre	3 acre	5 acres or 10 acres as designated
Minimum Lot Size for Corner Lot	7,500 or 3,500 sq ft	7,500 sq ft	20,000 sq ft	1 acre	2 acre	3 acre	5 acres or 10 acres as designated
Minimum Lot Width for Interior Lot (in feet)	60 or 20	60	100	100	150	150	100
Minimum Lot Width for Corner Lot (in feet)	75 or 35	75	100	100	150	150	100
Residential Density Range	See G.P. Policy 2.2.1.2 (MFR)	1 primary plus 2 <sup>nd</sup> dwelling unit per lot					
Setbacks <sup>1</sup> : (in feet) Front	20	20	30	30	30	30	30
Secondary Front	10	15	20	25	30	30	30
Side*	5	5	10	15	20	30	30
Rear	10	15	30	30	30	30	30
Agricultural Structure	—	—	—	50	50	50	50
Maximum Height (in feet)	50	40	40	45	45	45	45
<b>NOTES:</b>							
<sup>1</sup> May be subject to agricultural setbacks under Section 130.30.030 (Setback Requirements and Exceptions) if adjacent to agricultural zones or fire safe setbacks if over one acre in lot size.							
<sup>2</sup> Lots that are created for access road, parking areas, common area landscaping and open space purposes are exempt from the area and width standards of the respective zones							
<sup>3</sup> Smaller minimum lot area or lot width is allowed when proposed with attached or small lot design detached units.							

120:12



POR. SECS. 2, & 3, T.9N., R.9E., M.D.M.  
PARK VILLAGE UNIT NO. 3  
D-4



Assessor's Map No. 120 - Pg. 12  
County of El Dorado, CA

Rev. July 12, 2006

Acreages Are Estimates

THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE AN OFFER OF ANY FINANCIAL PRODUCT OR SERVICE. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION. THE INFORMATION CONTAINED HEREIN IS NOT INTENDED TO BE USED AS A BASIS FOR ANY INVESTMENT DECISION.



**Original exterior of home**





After work was complete: Painted Brick & New Window with wood trim.



New  
Walkway

## Scope of applications for 946 Big Sur Court

### Shed

- Shed is 10' x 12' (120 sqft), 10' Height
- Shed siding is Hardie Board Siding
- Shed Body is painted the same color as the house, Kelly Moore Stocking White  
Shed Roof Fascia is Behr Submarine Gray, same color as the house.
- Roofing material has not been chosen yet.

### Walkway

- New Concrete walkway/bump out is 52" x 20'
- Bump out simply enables me better/access to the yard. Now I can easily put my garbage cans behind the gate, wheel a wheelbarrow through the gate, back my truck up to load/unload, etc.

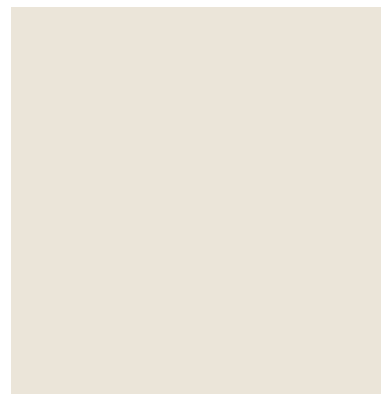
### Front Window

- Milgard Vinyl Windows went from three windows to two windows.
- Added wood framing around windows
- Front window rough opening dimensions were not changed. Window type chosen was the same white vinyl frame as most of the rest of the windows in the house.
- Window manufacturer details attached

Brick Paint & Shed Roof  
Fascia Behr Submarine Gray



Shed Body Color  
Kelly Moore Stocking White



Available Property Details attached

Exterior Paint



\*Front Brick wall

Color: Submarine Gray



1 – New Concrete Walkway/Bump Out

2 – New 10' x 12' shed

Most recent Google Earth photo with overlaid rectangles showing locations of driveway addition and shed.

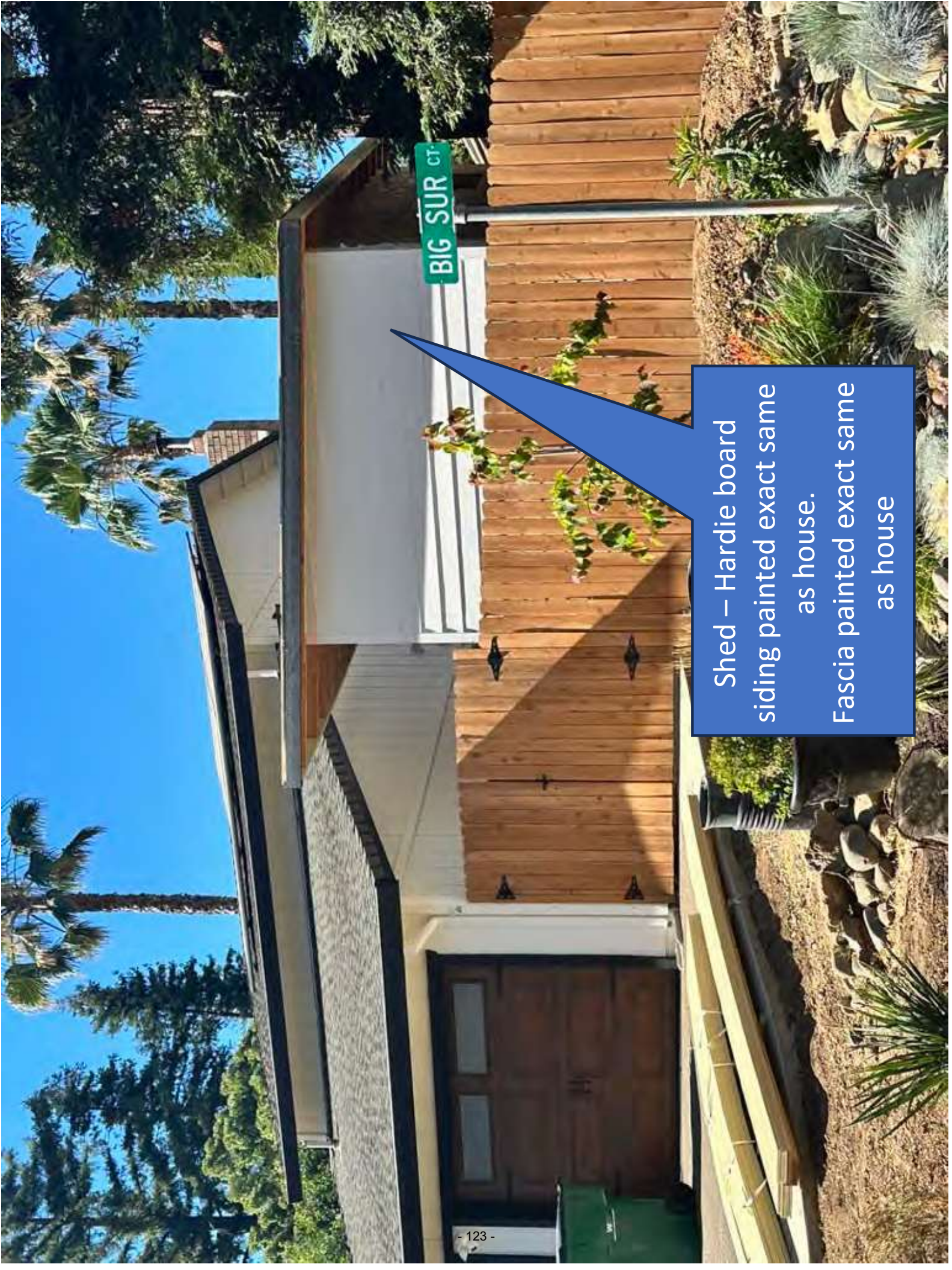




Shed

Window

Paint

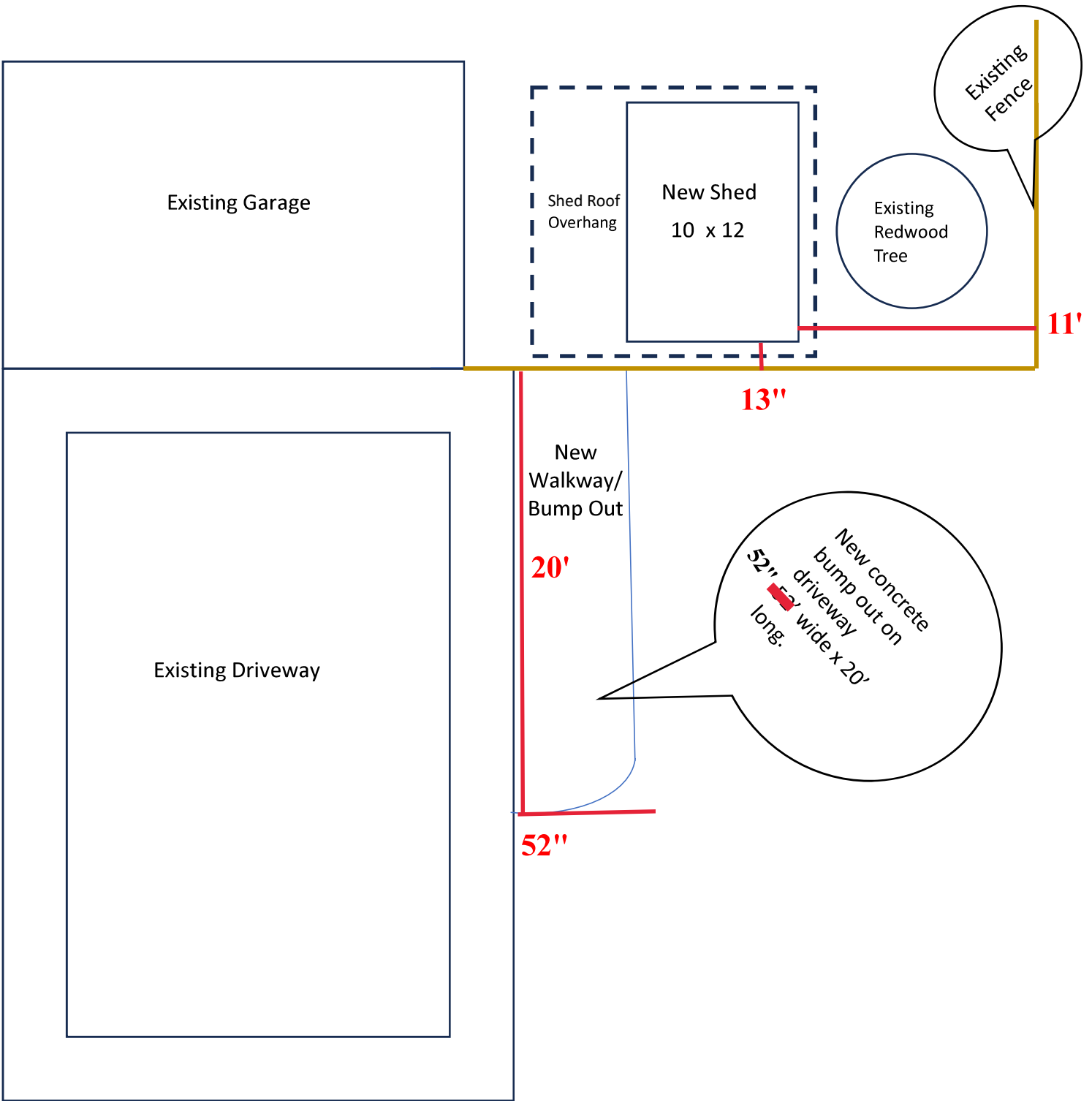


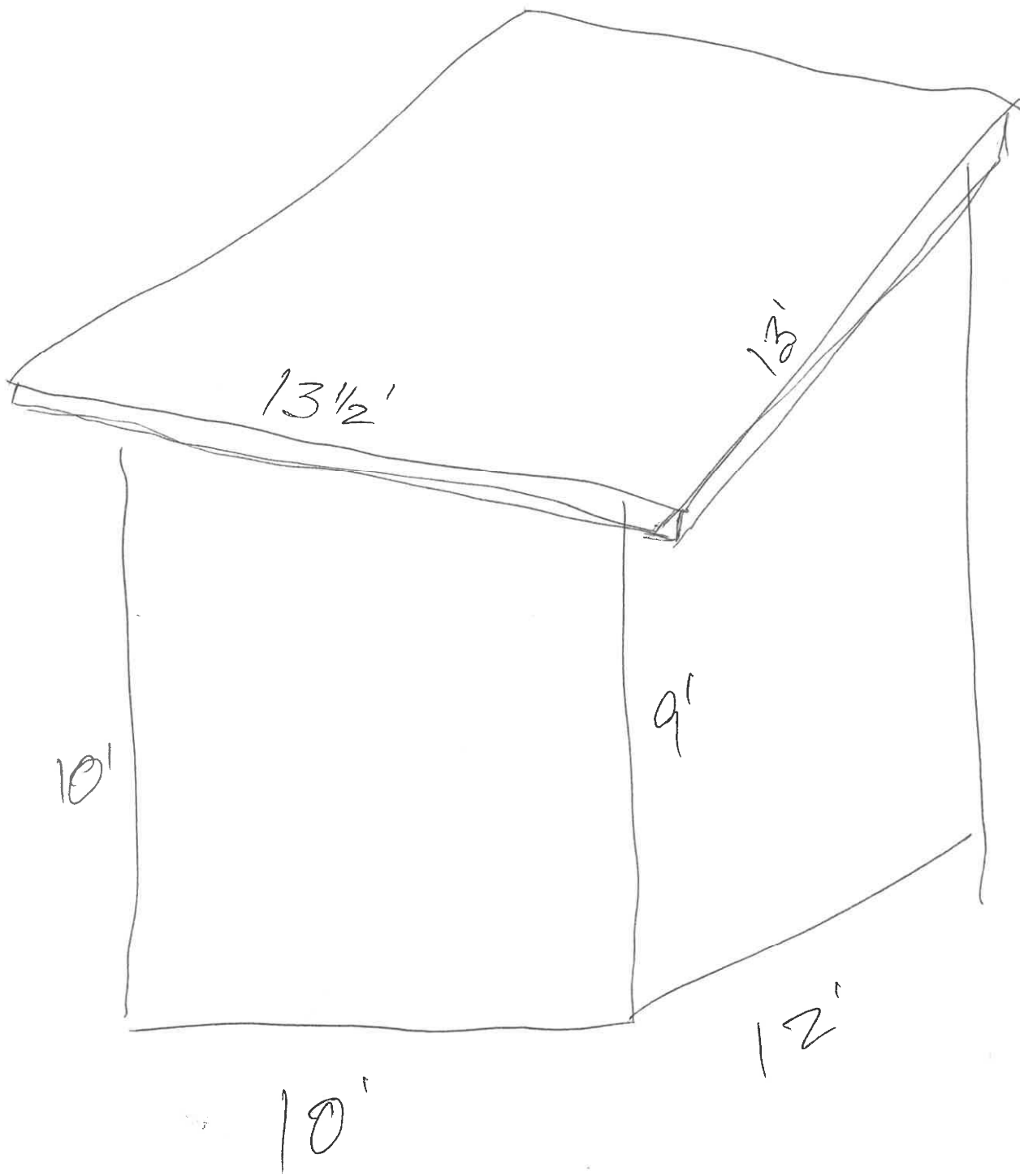
BIG SUR CT.

Shed – Hardie board  
siding painted exact same  
as house.  
Fascia painted exact same  
as house

**The shed is sitting on concrete piers, and it is moveable**









**Design Review Committee  
Regular Meeting Minutes  
Tuesday, August 22, 2023  
8:00 AM**

**1021 Harvard Way, El Dorado Hills, CA 95762  
Norm Rowett Pavilion**

***Don Sgamba, Chairman***  
***Bill Willman, Vice Chairman***                      ***Wayne Lowery, Alternate***  
***David Pivetti, Member***                              ***Nicole Davidson, Alternate***  
***Sandy Simmons, Member***

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**CALL TO ORDER 8:02 AM**

- **Roll Call:** Committee members Sgamba, Willman, Pivetti, Simmons and Lowery present. Member Davidson was absent. Staff Services Analyst Talley Cain and Administrative Assistant Rebecca Truman present. Chairman Sgamba left the meeting at 8:20 AM.

**GENERAL PUBLIC COMMENT<sup>2</sup>**

**CONSENT CALENDAR<sup>3</sup>**

1. Adoption of Agenda
2. Approval of Minutes, August 15, 2023
3. Approval of Solar Applications

**SOLAR**

None

**CONSENT CALENDAR APPROVED (Simmons/Lowery) 5-0**

**OLD BUSINESS**

OB1. VILLAGE: Park Village Unit 3 Lot 158 APN 120-123-019  
NAME: Barkann, Peter  
SITE: 946 Big Sur Court  
RE: Exterior Paint, New Window, Walkway, Shed (8/7/23)  
CASE: CE-23-343  
**MOTION: Exterior Paint, New Window & Walkway Approved  
Shed Denied as Proposed (Lowery/Simmons) 3-2  
Sgamba & Willman Opposed  
Committee would like to see some revisions made to the  
shed plans to help it blend in better with the existing home.**

**NEW BUSINESS**

NB1. VILLAGE: Ridgeview Village Estates Unit 2 Lot 97 APN 120-490-016  
NAME: Cutler, Julie  
SITE: 1231 Crestline Court  
RE: Roofing: GAF Grand Sequoia (On Roofing Reference List)  
Color: Charcoal (8/17/23)  
**MOTION: Approved (Willman/Simmons) 4-0**

NB2. VILLAGE: Crown Village Unit 1 Lot 37 APN 125-205-006  
NAME: Noble, Ian  
SITE: 954 King John Way  
RE: Exterior Paint (8/15/23)  
CASE: CE-23-280  
**MOTION: Held Over – Committee will be driving by residence to get  
a better look at the paint colors. Based on the  
photographs of the home, they would prefer another color  
for the garage door. They recommend possibly a gray to  
match the roof.**

NB3. VILLAGE: St. Andrews Unit 3 Lot 141 APN 125-161-011  
NAME: Claassen, Jennifer  
SITE: 2486 Willowdale Drive  
RE: Exterior Paint (8/17/23)  
**MOTION: Approved (Pivetti/Lowery) 4-0**



NB4. VILLAGE: Ridgeview Village Estates Unit 1 Lot 8 APN 120-451-008  
NAME: Avdalovic, Nebojsa  
SITE: 434 Montridge Way  
RE: Remodel Construction – No Change in Roofline (8/4/23)  
**MOTION: Approved (Simmons/Lowery) 4-0**

NB5. VILLAGE: Marina Woods Unit 1 Lot 76 APN 110-333-015  
NAME: Addleman, Jeff  
SITE: 2400 Kettering Place  
RE: Deck Remodel (8/14/23)  
**MOTION: Approved (Pivetti/Simmons) 5-0**

**DISCUSSION & INFORMATIONAL ITEM(S):**

None

**ADJOURNMENT 8:53 AM**

The next regularly scheduled meeting of the District's Design Review Committee is **Tuesday, August 29, 2023, at 8:00 AM** in the Norm Rowett Pavilion located at 1021 Harvard Way, El Dorado Hills, California

**NOTICE TO PUBLIC**

This agenda and packet items are available online at the EDHCSO website:  
[https://www.eldoradohillscsd.org/residents/design\\_review/drc\\_meeting\\_schedule.php](https://www.eldoradohillscsd.org/residents/design_review/drc_meeting_schedule.php)

**ADA COMPLIANCE STATEMENT**

In compliance with the Americans with Disabilities Act, if you need special assistance or materials to participate in this meeting, please contact the District Office at (916) 933-6624 or [residentservices@edhcsd.org](mailto:residentservices@edhcsd.org).

Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting and agenda materials.

**1APPEALS**

Any approval or denial by the Design Review Committee may be appealed to the District's Board of Directors within 10 business days following the meeting. Appeal forms are available on the District website, <https://www.eldoradohillscsd.org> or can be made available for pickup at the Resident Services Office at 1021 Harvard Way.

**2PUBLIC COMMENTS**

At this time, members of the public may address the Design Review Committee regarding any item within the subject matter jurisdiction of the Design Review Committee, provided that NO action may be taken on items not on the agenda unless authorized by law. Comments shall be limited to three (3) minutes per person and to an overall time limit of twenty (20) minutes per topic.

**3CONSENT CALENDAR**

All matters on the consent Calendar are to be approved by one motion unless a Committee Member requests separate action on a specific item. Members of the audience who wish to address any item on the Consent Calendar must do so before Design Review Committee action is taken.



**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors  
**From:** Teri Gotro, Director of Administration & Finance  
**Meeting Date:** December 14, 2023  
**Report Date:** December 07, 2023  
**Subject:** **Funding Options for Old Executive Golf Course Land Acquisition**

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**Recommended Action:**

- Review funding options submitted by staff and select the option that will allow the District to purchase the 55 acres of land at the Executive Golf Course for \$10 million, while maintaining a comfortable cash flow for District operations and future capital projects.
- If the Board opts to finance debt, then provide staff direction on whether they will participate in the process of reviewing the bid proposals from the solicited lenders.

**Background:**

On November 20, at the Board of Directors Special Meeting, the Board unanimously approved to proceed with purchasing the 55 acres of property commonly known as the 'Old Executive Golf Course' for \$10 million. At this meeting, the Board of Directors asked staff to prepare a report with financing options to be brought forward to the December Regular Board meeting.

**Discussion:**

The District has funds in the Capital Deficiency Reserve totaling \$8,445,284. District Policy 3272.70 reads, the purpose of this reserve fund, is to set aside funds for the capital improvement deficiencies as defined in the District's Master Plan and Nexus Study. The District's investment portfolio is staggered so that longer term investments that tend to have higher yields mature when the District is expecting to use the funds. For this reason, the reserves are often put into longer-term investments. So, even though it may appear that we have \$8.4 million in Capital Reserve Funds, it may not all be liquid and available immediately without accruing heavy fines to redeem investments prior to maturity. Staff have reviewed the FY24 budget and even though we are in a position to use cash to pay for the \$10,000,000 land acquisition, other options should be considered to ensure all the District's current and future needs are met. The options to be considered are presented in this Staff Report.

**100% Cash Option:** This option to pay \$10 million in cash would require the District to deplete the Capital Deficiency Reserve Fund and reduce the current capital project list by \$1.55 million. The funds currently secured in capital projects are listed below.

**Current Cash Allocation to Capital Projects**

Veteran Memorial	\$	689
Community Park Site Improvements	\$	291,322
Bike Park	\$	1,687,085
Utility Corridor Trail	\$	382,714
Valley View Village Park	\$	158,274
Heritage Village Park	\$	141,522
Saratoga Village Park	\$	723,050
Bass Lake Regional Park	\$	3,248,393
Bell Ranch (Park 1 of 2)	\$	204,733
Stephen Harris Park	\$	1,119,075
Bertelsen Park	\$	952,254
<b>Total</b>	<b>\$</b>	<b>8,909,112</b>

If the Board chooses this option, the District’s Planning Department suggests the best course of action is to reduce Bass Lake’s project since these funds would not be needed in FY24.

Pros: The District will not carry debt for this land acquisition. This option may positively influence the District’s bond rating, which will be needed if the Board chooses to pursue public funding for the land acquisition of the “optional” property as part of the Old Executive Golf Course.

Cons: The Deferred Capital Reserve Fund will be depleted; there will be no immediate funds for other capital project needs, such as “change orders” for current capital projects. Nor would there be funds to address the public’s immediate request on capital projects, for example building a second bike park or adding pickle ball courts. The District would be removing \$10 million from the investment portfolio that is currently yielding 5.58%. This yield is higher than some of the debt costs noted below, meaning the additional yield (or yield differential) may assist in paying for the debt costs, depending on the financing option selected. However, this consideration is contingent on strong yields, and should not be the sole consideration of this option as interest rates will flow up and down with market fluctuations.

**100% Finance Option:** The District would pursue a Lease Revenue Bond for \$10 million to finance this debt. This has a considerably lower interest rate (approximately 200+ basis points) than a commercial loan through a bank. This will carry several options ranging from a 10-year term that carries the highest interest rate to a 25-year term that brings a lower interest rate. Staff recommends the Board consider their obligation to spend current taxpayer dollars so residents can realize the benefit, which favors a shorter-term debt obligation. The table below was provided by Oppenheimer, a third-party reputable bond financing firm, that the District has used in the past. The *Public Offering* option can take 90-120 days and a significant amount of staff time for the loan process and annual reporting requirements, whereas the alternative *Private Placement* offering takes 60-75 days with less staff commitment. In addition, the Public Offering option has strict 10-

year call protection, which means the District would not be able to pay back or refinance the loan for 10 years. The Private Placement option has flexible call protection that starts at 3-years and works its way up. This is negotiated during the District’s review of the lending proposals.

**Pros:** This option allows the District to keep reserves fully funded and no adjustments would need to be made for the Boards’ approved capital projects. It allows the District to keep \$10 million in the investment portfolio at CAMP yielding 5.58%, which may pay for a substantial portion of the debt costs.

**Cons:** The District would bear the debt costs that is not in the current budget. Costs range from \$700k to \$1.3M (principal and interest) annually depending on the option chosen. Opportunity costs should be considered, as adjustments may need to be made through the budget process that requires the Board to realign their goals and make necessary adjustments to the operating budget to realize these additional costs. This is a significant amount of debt that may negatively influence the District’s bond rating.

**El Dorado Hills Community Services District  
 2024 Lease Revenue Bonds (Land Acquisition)  
 Financing Summary - \$10MM Project Fund  
 December 4, 2023**



FINANCING SUMMARY	10-Year Term		15-Year Term		20-Year Term		25-Year Term
	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering
Par Amount	9,600,000	10,130,000	9,590,000	10,130,000	9,850,000	10,130,000	10,045,000
Project Fund	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Cost of Issuance (1)	272,262	130,000	274,677	130,000	279,445	130,000	282,834
Original Issue Premium/(Discount)	672,262	0	684,677	0	429,445	0	237,834
Arbitrage Yield (2)	3.76%	4.70%	3.98%	4.80%	4.30%	5.00%	4.52%
All-In True Interest Cost (2)	4.18%	4.96%	4.39%	4.99%	4.58%	5.15%	4.75%
Final Maturity	3/1/2034	3/1/2034	3/1/2039	3/1/2039	3/1/2044	3/1/2044	3/1/2049
<b>NUMERICAL RESULTS</b>							
Average Fiscal Year Debt Service	1,243,350	1,292,833	924,033	962,809	774,375	812,838	691,680
Total Debt Service	12,433,500	12,928,333	13,860,500	14,442,128	15,487,500	16,256,750	17,291,994

**Hybrid Option:** There are benefits the District will receive from both options listed above. The third option is to find a balance between the two that will allow the District to purchase the Old Executive Golf Course property and have the means to continue District operations as defined in the Fiscal Year 2024 (FY24) budget, and be able to move forward with current capital projects.

The selections are outlined on the next page and include a \$3 million, \$5 million, and \$8 million financing option.

**El Dorado Hills Community Services District  
 2024 Lease Revenue Bonds (Land Acquisition)  
 Financing Summary - \$3MM Project Fund  
 December 4, 2023**



FINANCING SUMMARY	10-Year Term		15-Year Term		20-Year Term		25-Year Term
	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering
Par Amount	2,945,000	3,090,000	2,940,000	3,090,000	3,020,000	3,090,000	3,080,000
Project Fund	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Cost of Issuance (1)	151,324	90,000	149,742	90,000	151,239	90,000	152,940
Original Issue Premium/(Discount)	206,324	0	209,742	0	131,239	0	72,940
Arbitrage Yield (2)	3.76%	4.70%	3.98%	4.80%	4.30%	5.00%	4.52%
All-In True Interest Cost (2)	4.60%	5.30%	4.70%	5.23%	4.82%	5.35%	4.96%
Final Maturity	3/1/2034	3/1/2034	3/1/2039	3/1/2039	3/1/2044	3/1/2044	3/1/2049
<b>NUMERICAL RESULTS</b>							
Average Fiscal Year Debt Service	381,475	394,376	283,167	293,693	237,688	247,930	212,111
Total Debt Service	3,814,750	3,943,755	4,247,500	4,405,392	4,753,750	4,958,600	5,302,775

**El Dorado Hills Community Services District  
 2024 Lease Revenue Bonds (Land Acquisition)  
 Financing Summary - \$5MM Project Fund  
 December 4, 2023**



FINANCING SUMMARY	10-Year Term		15-Year Term		20-Year Term		25-Year Term
	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering
Par Amount	4,840,000	5,100,000	4,835,000	5,100,000	4,965,000	5,100,000	5,065,000
Project Fund	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Cost of Issuance (1)	179,123	100,000	180,272	100,000	181,794	100,000	184,629
Original Issue Premium/(Discount)	339,123	0	345,272	0	216,794	0	119,629
Arbitrage Yield (2)	3.76%	4.70%	3.98%	4.80%	4.30%	5.00%	4.52%
All-In True Interest Cost (2)	4.34%	5.10%	4.51%	5.09%	4.68%	5.23%	4.83%
Final Maturity	3/1/2034	3/1/2034	3/1/2039	3/1/2039	3/1/2044	3/1/2044	3/1/2049
<b>NUMERICAL RESULTS</b>							
Average Fiscal Year Debt Service	626,950	650,906	465,783	484,714	390,343	409,238	348,991
Total Debt Service	6,269,500	6,509,060	6,986,750	7,270,704	7,806,850	8,184,750	8,724,763

**El Dorado Hills Community Services District  
 2024 Lease Revenue Bonds (Land Acquisition)  
 Financing Summary - \$8MM Project Fund  
 December 4, 2023**



FINANCING SUMMARY	10-Year Term		15-Year Term		20-Year Term		25-Year Term
	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering
Par Amount	7,695,000	8,120,000	7,685,000	8,120,000	7,895,000	8,120,000	8,050,000
Project Fund	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Cost of Issuance (1)	233,851	120,000	234,038	120,000	238,748	120,000	241,210
Original Issue Premium/(Discount)	538,851	0	549,038	0	343,748	0	191,210
Arbitrage Yield (2)	3.76%	4.70%	3.98%	4.80%	4.30%	5.00%	4.52%
All-In True Interest Cost (2)	4.21%	5.00%	4.42%	5.02%	4.60%	5.17%	4.76%
Final Maturity	3/1/2034	3/1/2034	3/1/2039	3/1/2039	3/1/2044	3/1/2044	3/1/2049
<b>NUMERICAL RESULTS</b>							
Average Fiscal Year Debt Service	996,625	1,036,308	740,467	771,743	620,793	651,530	554,168
Total Debt Service	9,966,250	10,363,075	11,107,000	11,576,144	12,415,850	13,030,600	13,854,206

There are limited resources in the finance office to oversee the process of pursuing a lease revenue bond and provide the ongoing disclosure requirements that are needed for a public offering. In addition, the call protection plays an important role in this decision. The flexibility in the Private Offering to pay off or refinance the loan after 3+ years must be considered against the Public Offering that is locked in for 10 years. A relatively small fee margin lies between the public versus private option and the additional costs of the private placement are not enough to outweigh the additional staff time, delay in receiving the funds, and flexibility of the call protection. Therefore, staff recommend a private placement.

In reviewing the current budget needs, liabilities that are pending, and the planned capital project list, staff are recommending that the District seek a 15-year Private offering for \$5,000,000. This will allow the Board of Directors additional time to re-evaluate the capital project list, it will keep funds in the Capital Deficiency Reserve, and it will allow the District to take advantage of the high investment yields being reaped at this time. Finance will continue to evaluate the District's cash flow needs and recommend paying off the debt early if the financial position to do so is available. The debt cost (principal and interest) will be approximately \$484,714 annually for 15 years or \$7,270,704 total.

The District has 45 days from the signing of the land acquisition agreement to pay the \$10,000,000, which puts the deadline at January 11, 2024. The District will not have the revenue bond funded by this time so the Capital Deficiency Reserve Fund will be depleted and the remaining funds will come from the current Capital Project Fund. If the Board chooses to finance \$5,000,000, then the capital project funds will be replenished, and the Capital Deficiency Reserve Fund will be replaced to \$3,445,284. As mentioned above, the average debt service cost annually is estimated at \$484,714 (principal and interest). This will be adjusted at mid-year for the remainder of FY24 and be included in the Budget process for FY25. It should be noted that interest rates are changing daily, so the information provided by Oppenhiemer is subject to change.

A sample schedule for the financing option is provided on the next page. If the Board chooses to finance debt, then they need to give staff direction on whether they want to be part of the process in selecting the lender. This will involve reviewing all the proposals in a public session and making a final decision on the lender that will be used for the Lease Revenue Bond (week 4 of Private Placement). The Board can also authorize staff to review the proposals and bring them a final recommendation for review and approval.

## Financing Schedule Example

Week	Private Placement	Responsible Party	Public Offering	Responsible Party
<b>Week One</b>	Kick-off conference call with financing team	ALL	Kick-off conference call with financing team	ALL
	Distribute interested parties list and financing schedule	MA	Distribute interested parties list and financing schedule	MA
<b>Week Two</b>	RFP distributed to investors	PA		
<b>Week Three</b>	1st draft of resolution and legal documents distributed	BC	1st draft of POS and legal documents distributed	BC/DC
<b>Week Four</b>	Select investor, Lock interest rate and finalize numbers	PA /Issuer	Comments due on documents and POS	ALL
	Comments due on documents	ALL		
<b>Week Five</b>	Agenda deadline for Board meeting	Issuer	Agenda deadline for Board meeting	Issuer
<b>Week Six</b>	Board meeting to approve transaction and related legal documents	Issuer/PA	Rating presentation review and conference call	MA/UW/Issuer
<b>Week Seven</b>	Documents finalized and signed	BC/Issuer	Board meeting to approve transaction and related documents	Issuer
<b>Week Eight</b>	Close transaction	PA/BC	Receive rating & bond insurance quote	MA/UW/Issuer
<b>Week Nine</b>			Distribute POS to investors	UW
<b>Week Ten</b>			Pre-price bonds	UW
			Price bonds / Finalize numbers	UW
<b>Week Twelve</b>			Close transaction	UW/BC

### **Master Plan Recommendations:**

- F.4 Develop and adhere to a long-term capital spending plan that results in a balanced budget.
- F.6 Practice fiscal responsibility in all acquisitions, in particular the early stages of the sale and expenditure.

### **Fiscal Impact:**

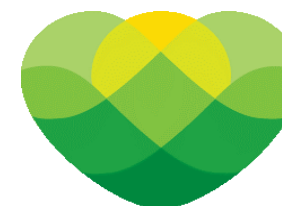
This is to be determined by the Board Action. If the Board chooses the option recommended by staff, then the fiscal impact will be approximately \$484,714 annually for 15 years or \$7,270,704 total.

### **Attachments:**

- A. Oppenheimer Financing Summary



**El Dorado Hills Community Services District  
2024 Lease Revenue Bonds (Land Acquisition)  
Financing Summary - \$3MM Project Fund  
December 4, 2023**



FINANCING SUMMARY	10-Year Term		15-Year Term		20-Year Term		25-Year Term
	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering
Par Amount	2,945,000	3,090,000	2,940,000	3,090,000	3,020,000	3,090,000	3,080,000
Project Fund	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000
Cost of Issuance (1)	151,324	90,000	149,742	90,000	151,239	90,000	152,940
Original Issue Premium/(Discount)	206,324	0	209,742	0	131,239	0	72,940
Arbitrage Yield (2)	3.76%	4.70%	3.98%	4.80%	4.30%	5.00%	4.52%
All-In True Interest Cost (2)	4.60%	5.30%	4.70%	5.23%	4.82%	5.35%	4.96%
Final Maturity	3/1/2034	3/1/2034	3/1/2039	3/1/2039	3/1/2044	3/1/2044	3/1/2049
NUMERICAL RESULTS							
Average Fiscal Year Debt Service	381,475	394,376	283,167	293,693	237,688	247,930	212,111
Total Debt Service	3,814,750	3,943,755	4,247,500	4,405,392	4,753,750	4,958,600	5,302,775

(1) Costs of Issuance include (if applicable) bond counsel, disclosure counsel, underwriter, rating, bond insurance, surety, title, placement agent, lender's legal, counterparty, counterparty counsel, trustee, and printing/miscellaneous.

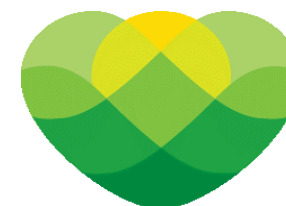
(2) Interest rates are subject to change.

Note: Public Offering models assume an A+ underlying rating, a surety bond and bond insurance.

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**El Dorado Hills Community Services District  
2024 Lease Revenue Bonds (Land Acquisition)  
Financing Summary - \$5MM Project Fund  
December 4, 2023**



FINANCING SUMMARY	10-Year Term		15-Year Term		20-Year Term		25-Year Term
	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering
Par Amount	4,840,000	5,100,000	4,835,000	5,100,000	4,965,000	5,100,000	5,065,000
Project Fund	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000	5,000,000
Cost of Issuance (1)	179,123	100,000	180,272	100,000	181,794	100,000	184,629
Original Issue Premium/(Discount)	339,123	0	345,272	0	216,794	0	119,629
Arbitrage Yield (2)	3.76%	4.70%	3.98%	4.80%	4.30%	5.00%	4.52%
All-In True Interest Cost (2)	4.34%	5.10%	4.51%	5.09%	4.68%	5.23%	4.83%
Final Maturity	3/1/2034	3/1/2034	3/1/2039	3/1/2039	3/1/2044	3/1/2044	3/1/2049
NUMERICAL RESULTS							
Average Fiscal Year Debt Service	626,950	650,906	465,783	484,714	390,343	409,238	348,991
Total Debt Service	6,269,500	6,509,060	6,986,750	7,270,704	7,806,850	8,184,750	8,724,763

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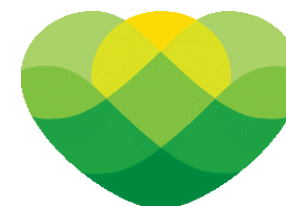
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**El Dorado Hills Community Services District  
2024 Lease Revenue Bonds (Land Acquisition)  
Financing Summary - \$8MM Project Fund  
December 4, 2023**



FINANCING SUMMARY	10-Year Term		15-Year Term		20-Year Term		25-Year Term
	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering
Par Amount	7,695,000	8,120,000	7,685,000	8,120,000	7,895,000	8,120,000	8,050,000
Project Fund	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000	8,000,000
Cost of Issuance (1)	233,851	120,000	234,038	120,000	238,748	120,000	241,210
Original Issue Premium/(Discount)	538,851	0	549,038	0	343,748	0	191,210
Arbitrage Yield (2)	3.76%	4.70%	3.98%	4.80%	4.30%	5.00%	4.52%
All-In True Interest Cost (2)	4.21%	5.00%	4.42%	5.02%	4.60%	5.17%	4.76%
Final Maturity	3/1/2034	3/1/2034	3/1/2039	3/1/2039	3/1/2044	3/1/2044	3/1/2049
NUMERICAL RESULTS							
Average Fiscal Year Debt Service	996,625	1,036,308	740,467	771,743	620,793	651,530	554,168
Total Debt Service	9,966,250	10,363,075	11,107,000	11,576,144	12,415,850	13,030,600	13,854,206

(1) Costs of Issuance include (if applicable) bond counsel, disclosure counsel, underwriter, rating, bond insurance, surety, title, placement agent, lender's legal, counterparty, counterparty counsel, trustee, and printing/miscellaneous.

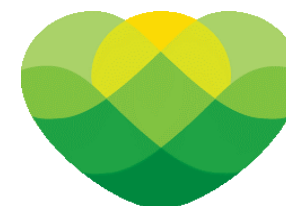
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**El Dorado Hills Community Services District  
2024 Lease Revenue Bonds (Land Acquisition)  
Financing Summary - \$10MM Project Fund  
December 4, 2023**



FINANCING SUMMARY	10-Year Term		15-Year Term		20-Year Term		25-Year Term
	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering	Private Placement	Public Offering
Par Amount	9,600,000	10,130,000	9,590,000	10,130,000	9,850,000	10,130,000	10,045,000
Project Fund	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000	10,000,000
Cost of Issuance (1)	272,262	130,000	274,677	130,000	279,445	130,000	282,834
Original Issue Premium/(Discount)	672,262	0	684,677	0	429,445	0	237,834
Arbitrage Yield (2)	3.76%	4.70%	3.98%	4.80%	4.30%	5.00%	4.52%
All-In True Interest Cost (2)	4.18%	4.96%	4.39%	4.99%	4.58%	5.15%	4.75%
Final Maturity	3/1/2034	3/1/2034	3/1/2039	3/1/2039	3/1/2044	3/1/2044	3/1/2049
NUMERICAL RESULTS							
Average Fiscal Year Debt Service	1,243,350	1,292,833	924,033	962,809	774,375	812,838	691,680
Total Debt Service	12,433,500	12,928,333	13,860,500	14,442,128	15,487,500	16,256,750	17,291,994

(1) Costs of Issuance include (if applicable) bond counsel, disclosure counsel, underwriter, rating, bond insurance, surety, title, placement agent, lender's legal, counterparty, counterparty counsel, trustee, and printing/miscellaneous.

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**EL DORADO HILLS**  
COMMUNITY SERVICES DISTRICT

**To:** Board of Directors  
**From:** Elise Hardy, Human Resources Manager  
**Meeting Date:** December 14, 2023  
**Report Date:** November 30, 2023  
**Subject:** **Updates for District Policy Series 2000: *Personnel***

---

**Recommended Action:**

Review and approve policy revisions to El Dorado Hills Community Services District (District) Policy Series 2000: Personnel.

**Background:**

Policy 2008.10 states in part “*This Personnel Policy Guide has been prepared to give employees a better understanding of the District. It is designed to be a working guide for both employees and supervisors in the day-to-day operations of the District's personnel management.*” This policy also states “*the Board will make amendments as changes occur and updated pages will be made available to employees...*”.

District personnel rules are regularly reviewed, and updates are implemented to stay in compliance with laws and current practices. Revisions reflected are in recognition of new laws which took effect January 01, 2023. Legal counsel has reviewed and approved the final version presented.

**Discussion:**

The District's Series 2000: Personnel (Series 2000) was updated and approved by the Board on January 08, 2021. Since that update, new employment law requirements have taken effect, and a newly negotiated MOU is in place. Changes in the attached Series 2000 reflect the red line version for review. District Counsel Kronick, Moskovitz, et al (Kronick) has reviewed and provided updated language. District Employees' Association #1 has been notified of the changes and has been provided a copy of the updates.

Major Changes to Series 2000 include:

- **Policies 2010 - Non-Discrimination, 2011.10 - Diversity, 2020.10 - Harassment-Free Work Environment** - Updated to reflect most recent language for discriminatory protected characteristics.
- **2060.25 - Definitions** - Added definition for base rate of pay.

- **2060.220 - Definitions** - Clarified CalPERS enrollment is based on fiscal year, not calendar year.
- **2060.240 - Definitions** - removed procedural language from definition as it is reflected in the applicable policy (2080).
- **2060.260 - Definitions** - Removed notation regarding benefit package at 50% as there is no longer an incumbent falling under this definition.
- **2060.261 - Definitions** - Added definition for regular rate of pay.
- **2130.10 - Promotion, Demotion, Lateral Transfer** - Added clarifying language to identify ongoing practice of reestablishing a probationary period for promotional opportunities.
- **2250 - Paid Holidays** - Deleted Columbus Day and included Floating Holiday.
- **2260.20 - Longevity** - Clarification on award of longevity incentive.
- **2260.65 - Vacation Cash-Out** - Added language to document practice of allowing annual vacation cash-out.
- **2270 - Sick Leave** - Updated to include newly legislated designated person and legislation effective January 01, 2024. Additionally, updated language to clarify that sick leave is accrued over 24 pay periods.
- **2280.10 - Bereavement Leave** - Updated to include newly legislated language regarding 5 days, 3 days remain paid (original language included this) unless employee elects to use other accruals for the additional 2 days paid.
- **2300 - Disability Leave Without Pay** - Removed, not needed given other leave sections.
- **2335 - Health Benefits** - Added language to document health benefits, cafeteria amounts, and PEMHCA minimum contributions provided to unrepresented employees. This practice has been in place but is only documented in the negotiated memorandum of understanding (MOU) with District Employees' Association Local #1, which does not apply to unrepresented management employees.
- **2336 - Retiree Health Benefits** - Added language to document retiree health benefits available to unrepresented employees. This practice has been in place but is only documented in the negotiated memorandum of understanding (MOU) with District Employees' Association Local #1, which does not apply to unrepresented management employees.
- **2410 and subsections - Family Medical Leave** - Various updates including visual information layout and inclusion of "designated person" language, clarification to Pregnancy Disability Leave section, and removal of limitation of 12 work weeks for two employees under same employer.
- **2450 - Crime Victim Leave** - Added clarification as to employee's ability to attend judicial proceedings relating to criminal proceedings.
- **2455 - Reproductive Loss Leave** - Added leave adopted by state legislature effective January 01, 2024.
- **Addition of 2460 - Additional Leaves** - Additional leaves to include Organ Donation and Bone Marrow Leave, Civil Air Patrol Leave, and Emergency Responder Leave language.

Additional changes have been made to update acronyms, spelling, grammar, and syntax or provide further clarification. Lastly, the 2000 series has been converted to the new layout and visual appearance consistent with the other policy series.

**Master Plan Recommendations:**

G.2 Regularly evaluate the employment needs of the District.

**Fiscal Impact:**

There is no fiscal impact associated with the update of the Series 2000.

**Attachments:**

- A. District Policy Series 2000: *Personnel* - REDLINE
- B. District Policy Series 2000: *Personnel* - CELAN

# 2000 - PERSONNEL



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# 2000 - PERSONNEL



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## FORWARD TO PERSONNEL POLICIES #2000

- 2000.10** The El Dorado Hills Community Services District’s governing body is its Board of Directors (“Board”). Members of the Board are elected by the voters living within the El Dorado Hills Community Services District (“District”). The Board meets to consider and render decisions on a wide variety of matters that arise as a result of the District’s involvement in services to the community.
- 2000.20** The Board has delegated the day-to-day administration of the District to the General Manager.
- 2000.30** As an employee of the District, you will find that the District values the services of every employee in each job position. The District also recognizes that an efficient and effective organization can only be maintained through the willing cooperation of its employees. It is our intent to foster a working environment that supports this goal.
- 2000.40** The District is small enough so that its employees will become well acquainted and familiar with all District operations. It is also large enough to provide opportunity for advancement into more responsible positions as ability, training, and conditions permit.

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## GENERAL PERSONNEL #2005

- 2005.10** This manual shall be known as the "Personnel Policy Guide," and may be cited as such. This Personnel Policy Guide was last updated in January 2023~~0~~ and was approved by the Board on ~~February 13, 2020~~. Current updates approved by the Board on January 8, 2021.
- 2005.20** The purpose of the Personnel Policy Guide is to provide guidance for the development and application of the District's personnel management.
- 2005.30** The General Manager shall maintain a current copy of the Personnel Policy Guide, with its legislative history attached, at the District offices and shall bring this copy to all Board meetings.
- 2005.40** This Personnel Policy Guide is effective as of the date of its enactment, and, together with any amendments enacted by the Board, is intended to be the governing policy of the District on any matters pertaining to District personnel. Board enacted amendments and revisions shall be marked as such in the text of this document and the dates of revisions listed below.

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## STATEMENT OF PURPOSE #2008

**2008.10** This Personnel Policy Guide has been prepared to give employees a better understanding of the District. It is designed to be a working guide for both employees and supervisors in the day-to-day operations of the District's personnel management. The text of the Personnel Policy Guide is not intended to be a legal contract with the employee, but rather is an attempt to describe generally the way the organization works. There will be circumstances from time to time that will require changes to the described policies, practices, and benefits. Accordingly, the Board will make amendments as changes occur and updated pages will be made available to employees upon request.

The terms and conditions of this Personnel Policy Guide do not alter the status of the at-will District's employees, and it is not a guarantee of employment or continued employment with the District.

**2008.20** This Personnel Policy Guide should increase understanding, eliminate the need for personal decisions on matters of organizational policy, and help assure uniformity and consistency throughout the organization. It affirms that the District retains sole discretion over the determination and execution of its goals and policies.

**2008.30** All employees are expected to review this Personnel Policy Guide and will be responsible for complying with the policies and procedures contained herein. Individual department operating procedures or guidelines shall be consistent with the policies and procedures contained herein. In the event that a term or condition of an employment agreement or a Memorandum of Understanding conflicts with a term or condition contained in this Personnel Policy Guide, the term or condition in the employment agreement or Memorandum of Understanding shall prevail.

**2008.40** If any section, subsection, sentence, clause or phrase of this Personnel Policy Guide is for any reason held illegal, invalid, or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

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## NON-DISCRIMINATION #2010

### 2010.10

Employment practices of the District shall fully comply with federal and state equal employment opportunity laws. The District shall not unlawfully discriminate against ~~any person based upon race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, pregnancy-related disability, and breastfeeding), gender, gender identity, gender expression, age (40 and over), sexual orientation, military or veteran status, or political opinion or political affiliation.~~ race (including traits historically associated with race, including but not limited to, hair texture and hairstyles such as afros, braids, locks, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health ~~decisionmaking~~ decision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or veteran or military status, or any other status protected by the federal or state laws or regulations.

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## DIVERSITY POLICY #2011

**2011.10** The District is committed to fostering and preserving a culture of diversity and inclusion.

Diversity is the presence of difference within the workplace. The District realizes that its employees come from different cultures, backgrounds, and levels of education and life experiences. The District recognizes that each employee is unique and strives to create an atmosphere where all employees and volunteers feel valued and respected regardless of their race (including traits historically associated with race, including but not limited to, hair texture and hairstyles such as afros, braids, locks, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decisionmakingdecision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or veteran or military status, no matter what their gender (including gender identity and expression and transition), sex, religion, race, ethnicity, national origin, age, sexual orientation or identity, marital status, medical condition or disability, military or veteran or other protected status.

**2011.20** The District's diversity initiatives are applicable, —but not limited —to, our practices and policies on recruitment and selection; compensation and benefits; professional development and training; and the ongoing development of a work environment built on the premise of diversity and equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for others.

**2011.30** All employees of the District have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events.

**2011.40** All employees are also required to attend and complete annual diversity in the workplace awareness training to enhance their knowledge to fulfill this responsibility. Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

**2011.50** Employees who believe they have been subjected to any kind of discrimination that conflicts with the District's diversity policy and initiatives should seek assistance from a supervisor or Human Resources.

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## REASONABLE ACCOMMODATION #2015

- 2015.10** Consistent with applicable law, the District provides reasonable accommodation to qualified employees who are disabled or become disabled and need assistance to perform the essential functions of their jobs. This section shall not be construed as a guarantee of a specific form of accommodation nor shall accommodation in one case establish a precedent for similar or dissimilar circumstances, since all accommodations will be determined in accordance with the specific functional abilities of the employee in coordination with the requirements of the employee's job. The interactive process shall be used to determine what, if any, reasonable accommodation will be made.
- 2015.20** When an employee requests reasonable accommodation for a disability or the District has reason to believe that a reasonable accommodation is needed, the parties will engage in the interactive process, which is an ongoing dialogue between the employee (and, if requested by the employee, their union representative) and appropriate District representatives about possible options for reasonably accommodating the employee's disability. The District will not implement an accommodation that would present an undue hardship on the District. The employee is responsible for providing the District with medical documentation regarding the employee's disability and how it limits the employee's ability to perform the essential functions of the job. While the District will consider the employee's suggestions regarding which accommodation(s) to implement, the District will ultimately determine which accommodation(s) will be implemented, so long as the accommodation implemented is reasonable and as long as it does not place an undue hardship on the District.

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## HARASSMENT-FREE WORK ENVIRONMENT #2020

- 2020.10** It is District policy to maintain a work environment free from discrimination, insult, intimidation, or harassment due to ~~race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, pregnancy-related disability, and breastfeeding), gender, gender identity, gender expression, age (40 and over), sexual orientation, or military and veteran status~~race (including traits historically associated with race, including but not limited to, hair texture and hairstyles such as afros, braids, locks, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decisionmakingdecision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or veteran or military status. The District also prohibits discrimination and/or harassment based on the perception that a person has any of the protected characteristics or is associated with a person who has or is perceived as having any of those characteristics. Any incident of discriminatory insult, intimidation, or harassment in any form should be promptly reported to the Human Resources Manager or the General Manager for investigation and appropriate action. The District's anti-harassment and discrimination policy not only applies to employees, but also applies to Board members, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract, and other persons with whom employees may come into contact with while working.
- 2020.20** The District will not tolerate improper, unwelcome conduct that creates a hostile work environment and interferes with the ability of employees, volunteers, interns, or independent contractors to perform their expected duties. Examples of prohibited conduct includes, but is not limited to, making adverse employment decisions based on an applicant's or employee's protected class; jokes or insults directed at a person because of a protected characteristic; engaging in threatening or intimidating behavior; and/or engaging in unwelcome sexual advances. All employees, Board members, volunteers, interns, and independent contractors are required to cooperate with and abide by this policy by not engaging in any inappropriate, harassing, or discriminatory behavior or acts, and by reporting any incidents they observe or are subjected to immediately pursuant to the complaint procedure in this policy.
- 2020.30** Prohibited harassment can take many forms. It can include, but is not limited to, the following behavior:
- A.** Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts, or messages;
  - B.** Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;



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- C. Physical conduct including assault, unwanted touching, intentionally blocking normal movement, or interfering with work because of sex, race, or any other protected basis;
- D. Threats or demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss, offers of employment benefits in return for sexual favors;
- E. Retaliation for reporting or threatening to report harassment.

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

### 2020.40

Sexual harassment can include behavior that is personally offensive, threatening, or interferes with work performance. It not only includes unwelcome sexual behavior by employees to other employees, but also includes unwelcome sexual behavior to employees by non-employees and by employees to non-employees. Sexual harassment of District employees in the workplace by any person in any form is prohibited. Sexual harassment includes, but is not limited to, unwelcome sexual advances or propositions, requests for sexual favors, or other verbal or physical conduct of a sexual nature by someone in or from the District when submission to such conduct is made, either expressly or by implication, a term or condition of an individual's employment; when submission to or rejection of such conduct is the basis for employment decisions affecting that individual; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment or adversely affecting the employee's performance, evaluation, advancement, assigned duties, or any other condition of employment or career development. Sexual harassment also includes any act of retaliation against an employee for reporting violations of this policy. Other examples of sexual harassment, whether committed by a Board member, a supervisor, or non-supervisory personnel are:

- A. Unwelcome sexual flirtations or propositions;
- B. Verbal abuse of a sexual nature;
- C. Graphic verbal comments about an individual's body;
- D. Sexually degrading words used to describe an individual;
- E. The display in the workplace of sexually suggestive objects or pictures.

### 2020.50

Each supervisor has the responsibility of maintaining an environment free of sexual harassment in his or her workplace. This responsibility includes discussing this policy with his or her employees and assuring them that they are not required to endure sexually insulting, degrading, or exploitive treatment or any other form of sexual harassment.

### 2020.60

The District will not retaliate against any employee for filing a complaint or participating in any workplace investigation or complaint process, and will not tolerate or permit retaliation by management, employees, or co-workers.

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An employee who feels that he or she has been the subject of harassment, discrimination, retaliation, or other prohibited conduct, or who has observed or been informed that another person protected by this policy has been subjected to prohibited conduct, should immediately contact his or her supervisor, the Human Resources Manager, or the General Manager. It would be best to communicate the employee's complaint in writing, but this is not mandatory. Each complaint will be investigated quickly and confidentially to determine if harassment, discrimination, retaliation, or other prohibited conduct has occurred.

Supervisors are required to refer all complaints involving harassment, discrimination, retaliation, or other prohibited conduct to the Human Resources Manager or General Manager, so the District may work to investigate and resolve the complaint. Supervisors are also required to report any behavior they observe which may be a violation of this policy.

**2020.70** When the District receives allegations of misconduct, it will undertake a fair, timely, thorough, and objective investigation of the allegations in accordance with all legal requirements. The District will reach reasonable conclusions based on the evidence collected. The District will maintain confidentiality to the extent possible. However, the District cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

If, as a result of the investigation, a determination is made that harassment, discrimination, retaliation (as defined in section 2020.90 below), or other prohibited conduct has occurred, appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The range of disciplinary actions is from verbal reprimand to discharge from employment, depending on the specific circumstances including the severity of the conduct and/or repetitive nature of the conduct and/or whether the employee had previously been warned. Employees should also know that if they engage in unlawful harassment or retaliation, they ~~also can~~could be held personally liable (Government Code Section 12940(j)(3)).

**2020.80** Employees should also be aware that the Federal Equal Employment Opportunity Commission (EEOC) and the Civil Rights Department of California (previously named California Department of Fair Employment and Housing) investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. Information is available at [www.eeoc.gov](http://www.eeoc.gov) and [www.dfeh.ca.gov](http://www.dfeh.ca.gov) ~~https://calcivilrights.ca.gov/~~.

**2020.90** 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 ~~DFEH~~Civil Rights Department of California or EEOC, or for otherwise

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participating in any proceedings conducted by the District under this policy or by either of these agencies.

As used in this policy, retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reported suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

Adverse employment action is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

Examples of retaliation under this policy include but are not limited to: demotion, suspension, reduction in pay, denial of a merit salary increase, failure to hire or consider for hire, refusing to promote or consider for promotion because of reporting a violation of this policy, harassing another employee for filing a complaint, denying employment opportunities because of making a complaint or for cooperating in an investigation, changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace, treating people differently such as denying an accommodation, or not talking to an employee when otherwise required by job duties or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

**2020.100** **Abusive Conduct/Bullying** - It is expected that District employees perform their jobs productively as assigned, and in a manner that comports with District policies, and that they refrain from any disrespectful, malicious, patently offensive or abusive conduct.

Exposing a person to abusive actions repeatedly over time constitutes bullying. Abusive actions include ~~actions~~, actions performed with malice that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act may constitute abusive conduct, if severe and egregious. Such conduct is prohibited.

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## DISTRICT RIGHTS #2030

- 2030.10** The District has the exclusive right, in accordance with applicable laws and regulations, to take certain actions including, but not limited to, the following:
- A.** Establishing the District's missions, programs, objectives, activities, and priorities;
  - B.** Directing and supervising employees in the performance of their duties;
  - C.** Hiring, promoting, transferring, demoting, training, evaluating, classifying, and assigning employees;
  - D.** Disciplining, reprimanding, suspending, or dismissing employees for misconduct or failure to perform satisfactorily;
  - E.** Determining the District's purpose, budget, organization, work to be performed, and services to be provided;
  - F.** Determining and effectuating methods of implementing the foregoing;
  - G.** Formulating, adopting, and implementing work rules, standards of performance, and standards of conduct for employees;
  - H.** Determining the location or relocation, reorganization, or discontinuance of operations, where employees shall work, or whether any portion of any operation shall be subcontracted;
  - I.** Maintaining and enforcing safety standards and programs;
  - J.** Determining job classifications and job descriptions;
  - K.** Introducing new or improved methods, programs, equipment, or facilities, or changing or eliminating existing methods, equipment, or facilities; and
  - L.** Determining the work to be done; assigning work; establishing and changing daily or weekly work schedules; scheduling hours of work, including overtime; establishing or eliminating shifts; and determining whether and to what extent work shall be performed by employees.

The above enumeration of District rights is not inclusive and does not exclude other management rights not specified, nor shall the exercise or non-exercise of rights retained by the District be construed to mean that any right is waived.

- 2030.20** These District rights shall be exercised by the Board of Directors acting as a body or by the Board's duly authorized agent such as the General Manager or his/her designee.

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## ADMINISTRATION OF RULES #2040

- 2040.10** The General Manager, subject to the direction of the Board, shall be responsible for the administration of the rules set forth in this Personnel Policy Guide.
- 2040.20** The General Manager, in his or her discretion, may delegate any of his or her authority set forth in these rules, as he or she may deem appropriate and necessary.
- 2040.30** All provisions of this Personnel Policy Guide shall apply from the date of its adoption to all District employees without regard to the date of their original employment. This Guide nullifies, replaces, and supersedes all previous personnel policies.

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## APPLICABILITY OF DEFINITIONS #2050

**2050.10** The definitions in this chapter apply to the provisions of the Personnel Policy Guide only, as originally enacted or as later amended, and do not affect any other ordinances or resolutions of the Board. Terms used in this Personnel Policy Guide shall, unless the context clearly indicates a contrary intent, have the meaning accorded them by the definitions in Section 2060.

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## DEFINITIONS #2060

- 2060.10** Authorized Position - A funded work position, within a job classification, which is or may be held by an employee.
- 2060.20** Board - The Board of Directors of the El Dorado Hills Community Services District.
- 2060.25** Base Rate of Pay – An employee’s current hourly rate with no additional incentives or overtime included.
- 2060.30** Continuous Employment - District employment which is uninterrupted except by authorized absences.
- 2060.40** Contracted Services - Work performed for the District by independent contractors who retain the right to control and direct the manner and means by which the work is to be performed while the District controls the result. Independent contractors are not employees of the District.
- 2060.50** Demotion - A change in job classification to a position with a lower salary range.
- 2060.60** Department - A major administrative branch of the District, involving a general line of work, with one or more employees under the charge of one or more individuals, known as supervisors.
- 2060.70** Department Head – The recognized head of a specific department in the District as designated by the General Manager. A Department Head is an at-will, exempt employee.
- 2060.80** Dismissal - Involuntary termination of employment with the District.
- 2060.90** District - The El Dorado Hills Community Services District.
- 2060.100** Employee - A person who has been employed to serve in a District job position or who is on an authorized leave of absence from such position.
- 2060.110** Exempt Employees - Exempt employees are persons who are exempt from the minimum wage and overtime provision of the Fair Labor Standards Act (“FLSA”) and do not receive overtime pay, e.g. executive, administrative, and professional employees. The General Manager will consult with legal counsel and determine and report to the Board each employee's exempt/non-exempt status. Each such employee will be given notice of his or her exempt status.

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- 2060.130** **Good Standing** - Any currently employed full-time or part-time employee not under disciplinary action by the District.
- 2060.140** **Grievance** - A grievance is a claimed violation, misinterpretation, inequitable application, or non-compliance with existing District rules, regulations, and policies.
- 2060.150** **Guide** - Guide means this Personnel Policy Guide.
- 2060.160** **Immediate Family** - An employee's biological, adoptive, or foster parent, stepparent, legal guardian, or a person who stood in loco parentis when the employee was a minor child, employee's spouse, registered domestic partner, or child including biological, adopted, step-child, foster child, legal ward, or a child to whom the employee stands in loco parentis, brother, sister, grandparent, grandchild, or those of the employee's spouse. (Definition only applicable for sick leave and bereavement.)
- 2060.170** **Job Classification** - Descriptive title of a certain type of job performed by a District employee. Inherent in each classification are certain duties, responsibilities, and degrees of authority.
- 2060.180** **Leave of Absence** - When authorized, an absence from duty for a specified period of time. An employee on authorized leave may return to the same or a similar position at the end of the authorized leave period.
- 2060.190** **Non-Exempt Employees** - Non-exempt employees are persons who are not exempt from the minimum wage and overtime provisions of the FLSA. At the option of the District, these 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.
- 2060.200** **Pay Period** - The pay period shall be every 14 days.
- 2060.210** **Performance Evaluation** - A review and evaluation of an employee's performance and demonstrated capabilities in his or her authorized position by his or her supervisor.
- 2060.220** **CalPERS** -- California Public Employees Retirement System. All regular full-time employees are required to join CalPERS. Regular part-time employees, after working 1,000 hours in a calendar-fiscal year are required to join CalPERS.
- 2060.230** **Personnel Policy Guide** - This group of rules and procedures concerning the terms and conditions of District employment.
- 2060.240** **Probationary Period** - The probationary period is a step in the District's hiring process for regular employees. It allows the probationary employee and the



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District an opportunity to determine if this is the right job for this person and the right person for the job. The District will use the probationary period to continue its assessment of an applicant for regular employment. During the probationary period, an employee is at-will which means the District may discharge the employee with or without cause and with or without notice. ~~While normally the probationary period is the first six (6) months of employment, the probationary period may be extended by the General Manager for up to six (6) additional months to allow time for further performance evaluation.~~ The probationary employee does not have the Grievance Procedure rights described in Section 2360 of this manual or the Pre-Disciplinary Procedures described in Section 2360.50.

**2060.250** **Regular Full-Time Employee** - A District employee who is regularly assigned to work forty (40) hours per week in an authorized position and has successfully completed the probationary period.

**2060.260** **Regular Part-Time Employee** - An employee of the District who is regularly scheduled to work fewer than forty (40) hours each week in an authorized position and has successfully completed the probationary period. Those part-time employees who are regularly scheduled to work thirty (30) hours per week or more will receive paid vacation, holiday, sick leave, and other benefits as described in Policy Numbers 2210 (Compensation Schedule and Salary Plan Administration), 2250 (Paid Holidays), 2260 (Paid Vacations), 2270 (Sick Leave), and 2400 (Tuition Reimbursement) of this Personnel Policy Guide. Part-time employees regularly scheduled to work fewer than thirty (30) hours per week shall receive CaliforniaA sick leave benefits, but no paid vacation, holiday, ~~sick leave,~~ or other District-paid benefits. If a regular part-time employee works forty (40) hours or more per week for a period of twelve (12) weeks or more, the General Manager shall review the part-time position to determine whether it should be converted to a full-time position. Regular part-time employees shall not exceed 1,000 hours per fiscal year.

**~~NOTE: The former 50% benefit package at 25 hours service per week shall be terminated effective July 1, 2004 except for any employees who have obtained eligibility for the 50% package prior to July 1, 2004 shall continue to receive the 50% package until he/she is eligible under the new 30-hour service package or until otherwise modified by mutual agreement of the District and the Employees' Association.~~**

**2060.261** **Regular Rate of Pay** - An employee's base rate of pay plus any special forms of compensation that will be included when determining the appropriate rate of compensation for overtime worked, CTO pay-out and similar calculations.

**2060.270** **Salary Range** - Categories that determine the minimum and maximum salary payable for each employment classification.

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- 2060.280** **Salary Step** - Level of salary payable in each salary range.
- 2060.290** **Seasonal Employee** - A full-time or part-time employee who works during a specific part of each work year, generally for a limited term. Unlike a temporary employee who has no reasonable expectation of re-employment, a seasonal employee who performs satisfactorily may be offered re-employment the following year (although the District is not required to re-employ any employee). A seasonal employee is eligible for California sick leave benefits. Seasonal employees are not eligible for other District-paid benefits and are is-not a "regular full-time" or "regular part-time" employees regardless of the hours the seasonal employee is scheduled to work. A seasonal employee is an at-will employee meaning the District can terminate his or her employment at any time with or without cause and with or without notice.
- 2060.300** **Sick Leave** - An excused, paid absence from duty by an employee due to illness as described in Policy Numbers 2270 of this Personnel Policy Guide entitled Sick Leave.
- 2060.310** **Supervisor** - A person who has day-to-day direction and responsibility over the work of one or more specific employees.
- 2060.320** **Suspension** - A District-mandated temporary leave of absence which may be either paid or unpaid and may be either for disciplinary reasons or investigative purposes (also known as "investigatory leave"). The District has the right to determine if or when an employee will be on investigatory leave and if or when such leave shall be paid.
- 2060.330** **Temporary Employee** - An employee hired for a specific purpose for a limited period or an employee who works on an on-call or as-needed basis. A temporary employee has no reasonable expectation that he or she will be called or re-employed by the District in the future. A temporary employee shall receive no District-paid benefits beyond the mandated paid sick leave pursuant to the Healthy Workplace Healthy Family Act (CWHFA) and is not a "regular full-time" or "regular part-time" employee regardless of the hours the temporary employee is scheduled to work. A temporary employee is an at-will employee meaning the District can terminate his or her employment at any time with or without cause and with or without notice.
- 2060.340** **Termination** - The conclusion or cessation of employment with the District, whether initiated by the District or the employee.
- 2060.350** **Vacancy** - An unfilled authorized position in the District.
- 2060.360** **Work Week** - For purposes of computing overtime, the District's work week will run from 12:00 a.m. Sunday through midnight the following Saturday.

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## EMPLOYEE SELECTION #2070

**2070.10** Employees are selected on the basis of merit, ability, appropriate education, competence, experience, and employment references. Neither an employee of the District nor any person seeking employment with the District shall be unlawfully favored or discriminated against because of race (including traits historically associated with race, including but not limited to, hair texture and hairstyles such as afros, braids, locks, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or veteran or military status. ~~race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex (including pregnancy, pregnancy-related disability, and breastfeeding), gender, gender identity, gender expression, age (40 and over), sexual orientation, or military or veteran status.~~ Any technique or procedure used in the selection or promotion of employees shall be designed to measure only the job-related qualifications of the applicant. Hiring shall be done by the General Manager. Hiring at or above the Department Head level shall be subject to Board approval, with the exception of part-time, interim, or limited term (less than one year) Department Heads.

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## PROBATIONARY APPOINTMENT #2080

- 2080.10** Before employing a person as a full-time or part-time regular employee, the District shall employ that person as a probationary employee for a period of at least six (6) months. The General Manager may extend the probation period up to an additional six (6) months at his or her discretion. Extensions can be the result of a change in responsibilities or supervision, a leave of absence taken during the probationary period, or to further evaluate the employee's performance. At least seven (7) calendar days prior to the effective date of the extension, the employee shall be informed in writing of the reason(s) for and the period of the extension. Any extension of the probationary period shall also extend the probationary status of the employee and eligibility to receive a merit increase.
- 2080.20** The probationary period is a step in the District's hiring process. It allows the probationary employee and the District an opportunity to determine if this is the right job for this person and the right person for the job. The District will use the probationary period to continue its assessment of an applicant for regular employment. During this period, supervisors should carefully evaluate the employee's performance and general suitability for District employment.
- 2080.30** Probationary employees serve the District in an at-will status. At any time during the probationary period, the probationary employee or the District may terminate the employment relationship with or without cause and with or without notice. The probationary employee will not have recourse to the Grievance Procedure set forth in Section 2360 of this Personnel Policy Guide or the Pre-Disciplinary Procedures described in Section 2360.50.
- 2080.40** If interrupted by an authorized leave of absence, the probationary period will be extended accordingly.

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## REGULAR APPOINTMENT #2090

**2090.10** Only regular part-time or full-time employees shall serve a probationary period. Prior to the completion of their probationary period, the probationary employee shall be evaluated by his or her supervisor. If the probationary employee's performance receives an overall rating of satisfactory or greater, the supervisor shall recommend the probationary employee for a regular appointment. The General Manager shall review the recommendation and if he or she concurs, the probationary employee shall become a regular employee effective the first ~~day of the month~~ full pay-period following completion of the probationary period.

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## EMERGENCY HELP #2100

- 2100.10** In cases of great emergency, when necessary to protect lives or property from imminent danger, the General Manager may employ a person (or persons) on behalf of the District as a temporary employee for a period which shall not extend beyond the duration of the emergency or the adjournment of the next regular meeting of the Board, whichever is earlier.
- 2100.20** Additionally, the General Manager may employ a person or persons on behalf of the District as a temporary employee for a period which shall not extend beyond the adjournment of the next regular meeting of the Board, when circumstances are found to exist as would cause unreasonable damage to or deterioration of District property or the curtailment or impairment of important District operations without such additional employment.
- 2100.30** Temporary personnel employed pursuant to this section shall be at the salary for the appropriate classification, unless changed by subsequent action of the Board. Any such appointment shall be reviewed by the Board at the first regular meeting following the appointment.

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## PHYSICAL EXAMINATION #2110

**2110.10** Prior to making an appointment of any employee and after an employee receives a conditional offer of employment, the District may require all appointees to specific jobs ~~the potential appointee~~ to pass a physical examination administered by the District's chosen physician that is job-related and consistent with business necessity. The physician's report shall be submitted to the District before the new employee begins his or her employment.

At any time during an individual's employment with the District, if concerns arise about the employee's ability or fitness to perform his or her job, the District may require the employee to have a physical examination if it is job related and consistent with the District's business needs. The cost of required examinations shall be borne by the District.

If an employee is on a medical leave of absence, the District shall require an employee to submit to a physical examination prior to returning to work.

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## HIRING OF RELATIVES #2120

- 2120.10** The District's policy is to hire, promote, and transfer employees on the basis of individual merit and to avoid favoritism in making such decisions.
- 2120.20** Board members' or current District employees' relatives may only be employed within the same department or facility when all the following criteria are met:
- A.** Such employment does not adversely affect safety, morale, security, or supervision; and
  - B.** The relatives do not directly supervise each other; and
  - C.** Such relatives neither initiate nor participate in making institutional recommendations or decisions that would directly affect employment status of their immediate relatives. These recommendations/decisions include but are not limited to selection, appointment, retention, tenure, work assignments, promotion, demotion, or salary.
- 2120.30** The District may prohibit assignment or reassignment of relatives if, in its sole discretion, it finds that any of the above criteria are not met. The District may elect to find alternative placement into a position within the organization if there is a vacancy and the employee meets the minimum qualifications of the ~~positen~~[position](#).
- 2120.40** Relative includes an employee's biological, adoptive, or foster parent, stepparent, legal guardian, or a person who stood in loco parentis when the employee was a minor child, employee's spouse, registered domestic partner, or child including biological, adopted, step-child, foster child, legal ward, or a child to whom the employee stands in loco parentis, brother, sister, grandparent, grandchild, or those of the employee's spouse.
- 2120.50** This policy also applies to persons who are not legally married but live together and, in the District's judgment, share the attendant responsibilities and commitments of marriage.
- 2120.60** Marriage While Employed - If two persons should marry while both are employed by the District, they may continue their employment in the same job provided that the criteria set forth in Section 2120.20 are met.
- 2120.70** If the criteria are not met, one of the spouses must change jobs, change work locations, or terminate his or her employment with the District. The couple will make a decision within thirty (30) calendar days of the marriage as to which of them will change positions or employment.

If this decision is not made within thirty (30) calendar days, however, the employee with the least seniority (based upon his or her total time as a District



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employee) shall be transferred or terminated. If both employees have the same seniority, the District's decision as to which employee must be transferred or terminated will be based upon the necessity of operating the District in an efficient manner. If the General Manager determines that an overriding business necessity requires the transfer or termination of one particular spouse, such overriding necessity shall supersede the foregoing system.

- 2120.80** The General Manager may authorize an exception to this policy if it is found that (1) the position to be filled requires a person with specialized training and experience not generally available in the employment market, (2) substantial bona fide efforts have been made to locate and employ such a person who is not a relative of any Board member or employee, and (3) the relationship between the relative and the applicant or employee is unlikely to materially affect his or her employment by the District. Any such exception authorized by the General Manager must be ratified by the Board.
- 2120.90** The General Manager has responsibility for the administration of this policy with regard to all hiring and promotional practices. The General Manager will include in his or her annual report to the Board a review of the implementation of this policy, as necessary.

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## PROMOTION, DEMOTION, LATERAL TRANSFER #2130

- 2130.10** A promotion is the change of an employee from one position to another position which has a higher salary range maximum. Upon promotion, an employee may be granted a salary increase to the minimum of the salary range for the new classification or one step in amount, whichever is greater, provided that the employee's new salary rate does not exceed the maximum of the new classification. An employee that is promoted to a higher classclassification will be required to serve a probationary period of at least six (6) months.
- 2130.20** A demotion is the change of an employee from one position to another position, which has a lower salary range maximum. Salary adjustment due to a demotion shall be at the discretion of the General Manager.
- 2130.30** A lateral transfer is the change of an employee from one position to another position which is in a class having the same salary range maximum. An employee who is transferred from one classification to another must have the qualifications and skills required for the new classification.
- 2130.40** If a new position is established or if a position is or will become vacant, the General Manager may laterally transfer a District employee working at or above that level into the vacant position.

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## ADVERTISING AND FILLING VACANCIES #2140

- 2140.10** If a new or vacant position is not filled through lateral transfer as described in Personnel Policy Guide 2130.30, the General Manager shall advertise for the position.
- 2140.20** Job advertisements shall be posted on the District's website.
- 2140.30** The advertisement shall state:
- Position title;
  - Salary or wage range;
  - Deadline for filing an application;
  - Where and how the application may be obtained and submitted.
- 2140.40** Nothing in this provision shall be interpreted to preclude the District from promoting qualified individuals from within without the necessity of advertising a vacant or newly created position when to do so is in the best interest of the District as determined by the General Manager. Employees appointed from one classification to another must have the qualifications and skills required for the new classification.
- 2140.50** **Applications** - All applications must be in writing and must be submitted on the form provided by the District. Letters of recommendation and references may be required where appropriate. A resume is not a substitution for a completed District employment application.
- 2140.60** **Interviews** - Before an applicant is hired, he or she shall be personally interviewed.
- 2140.70** **Applicability of Advertising and Hiring Provisions** - These provisions apply to filling regular full-time and regular part-time employee positions. These sections do not apply to appointment of seasonal or temporary employees.
- 2140.80** **Appointment** - The position of General Manager shall be filled by Board appointment. The General Manager shall appoint successful candidates to fill all other vacant positions. The appointment of Department Head positions shall be subject to Board approval.

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## REGULAR WORK WEEK AND WORK DAY #2150

- 2150.10** The regular work week shall be forty (40) hours for a seven (7) day period running from 12:00 a.m. Sunday through midnight the following Saturday. Management may set other hours of work for specific positions to accommodate District needs.
- 2150.20** The District's public office hours shall be Monday through Friday from 8:00 a.m. to 5:00 p.m.
- 2150.30** Employees may be scheduled for five (5) eight (8) hour days per week; four (4) ten (10) hour days per week with Friday off; four (4) nine (9) hour days per week with half days off on each Friday or every other Friday off; or another work schedule as determined by the General Manager. Each work day shall include an unpaid meal period, and two paid ten-minute work breaks. Work breaks may be scheduled by the employee's supervisor.
- 2150.40** Regular full-time employees will receive eight (8) hours of pay for a holiday and may elect to work, at straight time, any additional hours if their normal work schedule normally exceeds eight (8) hours in a day or take vacation time for the additional hours upon approval of their supervisor if a holiday falls on their normal work schedule. To receive holiday pay, employees must have been in a paid status the last work day prior to the holiday and the day following the holiday. Pay status includes use of sick leave or vacation leave. The District's overtime policy applies to any other hours worked on a holiday which exceed forty (40) in a workweek.

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## SALARIES #2160

- 2160.10** With the exception of the General Manager and Department Heads, whose compensation shall be determined by the Board, unrepresented employees' wages or salaries will be determined by the General Manager. Represented employees will be subject to the wage and salary scale negotiated during collective bargaining and subsequently approved by the employee organization and by the District's Board.
- 2160.20** All employees, with the exception of temporary and seasonal workers who are paid on an hourly basis, have their salaries set on the basis of a regular monthly sum. Pay periods will be on a bi-weekly basis. Paydays will be on alternating Thursdays, or Wednesday if a listed holiday falls on a Thursday.

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## OVERTIME #2170

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.

**2170.10** Non-exempt employees are eligible for overtime pay for each hour worked in excess of forty (40) hours in a workweek. All overtime must be required or authorized in advance by a supervisor, unless determined to have been a bona fide emergency. In the case of a bona fide emergency, where it is not **reasonably** feasible to obtain such prior authorization, the employee who has worked overtime shall request such authorization on the next regular work day. Any employee who works overtime which is not pre-approved may be subject to discipline up to and including termination.

Overtime pay shall be received for the following:

- A.** Hours actually worked in excess of forty hours in a workweek.
- B.** Hours worked by an employee when called in on a day off or called back to work after leaving the jobsite. In such cases, the employee will be paid a two (2) hour minimum. Those two (2) hours will be paid at an overtime rate only if the employee has already worked forty (40) hours in the workweek.

**2170.20** Non-exempt employees shall be paid overtime at one-and-one-half (1½) times the employee's regular rate of pay computed to the nearest one-quarter hour for all time actually worked. Holidays, administrative leave, vacation, authorized compensatory time off, and sick leave do not count toward an employee's overtime calculation.

**2170.30** Exempt employees shall receive no additional pay for hours worked over forty (40) in a workweek.

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## COMPENSATORY TIME OFF (CTO) #2180

- 2180.10**     **Compensation** - In lieu of overtime pay, an employee may earn Compensatory Time Off ("CTO") at the rate of 1½ hours off for each hour worked in excess of forty (40) in a workweek. Employees should request CTO in lieu of overtime to their supervisor before overtime hours are worked and the request should be in writing.
- 2180.20**     **Accumulation and Use of CTO** - No employee shall accumulate more than 40 hours of CTO at any given time. Before using CTO, an employee should obtain the approval of their supervisor. Employees shall be permitted to use CTO as requested unless employee's absence on the requested day would unduly disrupt the District's operations. If CTO is denied for operational reasons, the employee shall be permitted to use CTO within a reasonable period of time thereafter so long as the usage does not unduly disrupt the District's operations.
- 2180.30**     **Termination** - Upon termination, any employee with accumulated CTO shall have it paid out to them at either (1) the employee's average regular rate of pay during the past three years of employment or (2) the employee's regular rate of pay in effect at the time of termination, whichever is higher. Overtime and CTO shall be paid in accordance with these rules and the provisions of the FLSA for all non-exempt employees.

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## EMERGENCY DUTY #2190

- 2190.10** **Call-Out** - When responding to an emergency call, an employee who returns to the jobsite shall be paid a two (2) hour minimum plus any hours worked in excess of the two hours in which the employee is continuously engaged in work for which he or she was called back. If the employee is working overtime hours (beyond 40 hours in a workweek), then employee shall receive overtime pay for those two (2) hours and any additional call back hours worked in excess of forty (40) in a workweek. Providing brief consultation assistance over the phone is not recognized as being continuously engaged in work.
- 2190.20** **On-Call** - When warranted and in the interest of the District's operations, Department Heads or their designee may assign employees to "on-call duty."
- A.** "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.

An employee assigned on-call duty shall be compensated at the regular rate of pay for each hour the employee is on-call.



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## PAY ADVANCES, DEDUCTIONS, FINAL CHECK #2200

- 2200.10** Pay advances to employees on earned wages and salaries may be granted on an individual basis if approved by the General Manager. Advances to employees on unearned wages and salaries will not be made.
- 2200.20** As required by law, the District makes payroll deductions from each employee's wages and salaries for federal withholding taxes, Social Security taxes, California State withholding taxes, State Disability Insurance, and wage garnishment. Deductions are also made from employees' salaries for contributions paid to the ~~California Public Employees Retirement System ("CalPERS")~~ for any employee who is enrolled in CalPERS.
- 2200.30** A final paycheck shall be issued to employees who have been dismissed, laid off, or resigned as soon as possible but no later than their next regularly scheduled paycheck following their separation from employment.

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## COMPENSATION SCHEDULE AND SALARY PLAN ADMINISTRATION #2210

- 2210.10** With the exception of the position of General Manager, all unrepresented District employees shall receive the compensation provided in the basic salary schedule. The Board may, at any regular ~~meeting~~, or special meeting duly called for that purpose, adjust the salaries or salary ranges by minute order or resolution. It is the Board's goal to determine annual salary adjustments by July 1st of each year. All represented employees will be subject to the wage and salary scale negotiated during collective bargaining and subsequently approved by the employee organization and by the District's Board.
- 2210.20** The District has a salary schedule that denotes the steps in the pay ranges of the District salary plan.
- 2210.30** Except as otherwise provided in this Personnel Policy Guide (including Section 2220), employees and candidates shall be employed or appointed at the first step of the salary range for their particular class. Advancement within a salary range shall not be automatic but shall be given only upon affirmative recommendation of the employee's supervisor and approval of the General Manager. Thereafter, an employee may be considered for increase in salary according to the following schedule:
- A.** Step 1 shall be paid upon initial appointment to District service for a period of at least six (6) months (1,040 hours of work), except when another step is indicated as the beginning pay step.
  - B.** After satisfactory completion of at least six (6) months service in Step 1 (1,040 hours of work), employees may be considered for a merit increase to Step 2. Employees appointed at other than Step 1 may be considered for an increase to the next higher step upon the satisfactory completion of at least six (6) months of service.
  - C.** After satisfactory completion of at least twelve (12) months of service at Step 2 (2,080 hours of work), employees may be considered for an increase to a higher step.
  - D.** All step increases shall be effective the first day of the next payroll period following the employee's eligibility for such increase.
- 2210.40** Regular part-time employees shall be eligible for step increases when their equivalent length of service meets the provisions of paragraph 2210.30(B) in this section.

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## MERIT AND SPECIAL MERIT COMPENSATION PROGRAM FOR UNREPRESENTED FULL-TIME EMPLOYEES #2220

- 2220.10** It is the intent of this policy to provide highly effective full-time unrepresented employees a merit or special merit increase to his/her salary beyond the established standard salary range for exceeding performance standards. In order to properly compensate and retain highly qualified and effective employees, adjustments in salary shall be based on a merit system. Adjustments shall not be automatic but shall depend upon the rating of the employee's performance evaluation. This policy seeks to clarify when an unrepresented full-time employee may receive a flexible merit increase to his/her salary based on the employee's outstanding or exceptional performance.
- 2220.20** The General Manager or his/her designee shall prepare a compensation plan covering all unrepresented classifications in the District service. This compensation plan will show the salary ranges and list other forms of compensation which each classification~~s~~ will receive. In arriving at such salary ranges, consideration may be given to the prevailing rates of pay for comparable work in other public and private employment (usually within close geographic proximity of the District), as well as the District's current financial condition and operational needs. The General Manager or his/her designee may make further studies of the compensation plan as needed, or as may be requested by the Board. All such studies will be done in accordance with applicable laws, District policies, and current agreements affecting employer-employee relations in the District. The Board shall adopt the compensation plan as part of the District's budget each fiscal year.
- 2220.30** A full-time unrepresented employee occupying a position in the District service will be paid a wage within the standard salary range established for that position's classification under the adopted salary schedule. The salary schedule shall provide salary steps for each classification. An employee may be assigned by the General Manager or his/her designee, with the Department Head's recommendation, to the various steps within the standard range for the classification. Salary step advancement is not automatic nor is it based solely upon an employee's length of service. Instead, salary step advancement will be based upon an employee's ~~performance~~performance in the prior review year. Step increases may also be accelerated at the discretion of the General Manager. Each salary step increase must be accompanied by a written performance review wherein the Department Head or the General Manager recommends salary step advancement for the eligible employee.
- 2220.40** Salary step increases may be withheld in the event that an employee's performance, as viewed by the Department Head or the General Manager, has been less than satisfactory during the review period. The denial of a step increase

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shall be in writing to the employee and shall specify to the employee the areas of his/her performance which need improvement. The employee's performance will be re-evaluated in ninety (90) days by the Department Head or the General Manager. If the employee's performance has significantly improved during the ninety (90) day re-evaluation period, the Department Head or the General Manager may recommend the commencement of the salary step increase, or portion thereof, which was previously withheld.

## 2220.50

Upon the recommendation of the Department Head and with the approval of the General Manager, an employee may receive a special merit increase above and beyond the standard salary schedule range. These special merit salary steps, which are above and beyond the standard salary range, shall be specifically identified on the salary schedule for each classification. Such special merit increases are to provide recognition for truly outstanding or exceptional performance beyond the normal expectations of the position. A special performance evaluation must accompany the recommendation by the Department Head or General Manager which describes the specific and measurable performance achievements attributable to the employee that warrants a special merit increase. No special merit increase may exceed the maximum of the employee's current special merit salary range for his or her classification.

Generally, a special merit increase award will be 2.5% for measurable performance that is increasingly above standards across all categorical areas of performance reviewed by the District. The recommending Department Head or General Manager shall provide sufficient written evidence and descriptive proof of why the employee's performance is above and beyond the normal call of duty, or is particularly exceptional, thus warranting a special merit increase.

Mandatory criterion for receiving special merit increase:

- Employee has not received more than a 10% salary adjustment in the last twelve months.
- Employee has not received any special salary adjustments in the last twelve months.
- Employee has not received an "Improvement Needed" comment on a performance evaluation in the last eighteen (18) months.
- Employee has been employed by the District for a minimum of eighteen (18) months.

An employee whose performance has been rated as "Outstanding" across all categorical areas of the performance evaluation and who has demonstrated performance above and beyond the call of duty may be considered for a 5% special merit increase award.

An employee whose performance has met all of the aforementioned criteria and which is exceptionally beyond the expectations established by the District and

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management, may be considered for a special merit increase award of up to 7.5% beyond the standard salary schedule range of the position. Such exceptional performance may include:

- Process improvement ideas that, if implemented, result in a measurable efficiency-to-value deliverable(s) exceeding \$50,000.
- Obtains outside funding (e.g., grant funding) that augments a District project or operation costs by more than \$50,000.
- Obtains prestigious recognition award for work performed for the District. May not be an award that has been submitted or requested to be submitted by the employee being considered for a special merit increase award.
- Directly responsible for a highly positive community-impacting deliverable that elevates the District to new heights in the area(s) of public confidence in District governance, transparency, communications, community involvement, recognition, or other similar achievement.

All special merit increase awards at or above 5% may require a budget allocation, and as such, review and approval of the special merit increase award by the Board is required.

## 2220.60

Implementation of this policy requires employees to continue and maintain highly effective performance, and for the performance-rating supervisor(s) and the merit-awarding authority to provide written proof of such outstanding or exceptional performance of the employee through the performance review and appraisal process. A merit or special merit increase may be removed through the employee performance review and/or disciplinary process.

It is the goal of this policy to establish progression through the standard salary steps and not to skip steps. Progression through the special merit steps (above and beyond the standard salary steps) generally occurs when an employee has reached the maximum step of the standard wage scale or when the employee demonstrates outstanding or exceptional performance warranting a higher increase. Annual performance reviews are the time at which a merit or special merit increase is considered, except for special circumstances which may warrant a special review of the employee's performance outside of the District's annual review process.

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## COST OF LIVING ADJUSTMENTS (COLA) FOR UNREPRESENTED FULL-TIME CLASSIFICATIONS #2230

**2230.10** The District recognizes that the cost of living fluctuates from year to year and that the buying power of employees often diminishes if a mechanism is not initiated to adjust salaries from time to time to compensate for these fluctuations. Therefore, it is the policy of the District to annually include consideration for a Cost of Living Adjustment (“COLA”) in the District's fiscal year budget for unrepresented full-time classifications. The District Board will take into consideration the Consumer Price Index (“CPI”) for the prior year in making this determination. Recognizing that employees are one of the ~~principle~~principal assets of the District, the final COLA approved by the Board, if any, will be based on the overall budget, programs and projects, initiatives, and goals of the District.

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## SPECIAL PAYS #2240

- 2240.10**     **Special Certification Stipend** - Regular employees designated by the Board or the General Manager to acquire and maintain special certification in order to meet federal, state, or local laws or regulations shall receive \$250 per year per certificate. Each employee shall be eligible for a maximum of two certification pay stipends per year. Certification pay should be approved by the Human Resources Manager provided that the employee provides proof of the certification, and the certification is required by the District for the job the employee is performing. The employee shall continue to receive certification pay if the employee continues to keep the certification current. If the certification expires, the employee shall no longer be eligible for certification pay. If the certification expires mid-year, then the employee's certification pay stipend shall be prorated.
- 2240.20**     **Out of Classification Pay Differential** - When the District temporarily assigns an employee to fully perform the functions of a position in a higher classification for at least twenty (20) working days or more, the employee will be paid at least five percent (5%) over his or her current pay rate or the minimum of the higher position's salary range, whichever is higher (retroactive to the first day of the out of class assignment) provided that:
- A.** The employee is assigned to a program, service, or activity established by the Board which is reflected in an authorized position which has been classified and assigned to the Salary Schedule and such authorized position has become vacant due to the temporary or permanent absence of the position's incumbent. The General Manager's written approval of this assignment must be obtained at the start of the assignment.
  - B.** The nature of the departmental assignment is such that the employee in the lower classification becomes fully responsible for the duties of the position of the higher classification.
  - C.** The employee has been assigned to perform duties which exceed the scope of that employee's classification. In this case, the General Manager, in his/her sole discretion, shall determine whether it is appropriate for the employee to receive a five percent (5%) raise or compensation for the higher classification in accordance with other provisions of this section.
  - D.** Employees selected for the temporary out of class assignment will normally be expected to meet the minimum qualifications for the higher classification.
  - E.** Pay for work in a higher classification shall not be utilized as a substitute for regular promotional procedures provided for in District policy.
  - F.** Higher pay assignments shall not exceed six (6) months unless specifically authorized by the General Manager.
  - G.** If approval is granted for pay in a higher classification and the assignment is terminated and later re-approved for the same employee within thirty

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(30) working days, no additional twenty (20) day waiting period will be required.

- H.** Approved overtime or differential pay will be paid based on the rate of pay of the higher classification.



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## PAID HOLIDAYS #2250

**2250.10** An employee who is ~~on~~-in "pay status" on the employee's last scheduled work day before the holiday and first scheduled work day after the holiday shall be eligible to receive holiday pay. No employee shall be eligible for compensation for any holiday which is immediately preceded by or followed by an unauthorized, unpaid absence or a disciplinary suspension.

An eligible part-time employee shall only receive proportionate holiday pay, up to the maximum of eight (8) hours per holiday, based on the percentage of time the employee works that pay period. If a holiday falls on an employee's regularly scheduled work day, employees on a 9/80 alternative work schedule shall be compensated eight (8) hours of straight pay and shall use one (1) hour of leave for the holiday. If a holiday falls on an employee's regularly scheduled workday, employees on a 4-10 alternative work schedule shall be compensated eight (8) hours of straight pay and shall use two (2) hour of leave for the holiday.

A regular part-time employee will only be eligible if the employee is regularly scheduled to work on the day that the holiday falls and meets the criteria above stated in 2250.10 and 2250.40. Regular full-time ~~and regular part-time~~ employees shall receive holiday pay on the following days:

New Years' Day	**January 1
Martin Luther King Jr.'s Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	**July 4
Labor Day	1st Monday in September
<del>Columbus Day</del>	<del>2nd Monday in October</del>
Veterans Day	**November 11
Thanksgiving	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Christmas Eve	**December 24
Christmas Day	**December 25
<u>Floating Holiday (8 hours)</u>	<u>To be used by Dec 31 of each year</u>

**2250.20** \*\*Any of the allowed holidays falling on a Saturday will be observed on the preceding Friday. Those falling on Sunday will be observed on the following Monday. Should December 24 fall on a Sunday, it will be observed on the following Monday and December 25 will be observed on the following Tuesday.

**2250.30** Temporary and seasonal employees are not eligible for holiday pay.

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- 2250.40** Regular part-time employees regularly scheduled to work 30 hours per week or more shall receive six (6) hours holiday pay for the holidays listed above.
- 2250.50** **Overtime for Holiday Work** - Non-exempt regular full-time employees who are required to work on any holiday shall only be granted overtime pay or compensatory time off at 1 ½ times the employee's regular rate of pay if the hours actually worked on the holiday are more than forty (40) in a workweek.

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## PAID VACATIONS #2260

**2260.10** Vacation benefits shall begin to accrue for all regular full-time and regular part-time employees who are regularly scheduled to work thirty (30) hours per week or more effective upon his/her initial date of hire but shall not be taken until after the successful completion of the employee's initial probationary period unless otherwise approved by the General Manager. Vacation benefits shall accrue monthly as shown in the following table:

### FULL TIME EMPLOYEES

YEARS OF CONTINUOUS EMPLOYMENT	ANNUAL VACATION DAYS <u>NON-EXEMPT</u>	NON-EXEMPT <u>HOURS PER PAY PERIOD**</u>	<u>ANNUAL VACATION DAYS EXEMPT</u>	EXEMPT <u>HOURS PER PAY PERIOD**</u>
		<u>**Hours Per Pay Period</u>		<u>**Hours Per Pay Period</u>
0-3 Years	11	3.67	<u>16</u>	5.34
3-5 Years	13	4.33	<u>18</u>	6.0
5-10 Years	16	5.34	<u>21</u>	7.0
10-15 Years	20+5*	6.67	<u>25+5*</u>	8.34
15 Years	20+5*	6.67	<u>25+5*</u>	8.34
20 Years	20+5*	6.67	<u>25+5*</u>	8.34

\*See 2260.20 Longevity

\*\*24 pay periods a year

Regular part-time employees who are regularly scheduled to work 30 hours or more per week shall accrue vacation benefits monthly and Longevity Incentive days at 75% the rate of regular full-time employees.

**2260.20** The Longevity incentive is intended to recognize and reward employees for ten (10) (ten) years or more of service to the District. Starting in the 10th year of District employment and every fifth year thereafter, each eligible regular employee will receive five longevity days in addition to their annual vacation accrual. These five longevity days will be awarded only in anniversary years divisible by the number five. off each year which must be used within twelve months of his/her anniversary month. Longevity days are not vacation days and shall not be included in the calculation of the vacation accrual cap. In the event an employee terminates employment with the District, any unused longevity days shall not be paid out nor included in the employee's final compensation. Longevity days are not transferable to other District employees. This benefit is only provided for those anniversary years that are divisible by the number five.

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- 2260.30** An employee shall take accrued vacation only after successful completion of his/her initial probationary period unless otherwise approved by the General Manager.
- 2260.40** Vacation benefits will not accrue during a leave of absence without pay, but any accrued vacation will not be lost.
- 2260.50** No regular full-time employee will accrue more than thirty-two (32) days (or 256 hours) of allotted vacation time. When a full-time employee has accrued the 32-day (or 256 hour) allotment, no further vacation will be earned until some vacation time is taken. Regular part-time employees may accrue a maximum of twenty-four (24) days (or 192 hours).
- 2260.60** Vacation schedules shall be arranged as early as possible each year. Employees shall schedule vacation(s) with the approval of their immediate supervisor and/or the General Manager.
- 2260.65** Regular full-time employees may cash-out accrued vacation leave on an hour-for-hour basis at the employee's regular base rate of pay pursuant to procedures established by the Human Resources Department. Employees may cash out up to 5 days (40 hours) of vacation leave per calendar year.
- Employees may cash out accrued vacation leave each December. To cash out, regular full-time employees must have used at least 10 days (80 hours) of accrued vacation leave prior to December of the year the leave is to be cashed out.
- 2260.70** At termination, an employee shall be paid for all unused accrued vacation at the employee's regular base rate of pay at the time of termination.
- 2260.80** An employee who becomes ill while on vacation and desires to claim sick leave rather than vacation shall make such a request as soon as possible after he or she desires sick leave compensation to begin in lieu of vacation. ~~The District may require medical certification for any period of sick leave requested that exceeds three (3) days in a calendar year.~~
- 2260.90** All vacation leave taken must be verified by the employee on appropriate forms provided by the District or the claim request for paid vacation may not be approved.

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## SICK LEAVE #2270

**2270.10** Sick leave is an employee benefit provided by the District to be granted in circumstances of adversity and for the purpose of promoting the health and welfare of the individual employee or his or her immediate family member or designated person. It is not an earned right to be used like vacation time. Sick leave is granted to an employee when he or she must be absent from duty because of his or her own a bona fide illness or injury or the bona fide illness or injury of an immediate family member as defined in Policy 2060.160 or designated person. Employees must use paid sick leave in 15-minute increments. Employees may only identify a single designated person for whom they want to use the sick leave once every 12 months.

**2270.20** All regular full-time employees will accrue sick leave beginning on the employee's first day of work. It will accrue at the rate of ~~eight-four~~ (48) hours for each full ~~month-pay period~~ of service (24 pay periods). All regular part-time employees who are regularly scheduled to work 30 or more hours per week, shall accrue sick leave beginning on the employee's first day of work. It will accrue at the rate of ~~six-three~~ (63) hours for each ~~full pay periodmonth~~ of service.

**2270.30** Non-regular ~~employees~~ (seasonal, limited term, and/or temporary) and regular part-time employees are entitled to accrue ~~three-five~~ (35) days or ~~twenty-fourforty~~ (2440) hours of paid sick time annually which may be used within a twelve (12) month period or during the term of the employee's employment (if less than 12-months). Non-regular and regular part-time employees may also carryover a maximum of ~~six-ten~~ (106) days or ~~forty-eighteighty~~ (480) hours year to year. If employees are re-hired by the District within twelve (12) months of the employee's separation date, the District will reinstate up to ~~three-five~~ (35) days and-or twenty-fourforty (2440) hours of previously accrued, but unused, paid sick leave. Paid sick leave made available under this section for non-regular employees has no cash value, and the District will not pay employees for unused sick leave at the employee's separation.

**NOTE:** ~~The former 50% benefited package at 25 hours service per week shall be terminated effective July 1, 2004 except any employee who has obtained eligibility for the 50% package prior to July 1, 2004 shall continue to receive the 50% package until he/she is eligible under the new 30-hour service package or until otherwise modified by mutual agreement of the District and Employees Association.~~

**2270.40** Sick leave shall not accrue during a leave of absence without pay but accrued sick leave shall not be lost.

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- 2270.50** Accrued sick leave with pay shall be granted for ~~regular benefited~~ employees for the following reasons:
- A.** The employee's own illness or injury;
  - B.** Medical or dental appointments;
  - C.** Providing care for a member of the immediate family member (as described in Policy 2060.160) or designated person where such person member is ill or injured and who requires the care or attendance of the employee; ~~and.~~
  - ~~**D.** Death in the immediate family. A regular employee will be allowed to use up to three (3) days of accumulated sick leave in addition to bereavement leave due to the death of a member of the employee's immediate family (as defined in 2060.160).~~
- 2270.60** It shall be the responsibility of each employee absent from duty due to a bona fide illness or injury to notify his or her supervisor within the first half hour of the employee's start time. Employees with sole responsibility for opening a facility or starting a scheduled District activity are responsible for notifying the supervisor of their absence due to illness or injury far enough in advance to allow the supervisor to arrange for a substitute to perform these duties.
- 2270.70** A certification from a healthcare provider verifying the reason for absence due to illness or injury may be required by the District if the employee's absence exceeds three (3) consecutive days.
- 2270.80** A certification from a healthcare provider will be required stating that the employee is capable of returning to his or her normal duties if the employee is returning to work from a long-term medical leave such as FMLA/CFRA leave.
- 2270.90** Paid sick leave will not be authorized or granted for periods in excess of the employee's accrued sick leave balance. Upon retirement, unused accrued sick leave will be credited to the employee according to the provisions of the District's contract with CalPERS.
- 2270.100** **Sick Leave Donations** - Employees may donate part of their accrued sick leave to any other employee of the District who exhausts their sick leave and is still incapacitated from the performance of his or her duties. Sick leave must be donated in increments of one hour. Sick leave will be donated on an hour-for-hour basis. There will be no calculation as to ~~value~~ the value of donated time. Sick leave donations shall be in writing and shall be signed by the employee donating the sick leave and specifying the employee to whom it is donated. Donation request shall be forwarded to Human Resources for review and approval prior to the use of the donation.
- 2270.110** **Sick Leave Conversion** - Employees may convert up to a maximum of one-half of any earned sick leave available above 96 hours as of December 31 of that year for either earned vacation leave on an hour for hour (1:1) basis or for a cash

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reimbursement on a half an hour for hour (.5:1) basis. Any employee desiring to convert sick leave to either or both of these two options must submit a written request to the Human Resources Manager between December 15 of that year and January 15 of the next year which specifically indicates the conversion requested. All requests for sick leave conversion shall require the General Manager's approval.

**2270.120** Coordination of Sick Leave, SDI, and Worker's Compensation Benefits - A regular employee may coordinate sick leave benefits with his or her worker's compensation or state disability insurance benefits. The District will pay the difference between the employee's insurance benefit and his or her full salary until such time as his or her previously accrued sick leave is exhausted. For example: if disability insurance pays 75% of an employee's pay during a one-day absence, the employee may use accrued sick leave for the remaining 25%. The employee's accrued sick leave is therefore reduced by one-fourth of a day. The employee will be considered on leave of absence without pay for the time the employee is receiving worker's compensation or state disability insurance benefits. Therefore, the employee will not accrue any sick leave or vacation benefits or be entitled to health care benefits (unless such leave is protected by FMLA/CFRA/PDL), for the period the employee is on a leave of absence without pay. An employee will only accrue vacation or sick or be entitled to health care benefits on a pro rata basis equivalent to the percentage of paid leave being utilized.

A 3-day waiting period exists for those employees who are not hospitalized or removed from work for more than fourteen (14) days due to a work-related injury before worker's compensation benefits are paid. Employees may use their accrued sick leave or, if the employee has no accrued sick leave, vacation during this 3-day waiting period.

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## BEREAVEMENT AND COURT LEAVE #2280

### ~~2280.10~~ **Bereavement Leave -**

~~2280.10~~ - ~~A~~An eligible employee is entitled to leave with pay, up to 3 consecutive working days and up to 2 additional days unpaid for a total of 5 days per incident.

~~Two unpaid days require employee to have 30 days of service and must be used within 3 months of death. Proof of death must be provided within 30 days of first day of leave. Employees may elect to use accrued vacation or CTO for the additional 2 unpaid days.~~

~~A.~~

~~B.~~A.

~~C.~~B. ~~Eligible Employees. All regular employees except temporary and casual employees and elected officials are eligible to take bereavement leave in the event of the death of a member of his or her immediate family. For the purposes of this section "Immediate Family" is defined as spouse, domestic partner, parent, stepparent, brother/sister, step--brother/sister, child, stepchild, or the same relatives of a domestic partner. The General Manager may approve additional family members as qualifying for the bereavement leave benefit.~~

~~C.~~ ~~Documentation of Death. The District may require the employee taking bereavement leave to provide written documentation of the death for which the bereavement leave is taken.~~

~~Employees shall be entitled to up three (53) days of paid bereavement leave upon the death of an immediate family member as described in District Policy No. 2060.160 and the three (353) days of bereavement leave shall be in addition to and not deducted from any other leave entitlement. Bereavement leave shall be taken on consecutive scheduled workdays and should not be used intermittently. Employees may also use up to three (3) days of sick leave for bereavement leave purposes.~~

**2280.20 Court Leave** - Payment of salary while on jury duty, or for court appearances solely in the capacity of a witness and not when a party to the action, is subject to the following conditions:

**A.** An amount equal to the total compensation, except expenses and mileage, received from the courts will be deducted from the employee's salary; or, if preferred, the employee may turn in to the District all such compensation received and draw full pay during jury duty.

**B.** Employees must furnish a copy of the official summons or witness subpoena to the District before a court leave will be granted. Evidence of attendance in court, which is available and furnished by the courts, must be furnished to the District before payment of salary will be authorized.

**C.** Employees will only receive compensation for jury duty or for court appearances scheduled during normal working hours.



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**B.D.** Court leave is only available to regular employees.

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## EXCEPTIONAL LEAVES OF ABSENCE #2290

**2290.10** Any employee may request a leave of absence for reasons other than statutorily protected leaves when ~~for~~ exceptional circumstances exist. The request must be in writing to the employee's supervisor and state the reasons for and the duration of the requested leave. Such leaves of absence must be approved by the General Manager. The General Manager will take into consideration the best interests of the District and the employee when granting or denying a request for a general leave of absence, and when determining whether an approved leave of absence will be with or without pay.

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## ~~POLICY TITLE: DISABILITY LEAVE WITHOUT PAY~~

~~POLICY NUMBER: 2300~~

~~2300.10 — A leave of absence without pay may be granted on an individual basis for any legitimate medical or psychiatric disability and for other purposes in the best interest of the District, and only when an employee has exhausted vacation and/or sick leave and is no longer on protected leave status (under FMLA/CFRA/PDL).~~

~~2300.20 — A leave of absence without pay must be requested in advance in writing and may be authorized only by the General Manager. The written request must contain the anticipated length of absence, with dates, and explain the circumstances that prompted the request. A request for a leave of absence without pay for medical or psychiatric disability shall be accompanied by a note from a health care provider which verifies that the employee has a qualifying disability and verifies the employee cannot perform the essential functions of his or her job with or without accommodation. The note must also provide the anticipated date the employee can return to work. An approved leave of absence without pay will not be extended beyond the date stated in the initial written request without a further written request and approval. The employee's failure to comply with this section may result in termination of employment.~~

~~2300.30 — No benefits will accrue during any leave of absence without pay, but accrued benefits will not be lost except as otherwise provided. Employees will only accrue leave and receive benefits (including cash-in-lieu payments) on a pro rata basis based on the amount of paid time off being used by the employee if the employee is on partial paid and unpaid leave of absence.~~

~~2300.40 — During an unprotected leave of absence without pay, the employee's District-paid health benefits will end. The employee will be entitled to District health benefits at the employee's cost.~~

## **ABANDONMENT**

### **#2310**

**2310.10** An employee's failure to report to work as scheduled for three (3) consecutive workdays will be treated by the District as an employee's job abandonment resulting in her/his resignation. This does not include employees who are on authorized vacation, sick leave, bereavement leave, military leave, court leave, or other authorized leave of absence. Exceptions may also be made for emergency situations.

An unauthorized absence during part of a day constitutes an unauthorized absence for an entire day for purposes of this section.

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- 2310.20** Prior to termination, the District will attempt to contact the absent employee and/or emergency contact to determine whether the unauthorized absence is covered under a protected leave. If the District determines that the employee's absence was due to an emergency situation, the employee may be disciplined for failure to notify the District of his or her absences. An employee terminating employment in the manner described in 2310.10 will be considered to have voluntarily resigned his or her District employment.
- 2310.30** Nothing in this section shall limit the General Manager's authority to retain, discipline, or dismiss an employee due to an unauthorized absence.

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## ANNUAL PERFORMANCE EVALUATION #2320

- 2320.10** Each supervisor shall prepare a written annual performance evaluation for each employee he or she directly supervises and ~~give~~provide the employee a copy. The purpose of the evaluation is to provide an opportunity for District supervisors to meet with their employees to discuss their job performance and future development. Written evaluations shall become a permanent part of the ~~employees~~employee's personnel file.
- 2320.20** The employee's performance evaluation is confidential. During the evaluation process and any subsequent use of the evaluation materials, all verbal discussion and documentation shall be protected from unauthorized persons.
- 2320.30** The supervisor conducting the performance evaluation shall discuss the employee's job performance and provide the employee an opportunity to comment on any aspect of the evaluation.
- 2320.40** The employee shall sign the evaluation acknowledging that it has been read and the performance has been discussed with the supervisor. The employee's signature does not necessarily indicate agreement with the evaluation.
- 2320.50** The employee shall be given the opportunity to make a written response to the evaluation. An employee's written response must be received within five (5) working days after the evaluation is signed by the employee. If no response is received within five (5) working days, the performance evaluation then becomes part of the employee's personnel file with no response included.
- 2320.60** Each employee at Step 5a (or top of salary range) shall continue to receive an evaluation annually.
- 2320.70** If the employee has been under the direct supervision of more than one supervisor:
- A.** The rating shall be by both the last person to supervise the employee and by the person who supervised the employee for the longest period of time during the rating period in question.
  - B.** If the person who supervised the employee for the longest period is no longer employed in District service, such person, if available, shall be provided the opportunity to confer with the rating supervisor. If such person is not available, or declines to comment, the rating shall be made by the last supervisor and such other supervisor as may be directed by the General Manager or his/her designee.

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## SEPARATION FROM EMPLOYMENT #2330

- 2330.10**     **Discharge** - The District may dismiss anyone in its service at any time. Represented permanent employees shall be discharged pursuant to Policy 2350.
- 2330.20**     **Layoff** - If, in the judgment of the District, budgetary or operational considerations make it necessary to curtail operations, reorganize, or reduce the hours of the workforce, staffing levels will be reduced in accordance with this provision. The selection of classes or employees for layoff shall be at the sole determination of the District. The District may lay off or reduce the hours of any employee at any time for lack of work or lack of funds, or for other operational changes that have taken place. The District will attempt to give at least one week's advanced notice to the employee before such a layoff or reduction in hours is to take place, but notice is not required. Employee performance and seniority in his or her role will be considered when determining who may be subject to layoff.
- 2330.30**     **Resignation** - An employee wishing to leave the District in good standing shall provide a written statement to the District including the employee's reasons for leaving and the effective date of resignation at least 2 (two) weeks before leaving. The two-week notice may be waived, at the discretion of the District.
- 2330.40**     **Exit Interview** - An exit interview shall be conducted on every employee at the time of separation and a final written report prepared by the General Manager or designee. At the employee's request, this report shall remain confidential and be shared only with the Board and others with legitimate access to the employee's personnel file.

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## HEALTH BENEFITS

### #2335

**2335.10 Health Benefits** - The District currently provides medical benefits to eligible employees through the California Public Employees' Retirement System (CalPERS) Health Program under the Public Employees' Medical and Hospital Care Act (PEMHCA).

**2335.20 Contributions towards Health Benefits** - The District will contribute the minimum monthly amount required by PEMHCA for medical insurance benefits (PEMHCA Minimum Contribution). This amount is established annually by CalPERS and is the minimum amount the District must pay on behalf of employees for medical insurance. This contribution is required only to the extent mandated by law and only as long as the District participates in a plan regulated by PEMHCA.

**2335.30 Cafeteria Plan** - In addition to the PEMHCA Minimum Contribution, the District shall provide an additional contribution to eligible employees to offset the cost of participation in District sponsored benefits available through an IRS Section 125 cafeteria plan (Additional Contribution). Cafeteria plan payments are not eligible for cash payments.

The Additional Contributions can be used toward District-offered benefits, such as:

- Medical insurance premiums.
- Dental, Vision premiums.
- Flexible benefit plan.
- Dependent care flexible spending.

**A.** The Additional Contribution is based on the employee's medical insurance plan tier. The PEMHCA Minimum Contribution, when added to the Additional Contribution, will equal the District's total monthly contribution toward an employee's medical, dental and vision election (Total Contribution).

The District's Total Contribution as of July 1, 2022, is:

- \$1,025.00 per month for employee only coverage.
- \$1,425.00 per month for employee plus one dependent coverage.
- \$1,855.00 per month for employee plus family coverage.

**B.** The monthly allocation tiers, as described above, will continue in effect until June 30, 2025. If the premium rates for the District's Kaiser Permanente medical plan should increase for calendar year 2023, 2024, and/or 2025, the District will notify the employees during open enrollment

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and will increase the employee's monthly allocation by \$25.00 (twenty-five dollars) across each tier for upcoming coverage year(s).

**2335.40** If an employee elects medical, dental, and/or vision benefits and the total cost exceeds the District's total contribution to the Cafeteria Plan, the District will automatically deduct the excess amount on a pre-tax basis, as allowed under IRS Code, Section 125, from the employee's bi-weekly payroll.

**2335.50** **Cash-in-lieu** - Employees will have the right to receive cash each month in lieu of using the Section 125 Plan if every six (6) months such employee demonstrates to the Human Resources Manager's satisfaction that he or she has comparable, full, medical insurance through another source.

Employees hired after July 1, 2018, and any employee transferring from the Section 125 Plan to cash-in-lieu shall receive a maximum of \$300.00 per month, subject to the same medical coverage articulated above.



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## RETIREE HEALTH BENEFITS

### #2336

2336.10 Eligible employees must retire (as defined by CalPERS) from the District to be eligible for post-retirement health benefits.

2336.20 The District currently provides medical benefits through the California Public Employees' Retirement System (CalPERS) Medical Program under the Public Employees' Medical and Hospital Care Act (PEMHCA). The District will contribute the minimum monthly amount required by PEMHCA for medical insurance benefits (PEMHCA Minimum Contribution). This amount is established annually by CalPERS and is the minimum amount the District must pay on behalf of employees for medical insurance. This contribution is required only to the extent mandated by law and only as long as the District participates in a plan regulated by PEMHCA.

### 2336.30 **Additional Contribution Amounts**

A. Retirees and employees hired prior to 2013, will continue to receive up to \$1150.00 per month for retiree medical benefits. Retirees will receive the PEMHCA Minimum Contribution through CalPERS. The difference will be paid by the retiree, and then reimbursed to retirees by the District or a third-party administrator.

B. Employees hired between 2013 through June 30, 2016, receive up to \$1150.00 per month for retiree medical benefits until the retiree reaches Medicare eligibility. At that time, the retiree will receive up to \$400.00 per month for reimbursement for supplemental medical insurance coverage. Retirees will receive the PEMHCA Minimum Contribution through CalPERS. The difference will be paid by the retiree, and then reimbursed to retirees by the District or a third-party administrator.

C. Employees hired after July 1, 2016, must have worked for the District as a regular, full-time employee for a minimum of ten (10) years to be eligible for the retiree program. Retirees will receive up to \$1150.00 per month for retiree medical benefits until the retiree reaches the age of Medicare eligibility. At that time, the retiree will receive up to \$400.00 per month for reimbursement for supplemental health insurance coverage. Retirees will receive the PEMHCA Minimum Contribution through CalPERS. The difference will be paid by the retiree, and then reimbursed to retirees by the District or a third-party administrator.

2336.40 The medical reimbursement amount will be reduced by the CalPERS-required employer portion of the premium if the employee purchases insurance through the CalPERS plan and the PEMCHA amount will change each year based on CalPERS rules.

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**2336.50** The retiree medical reimbursement benefit paid to retirees shall not exceed the actual premiums paid for medical coverage. Retirees shall furnish to the District or 3rd party administrator proof of coverage and payment as required to establish eligibility under this section.

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## EMPLOYEE REFERENCE #2340

**2340.10** Any request for an employment reference received by a District employee shall be immediately forwarded to the Human Resources Manager.

The Human Resources Manager shall disclose only: (1) date of hire; (2) last date of employment; and (3) the position last held by the employee. If the employee or former employee provides a waiver instructing the District to release additional information, said information will be released within the context of the waiver provided.

No employee besides the Human Resources Manager or the General Manager is authorized to provide references on behalf of another current or former employee.

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## TRIP, TRAVEL, AND REIMBURSEMENT POLICY #2345

### 2345.10 General Statement

The District reimburses trip and travel related expenses under an accountable plan. The Internal Revenue Service (IRS) allows nontaxable reimbursement of actual expenses when an employee incurs costs, which would otherwise be a deductible business expense and the following requirements are met (IRS Publication 535):

- The expense has a (District) business connection, and
- The employee adequately accounts for the expenses within a reasonable period of time; and
- The employee returns any excess advance reimbursement or allowance within a reasonable time.

Federal Per Diem limits will apply to ALL trips and travel, for ALL Departments, and for ALL employees, unless otherwise defined herein.

In accordance with California Government Code section 53232.2, Board of Directors' reimbursement for District trip and travel related expenses shall be as set forth in this policy. Wherever this policy refers to "employees" such reference shall also be deemed to include the District's Board of Directors.

### 2345.20 Definitions

- A. Travel. Defined in accordance with IRS requirements (IRS Publication 15B):
  1. An employee's duties require the employee to be away from the general area of the employee's tax home, and,
  2. The employee needs to sleep or rest to meet the demands of the employee's work.
- B. Trip. A trip is of one day duration within or outside El Dorado County involving no overnight accommodations. A trip shall be authorized by the Department Head or his or her designee.
- C. Accounting for Expenses. Adequate accounting of expenses is performed by providing evidence of expenses, such detailed receipts of meals, a map printout of distance traveled, agendas, etc.
- D. Reasonable Period of Time. 30 days. Or 15 days in the event that the employee's reimbursement would fall within a prior fiscal year.

### 2345.30 Travel

Travel should be approved only on the basis of one or more of the following guidelines:

- A. Conferences or conventions at which attendance by an employee is required by law or regulation.
- B. Professional association(s) events.

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- C. Conferences or conventions as approved in the annual budget, by formal Board action, or on occasion by the General Manager.
- D. Meetings or conferences required in the implementation or administration of new or ongoing programs may be approved as necessary.
- E. Training or in-service sessions requiring more than a day trip. Travel requests requiring approval of the General Manager, and all per diem advances, will be submitted five (5) weeks before travel is to occur. An agenda or other information indicating the value of travel shall accompany the travel request.
- F. Out of Region Travel. Requests made for out of region travel must include an analysis of the availability for comparable non-out-of-region travel. Such an analysis shall consider: attendance as a key representative of the District; representative of the conference association; attending as a presenter/speaker; professional association certification upkeep, when such upkeep cannot be performed in the region; training which is unavailable within the region on a regular/recurring basis or which cannot be conducted remotely (e.g., webinar; remote conference attendance; on-demand).

## 2345.40 Mode of Transportation

For all trips and travel, the most economically feasible mode of transportation shall be taken. Should an alternative mode of transportation be taken, any District reimbursement shall be limited to the value of the most economical mode of travel. When unclear, such determination shall be made by the General Manager or his/her designee.

When available, District-owned automobiles should be used for trips and travel, but the use of personal vehicles may also be authorized when appropriate; provided, further that a Department Head or his or her designee may authorize a different mode of transportation if determined in his or her discretion to be necessary or appropriate.

Mileage Reimbursement is available for personal vehicle use on a business-related trip or travel. Except for employees that receive an auto allowance, an employee who utilizes his or her personal vehicle for District business shall be reimbursed at the mileage rate as determined by IRS Regulations for the distance traveled from the employee's primary District office location to and from the destination, or the employee's home to and from the destination, whichever is shorter. A MapQuest, Google Map, or other online mapping program printout is required to be provided with the related expense report to verify the distance traveled. Employees with an auto allowance that travel for District business may seek mileage reimbursement and/or alternative modes of transportation when that two-way travel distance will be greater than 100 miles.

Damages to an employee's personal vehicle shall be covered by the employee's insurance. If the employee has a deductible type policy, the employee shall

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assume this liability while used on District business, just as the employee would while driving on personal business.

Other forms of transportation such as trains, buses and airplanes may be used as long as they are approved by the Department Head or his or her designee and supported by ticket stubs and/or receipts. Reimbursement for airplane fares shall be no greater than the coach rate and the taxes/fees associated thereof.

## **2345.50** Lodging

In all travel, employees on District-approved travel are expected to secure overnight accommodations and meals as economically as possible, within the standard appropriate for business travel. The need for lodging is at the discretion of the Board of Directors, General Manager or Department Head, as applicable for the person(s) travelling.

Allowance for lodging is actual cost, when cost is reasonable for the location, and is consistent with government and/or conference rates, and must be supported by a receipt and travel request. Where no conference rate is available, U.S. General Services Administration (GSA) per diem for lodging will apply where such cost is reasonable for the location (see: <https://www.gsa.gov/travel/planbook/per-diem-rates/per-diem-rates-lookup>). In no case will expenditure or reimbursement be made where the cost exceeds two times the per diem as set by the GSA, unless approved by the General Manager or his/her designee. Lodging in excess of the aforementioned parameters will be the responsibility of the employee.

Single rates prevail except when the room is occupied by more than one employee. Single rates, if different than double rates, must be shown in some manner on the lodging receipt. Conference rates will be accepted with proper documentation. An employee or person in the service of the District who is accompanied by a family member, friend, or guest of any type is responsible for the difference between the single room rate and a double room rate, or any other variation of accommodations.

Hotel/Motel Transient Occupancy Tax Waiver Exemption Certificates should be used by all departments during the hotel/motel registration process. The District is a governmental agency and, as such, may qualify for and receive this Transient Occupancy Tax Exemption if the hotel/motel will accept it. Departments are responsible for filing this form for each room at each hotel. In most instances, a hotel/motel will have a separate government or conference rate that should be utilized. If unable to obtain those rates, the Department Head must approve other rates.

## **2345.60** Per Diem or Actual Cost

**A.** For trips, actual cost or the maximum allowable set by the GSA meals and incidental expenses breakdown, whichever is lesser, shall be used.

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- B. For travel, Federal (GSA) Per Diem for all days traveled, or day of travel (75%), allowance is ~~reimburseable~~ reimbursable on a total day meal expenditure, not on a per meal basis, up to the maximum allowable or the amount spent, whichever is lesser shall be used.

2345.70

## Meals

### A. Meals Generally

Meals in conjunction with trips will be reimbursed in accordance with IRS regulations (IRS Publication 535). The IRS allows for meal reimbursement during travel-qualified occurrences, and for trips if:

1. There is a clear business purpose and the main purpose of the meeting was to conduct business, or
2. The meal is associated with the active conduct of your business, and
3. The meal took place before or after a substantial business discussion
4. Supporting documentation must include a detailed receipt for meal, attendees and a brief description of the purpose of the meeting. To be reimbursed, the employee must complete a claim form, which will be provided or approved by District Administration and Finance Department.

Note: These meals are allowed as an entertainment business expense. This means meals where only the employee is present would not meet business expense exemptions and are therefore not reimbursable under this policy.

Meals for all employees during emergency situations will be approved as justified by the Department Head or his or her designee. Meals will be reimbursed when a detailed receipt is provided.

Meals may be reimbursed during a trip when Board Directors or employees are required to attend a breakfast, lunch or dinner meeting within the District and for the benefit of the District. District facilities should be used for meetings whenever possible and during regular working hours in lieu of meetings where meals are served. It is recognized that some after-hours meetings are necessary where schedules conflict, and that some meetings are of a sensitive nature and material that are best suited to occur away from District facilities.

All expenditures and reimbursements for meals described above will adhere to the limits established within the GSA Meals & Incidentals Breakdown (found at [GSA.gov](http://GSA.gov)). When multiple employees of the District are together for a qualified meal, the employee with the highest organizational chart status will be responsible for conducting the transaction with their CalCard.

### B. District-Hosted Affairs

Whenever District Administrators/Administration or any of its Board of Directors or Department Head(s) or his or her designees acts as a host for a convention, continuing education, conference, or meeting that will be of benefit to the District, the expenses of the luncheon or dinner held in

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conjunction therewith, including meals of duly authorized delegates or representatives thereto, may be paid upon presentation of claims therefor. Detailed receipts are necessary for the meal along with written information about the meetings purpose and a list of attendees. In all cases, a sign-in sheet or list of attendees shall be provided.

**C. Special Committees**

Special and ad hoc committees created and appointed by the Board of Directors may be reimbursed for actual expenses when permitted by law.

**D. Governance and Administration of District Meetings**

Special meetings related to the overall governance and administration of the District are conducted by the governing body and/or the General Manager. Such meetings may, from time to time, and at regular intervals, occur outside of formal conferences, conventions, or training. Such special governance and administration meetings will qualify for expenses and/or reimbursement, as applicable with California Government Code section 53232.1 (b):

**2345.80 Governing Body Members**

Notwithstanding any other provision of this policy to the contrary, a member of a governing body as defined in California Government Code section 53232, subdivision (a), shall submit reports and shall provide detailed receipts that document each claimed expense, and each such member shall otherwise comply with every applicable provision of Article 2.3 of Chapter 2 of Part 1 of Division 2 of Title 5 of the California Government Code (commencing with Section 53232 thereof) regarding claiming reimbursement for, or requesting advance payments for, actual and necessary expenses incurred in the performance of the official's duties.

**2345.90 Unallowable Reimbursement**

An employee may not claim a reimbursement for any meal which is provided as part of the registration or conference expense. Exceptions to this may be approved by the Department Head or his or her designee but should be infrequent, and must be supported in writing by the Department Head or his or her designee justifying the reason the provided meal was not utilized. Departments who frequently use this exception may be required to obtain General Manager approval. Continental breakfasts provided at hotels or motels as a part of the cost of attendance are not considered a meal, and an employee may receive reimbursement for the cost of a breakfast meal notwithstanding the availability of the complimentary breakfast. No reimbursement will be made for alcoholic beverages.

Taxable meals must be paid through payroll. Nontaxable meals must be paid through accounts payable. Because the taxability cannot be determined until after the meal has occurred and because advances cannot be made through payroll, no advances will be made for meals in conjunction with trips.

**2345.100 Miscellaneous Trip Expense**



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The following items may also be claimed for reimbursement, if incurred in the performance of District business and if supported by ticket stubs and/or receipts:

- Registration/conference/continuing education fees and dues
- Hotel parking
- Ferry
- Shuttle buses and taxi fare, including alternative taxiing such as Uber/Lyft (when available)
- Internet – Only District business
- Airport parking
- Business telephone calls when no other District phone or free-of-charge method is available

## **2345.110 Trip and Travel Budget Limitations**

Trip and travel expenses are charged to the Department/Budget Unit “Mileage & Travel” budget, except as follows:

- The expense is directly related to training, then the charges will be applied to the “Training” budget or,
- The expense is directly related to elected officials of the District, then the expense will be applied to “Directors Expense”.

Departments may not exceed their trip or travel authorization in any fiscal year. If an unanticipated trip or travel requirement will result in an over expenditure in this line item, the trip or travel must be approved by the General Manager in advance and an appropriation adjustment processed.

## **2345.120 Reimbursement**

To be reimbursed for any of the ~~above-mentioned~~[above-mentioned](#) allowable expenses, the employee must complete a claim form provided or approved by the Administration and Finance Department.

Statement on the claim form shall include the purpose of travel; dates of travel; itinerary/agenda; all applicable receipts.

## **2345.130 Advances**

Advances will be permitted as follows:

- Advances will not be given more than five (5) working days prior to the travel.
- If travel is cancelled, any advanced Per Diem will be returned to the Administration and Finance Department within three (3) working days of such cancellation.
- All advances, except for the meals and incidentals per diem, must be reconciled within two (2) weeks of the return of the traveler.

## **2345.140 Non-accountable Stipend**

Any meal reimbursement not meeting the criteria outlined above will be reimbursed through payroll as a taxable meal stipend. These meals will be reimbursed at the Federal Per Diem meal rates, as defined by the GSA, and will

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be taxed accordingly as required by the IRS and the State of California. All taxable meal stipends are paid through payroll, after expenses have been incurred. *Adopted: February 08, 2018*

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## DISCIPLINARY ACTION #2350

- 2350.10** It is the District's intent to openly communicate its standards of conduct to all employees as a means of avoiding undesirable conduct. The discipline and counseling procedures set forth in this section and as further outlined in Prohibited Conduct section (see Policy 2530) represent guidelines that the District believes are generally appropriate to govern employee conduct. The District retains discretion to determine what constitutes proper disciplinary action and the procedure for implementing the disciplinary action in each individual situation. These guidelines do not guarantee that any particular procedure will be used or that any particular disciplinary action will be taken. The appropriate level of discipline will be determined on a case-by-case basis.
- 2350.20** **Initiation of Disciplinary Action** - Disciplinary action, up to and including dismissal, may be initiated by the General Manager upon his or her own initiative, or upon the written recommendation to the General Manager by the employee's supervisor.
- 2350.30** **Causes for Disciplinary Action** - The District reserves the right to discipline or dismiss an employee for just cause, misconduct, or unsatisfactory performance. The illustrations of unacceptable conduct cited below are to alert employees to some commonplace types of employment conduct violations. However, because conditions of human conduct are unpredictable, no attempt has been made to establish a complete list. Employees may be disciplined up to and including dismissal for any unacceptable conduct or poor job performance, including but not limited to the following:
- A. Misconduct**
1. Fraud in securing employment.
  2. Inexcusable neglect of duty.
  3. Insubordination or willful disobedience.
  4. Dishonesty.
  5. Use, possession, or being under the influence of alcohol or illegal drugs (including marijuana) while on duty or on District premises.
  6. Inexcusable absences without leave, or abuse of sick leave or other privileges.
  7. Conducting personal business during working hours.
  8. Conviction of a crime relevant to employment.
  9. Discourteous treatment of the public or other employees.
  10. Negligence or willful misconduct that has caused damage to public property or public supplies.
  11. Unauthorized use of District property or equipment.
  12. Absence without leave, or failure to report to work after an approved leave of absence has expired, or after such leave has been revoked or canceled by the General Manager.

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13. 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.
14. Repetition of offenses.
15. Theft.
16. Falsifying records.
17. Unbecoming behavior such as fighting or threatening members of the public or other employees.

**B. Poor Job Performance**

1. Incompetence and/or inefficiency.
2. 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.
3. Failure to satisfactorily perform job tasks or responsibilities.

**2350.40** Prior to Disciplinary Action - Depending on the nature of the conduct or the performance deficiency, the District will generally give an employee a verbal reprimand, which is corrective and is non-disciplinary in nature, prior to taking formal disciplinary action. A verbal reprimand is encouraged but is not required before issuing formal disciplinary action.

A verbal reprimand is a formal discussion with an employee concerning the employee's job performance or conduct. The supervisor should warn the employee that formal discipline will result if unacceptable job performance is not improved, or conduct is not corrected.

**2350.50 Types of Formal Disciplinary Action**

- A.** Written reprimand - A formal written document outlining specific job performance or conduct problems, including a warning of more severe discipline if the unacceptable job performance is not improved or the conduct is not corrected. A written reprimand should be prepared by the employee's supervisor whenever a verbal reprimand is considered inappropriate to correct below standard job performance or misconduct, or a verbal reprimand has already been provided. The written reprimand should be provided to the employee with a copy placed in the employee's personnel file. The employee shall be permitted to submit a written response within five (5) working days following receipt of the written reprimand which will also be included in the employee's personnel file.
- B.** Suspension - A District mandated leave of absence without pay.
- C.** Demotion - A change in job classification to a lower job, salary, or salary range.
- D.** Dismissal - The involuntary termination of District employment.

**2350.60** Pre-Disciplinary Procedures – (Note: This section does not apply to at-will, probationary, temporary, limited-term, or seasonal employees.) Before a District

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employee is demoted, suspended without pay, or dismissed from his or her District employment, the employee's supervisor shall provide the employee with the following:

- A. Written notice of the proposed disciplinary action (demotion, suspension without pay, or dismissal).
- B. Reasons for the proposed disciplinary action.
- C. The specific policy, rule, or regulation which the employee is alleged to have violated and the factual basis for the violation.
- D. All documents and materials upon which the proposed disciplinary action is based.
- E. 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 proposed disciplinary action is received.
- F. Notice that if there is a Skelly meeting, the employee is entitled to be represented by a person of his or her choice.
- G. 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.

**2350.70**     **Skelly Meeting** (*If requested*) - The 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.

**2350.80**     **Skelly Decision** - 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 shall also be provided to the Human Resources Manager and the General Manager.

**2350.90**     **Post-Skelly Final Notice** - Within three (3) working days after receiving the Skelly Officer's final decision, 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.

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The final notice of disciplinary action shall include the following:

- A.** The disciplinary action taken;
- B.** The effective date of the disciplinary action;
- C.** Specific charges upon which the action is based (i.e., the policy, rule, or regulation which has been violated);
- D.** A summary of the facts upon which the charges are based;
- E.** The written materials, reports, and documents upon which the disciplinary action is based; and
- F.** The employee's right to submit a grievance.

The employee may object to the imposed disciplinary action by filing a grievance and following the procedures set forth in Policy Number 2360 of this Personnel Policy Guide.

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## GRIEVANCE PROCEDURE #2360

- 2360.10** **Purpose** - The purpose of the grievance procedure is to allow all employees to voice job-related complaints and/or alleged violations of the Personnel Policy Guidelines and/or any collective bargaining agreement, and to have them considered fairly by the District. The procedures outlined are intended to meet that objective.
- 2360.20** **Definition** - A grievance is a claimed violation, misinterpretation, inequitable application, or non-compliance with existing District rules, regulations, and policies. This procedure shall not apply to employee discipline.
- 2360.30** The following policies and procedures shall be adhered to in processing all grievances:
- A.** No employee may contact, directly or indirectly, any individual member of the Board at any time regarding a grievance that is being processed.
  - B.** The employee may select a representative of his or her choice to assist in processing a grievance.
  - C.** The District will not retaliate or take punitive action against an employee for utilizing the grievance procedure.
- 2360.40** **Timing to Submit a Formal Grievance** - All grievances must be submitted to the grievant's Department Head within thirty (30) calendar days after the date on which the employee knew or could be expected to know of the event or action giving rise to the grievance. Grievances will be denied if they are untimely filed.
- 2360.50** **Informal Grievance Procedure** – Informal resolution of grievances at the lowest possible level is an objective of the District. Therefore, before commencing the formal grievance procedure, an employee should first attempt to resolve the alleged grievance informally with his or her supervisor. If the matter is not satisfactorily resolved, then the employee may submit a formal grievance to the Department Head. Please note that informal attempts to resolve the grievance shall not extend time limits including the initial 30-day submission deadline as provided in Policy 2360.40.
- 2360.60** **Formal Grievance Procedures** - The employee shall submit to the Department Head a written statement outlining the grievance, giving the date of the event giving rise to the grievance, the policy, rule or regulation alleged to have been violated, the names of individuals involved, and any other pertinent information that may be necessary to arrive at a full understanding. After submission of the grievance statement, the Department Head shall reply within ten (10) working days in writing to the employee as to whether the grievance is granted, denied, or granted in part. The Department Head shall also provide the supervisor with a written copy of his or her response.

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- 2360.70** If the employee thinks the grievance is not satisfactorily resolved by the Department Head, he or she then has ten (10) working days from the date of the Department Head's response to file a written appeal to the General Manager outlining his or her grievance. Upon receiving the appeal, the General Manager shall determine whether a meeting with the employee is necessary to fully understand the employee's grievance. If the General Manager determines that a meeting is not necessary, then the General Manager shall reply within ten (10) working days in writing to the employee as to whether the grievance is granted, denied, or granted in part. If the General Manager determines that a meeting is necessary, then the meeting shall be held within ten (10) working days from the date of the employee's appeal. After the meeting, the General Manager shall reply to the employee within ten (10) working days in writing as to whether the grievance is granted, denied, or granted in part.
- 2360.80** If the appeal is not resolved to the satisfaction of the employee, he or she has 10 working days in which to file a written request with the General Manager for a hearing before an impartial arbitrator through the California Mediation and Conciliation Service or through a mutually agreeable third-party hearing officer. The District and the employee shall split the cost of the arbitrator (or hearing officer) and the hearing shall be held within sixty calendar (60) days or as soon as possible thereafter depending on the parties, the arbitrator/hearing officer, and the witnesses' availability. During the hearing, the parties shall be allowed to call witnesses and present evidence pertinent to the grievance. The employee may be represented during the hearing but shall bear the full cost of such representation. The arbitrator shall prepare a written record and advisory decision within thirty calendar (30) days after the hearing that includes findings of fact and conclusions of law. The arbitrator's advisory decision shall be submitted to the Board at the next regularly scheduled Board meeting in closed session. The Board shall review the arbitrator's decision and within fourteen (14) calendar days make a determination as to whether it will accept or reject the arbitrator's decision. If the majority of the Board accepts the decision, then the Board will issue a decision stating they accept the arbitrator's decision. If the majority of the Board rejects the decision, it shall review the record and shall prepare, with the assistance of legal counsel, its own decision with findings of fact and conclusions of law.
- 2360.90** The majority decision of the Board shall be final.
- 2360.100** **Time Limits for Processing Grievances** - Failure to process a grievance within the time limits set forth in this policy or MOU for represented employees, shall cause the grievance to be deemed settled in accordance with the last response; however, a time limit may be extended by mutual consent in writing should the parties find there is good cause to do so.



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The General Manager also may agree to allow the employee to skip steps in the formal grievance procedure if he or she believes it is in the best interest of the District to do so.

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## DISTRICT EQUIPMENT AND VEHICLES #2370

- 2370.10** **Use of District Equipment and Facilities** - The District provides keys, equipment, tools, supplies, and facilities for the exclusive use of employees in the performance of their work duties. Use of District keys, equipment, tools, supplies, and facilities by employees for personal reasons, personal benefits, or personal convenience is strictly prohibited. Violation of this policy is sufficient grounds for disciplinary action.
- 2370.20** **Return of District Equipment** - The employee and District agree that upon separation from employment, the employee will return all District property in his or her possession on his or her last day of work.
- 2370.30** **Use of District Vehicles** - The District provides vehicles for employees to use solely in the performance of their work duties. All District vehicles will remain on District premises after normal working hours unless they are being used for standby or emergency purposes or other use as authorized by the General Manager.
- 2370.40** The General Manager shall have the authority to make temporary assignments of vehicles, when it is necessary for the operation of the District.
- 2370.50** No employee shall utilize District vehicles for any use other than District business. No one except employees and authorized persons shall be in a District vehicle at any time.
- 2370.60** Employees must operate District vehicles in a courteous and safe manner. Before operating a District vehicle, the employee must possess a valid California driver's license and shall adhere to the California Vehicle Code. The District will review the driving record of each employee authorized to use District vehicles annually or more often as necessary. An employee's unfavorable driving record or any unfavorable insurance rating can result in termination of employment if driving is one of the employee's essential job duties. If an employee's driver's license expires or is suspended and such employee uses a District vehicle or drives as part of their job duties, the employee should immediately notify the District.

Employees operating District vehicles and equipment are responsible for preventive maintenance and for requesting required maintenance. District vehicles are to be used on District business whenever possible. When District vehicles are not available, private vehicles may be used, if authorized, with reimbursement at the current per mile rate authorized by the United States Internal Revenue Service.

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## MISCELLANEOUS #2380

- 2380.10**     **Conflict of Interest** - No employee shall engage in any employment, activity, or enterprise that is clearly inconsistent, incompatible, or in conflict with his or her duties as a District employee, or the duties, functions, or responsibility of the District.
- 2380.20**     **Incurred Expenses and Reimbursements** - The District will pay actual and reasonable business-related expenses incurred by employees in the performance of their job responsibilities. Such expenses should be pre-approved by the employee's supervisor or the General Manager.
- 2380.30**     Expense reports are to be submitted to their manager or Department Head and supported by proof of purchase or expense (i.e., a receipt).
- 2380.40**     **Media Contacts** - The General Manager or designee and/or Board shall handle all contacts with the media. Unless otherwise instructed, employees shall channel any media requests through the General Manager for approval before granting interviews or disseminating information regarding the District.
- 2380.50**     **Mileage Reimbursement** - With approval of the General Manager, employees may use their personal vehicles for business related reasons only if there is no District vehicle available to the employee. Employees using their own vehicles shall be reimbursed at the current per mile rate authorized by the United States Internal Revenue Service. All employees assume liability for the use of their personal vehicles in work-related travel to the extent of the coverage under their respective insurance policies. The employees must possess a valid California driver's license, a good driving record, and must provide proof of insurance if the employee is using his or her personal vehicle for business travel.
- 2380.60**     **Outside Employment Policy** - While not encouraged, it is the policy of the District to allow employees the ability to hold secondary positions outside their District employment. However, it is reasonable that the District not approve outside employment if such employment may have a detrimental effect on the District's business operations or if that the work is incompatible or poses a conflict with the employee's position with the District. The employee shall notify the District if he or she is engaging in secondary employment.
- A.**     **Annual Form Completed by Employee** - Employees must complete an annual "Authorization for Outside Employment" form available from the Human Resources Manager. The form is designed to ensure employees are aware of and agree with the conditions listed below. The form must be completed and submitted to the employees' supervisor for approval on an annual basis. It is the employee's responsibility to complete the form annually and submit it to their Department Head. Department Heads are

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expected to thoroughly consider any employee's request and to act upon such requests in a timely manner. Outside employment must be reviewed with the employee and approved annually.

- B. Appeal Process - Any employee may appeal a denied authorization for outside employment in writing to the General Manager. The General Manager will give reasonable consideration to the appeal. The General Manager's decision to authorize or deny the request for Authorization for Outside Employment is final.
- C. Conditions for Outside Employment - Employees may engage in outside employment provided that:
  1. The employment does not conflict with the employee's work schedules, duties, and responsibilities;
  2. The employment does not create a conflict of interest or incompatibility with District employment (e.g., an employee working for a vendor that the employee also purchases goods and services from in their capacity as a District employee);
  3. The employment does not create a detrimental effect upon the employee's work performance with the District;
  4. The employee does not conduct outside business during hours of employment with the District;
  5. The employee does not use District property, premises, facilities, equipment, or supplies for their outside employment;
  6. The District is in no way responsible for the employee's outside employment;
  7. Written approval based on above conditions 1-6, is obtained in advance from the employee's Department Manager; and
  8. The employment will not be with any District Board member, manager, supervisor, or Department Head of the District.

Self-employment is considered outside employment and must meet the same conditions as other outside employment, with the addition of the restriction that the employment does not involve ownership of a private business that is incompatible with the employee's position with the District.

**2380.70** Personnel Files - Employees will have access to their personnel file upon request (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. It is each employee's responsibility to ensure that all information in the file regarding the employee's name, address, telephone number, and emergency contact is correct. Any change must be reported to the supervisor and Human Resources Manager immediately.

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- 2380.80**     **Personal Use of Office Equipment and Supplies** - The District's supplies, copy services, and postage meter are for the District's business and should not be used for personal use.
- 2380.90**     **Personal Phone Calls** - Employees are to conduct personal business on their own time. Personal telephone calls during business hours, both incoming and outgoing, should be confined to those that are absolutely necessary and should be kept short. Employees should not use District office phones for personal long-distance telephone calls and may be charged for doing so.
- 2380.100**    **Political Activity** - As an employee of the District, you should not take an active part in any political campaign during work hours or use his or her title or position with the District in connection with any political activity at any time including the election of District officials. This provision does not in any way deny you the right and privilege to express your private opinions, seek a public office, or cast your vote as you see fit.
- 2380.110**    **Serving the Public** - All employees shall conduct themselves in a professional manner that will reflect well on the District. During the performance of your duties with the District you will meet some people who, for one reason or another, will show very little respect for you or the manner in which the District is operated. These people, however, constitute a very small part of the District and you will be expected to be helpful, maintain good manners, and be courteous in all dealings with the public and fellow employees.
- 2380.120**    **Business During Works Hours** - As a District employee, you are expected to conduct District business during work hours and conduct your personal business when off duty.
- 2380.130**    **Smoking** - Smoking is strictly prohibited inside any District building or other enclosed area. For the purpose of this policy, "enclosed area" means an area closed in by a roof and walls with appropriate openings for ingress and egress; this also includes District vehicles. For purpose of this policy, "smoking" shall mean the inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, or pipe, or any other lighted tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device (e-cigarettes) that creates an aerosol or vapor.

Smoking within 20 feet of main entrances, exits, and operable windows of any District building is also prohibited.

Smoking within 25 feet of District park playgrounds or sandboxes is also prohibited.

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Employees are also not allowed to smoke during work hours and may only do so on designated meal and rest breaks subject to the parameters above.

**2380.140** **Cell Phone Use While Driving** - In the interest of the safety of our employees and other drivers, if your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device. Unless using a hands-free device, under no circumstances should employees place or receive phone calls while operating a motor vehicle or while driving on District business and/or District time. This includes texting. Any citations for cell phone violations shall be the employee's responsibility. Drivers under the age of 18 may not use any type of cell phone device while driving.

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## EMPLOYEE USE OF DISTRICT SERVICES #2390

- 2390.10** The District places a high importance on the health and wellness of its employees and highly encourages all employees to seek recreation opportunities for themselves and their families in order to maintain and improve their physical, emotional, and mental well-being. For the purposes of this policy, the term “employee” shall include elected members of the Board, regular part-time, and regular full-time employees.
- 2390.20** The District and its constituents will directly benefit through the employment of staff who maintain a well-rounded recreational lifestyle and maintain a positive attitude and understanding of the value of the services provided by the District to the community.
- 2390.30** A healthy employee is less likely to experience health related absences and is more likely to maintain a positive and productive relationship with other employees.
- 2390.40** In order to foster health and wellness related activity by its staff, the District will establish an incentive program by encouraging regular employees and their families to participate in District sponsored recreation programs.
- 2390.50** The General Manager is authorized to review District recreation services which could provide improved morale, harmony in the workplace, better efficiency, and generally greater health and wellness of employees, and is further authorized to establish opportunities through fee discounts, scheduling, and when not a deterrent to work requirements, time off to participate in District events and activities.
- 2390.60** Employees are encouraged to provide constructive feedback to the District on opportunities to improve the quality and efficiency of District services.
- 2390.70** Program services are to be promoted to all employees to assure full awareness of its availability.
- 2390.80** At no time shall an employee receive priority over a resident who is paying full cost of service nor should the District subsidize the direct costs of an employee’s participation.

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## TUITION REIMBURSEMENT #2400

- 2400.10** **Employee Requested Courses** - This section will apply only to courses requested by the employee in accordance with the criteria set forth below and submitted in writing with a fee schedule from the institution.
- 2400.20** **Requirements for Reimbursement of Tuition** - The requesting employee must be and have been in a regular full-time or regular part-time position in the District for at least two (2) years prior to the start of the course in question.
- A.** The subject matter of the course must be directly related to the employee's present position or an allocated position within the District.
  - B.** The employee's attendance at the course will not interfere with the employee's normal duties, responsibilities, or work hours.
  - C.** The employee agrees in writing to repay the District, upon termination of employment, any tuition reimbursement received from the District within a twelve (12) month period prior to the employee's termination.
  - D.** Requests for reimbursement must be submitted to the District and approved prior to the commencement of the course in question.
  - E.** Applications received by April 30 of each year will be considered for next Fiscal Year's funding and will be reviewed and approved by a committee of Department Heads.
  - F.** Approval of tuition reimbursement for one (1) year does not guarantee approval for additional years.
- 2400.30** In order for requests to be granted, funds for tuition reimbursement must be designated and available for that purpose in the District budget.
- A.** Reimbursement may be available at the rate of up to one hundred percent (100%) of actual costs of the tuition fees not to exceed two thousand dollars (\$2,000.00) per employee per year. (This does not include books, documents, other materials, mileage, travel costs, or other incidental expenses incurred by the employee.)
  - B.** The District may limit its reimbursement to the actual amount not funded by some other source (e.g., scholarships, grants, waivers, etc.).
  - C.** To be eligible for tuition reimbursement, the employee must present satisfactory proof of a minimum final GPA of 2.0 or equivalent passing grade for the approved course and of the amount of tuition paid by the employee.
- 2400.40** **District Required Training** - Education or training required by the District as a condition of continued employment in the employee's present position shall be reimbursable at one hundred percent (100%) or paid directly by the District and shall take place on District time if possible.



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## FAMILY MEDICAL LEAVE #2410

**2410.10** California’s California Family Rights Act (“CFRA”) and the Family Medical Leave Act (“FMLA”) provide up to twelve (12) workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- You have been employed with the District for a total of at least twelve (12) months prior to the commencement of leave. The twelve (12) months of employment must have accumulated within the previous seven (7) years (certain exceptions apply); and
- You have worked at least 1,250 hours during the previous twelve (12) month period before the need for leave.

Employees disabled due to pregnancy, childbirth, or related medical conditions are immediately eligible for Pregnancy Disability Leave (PDL) leave.

**Family Medical Leave may be taken for one or more of the following reasons:**

- ~~The birth of your child, or placement of a child with you for adoption or foster care (FMLA/CFRA);~~
- ~~Incapacity due to pregnancy, prenatal medical care or child birth (FMLA/PDL only);~~
- ~~Your serious health condition that makes you unable to perform your job (FMLA/CFRA);~~
- ~~To care for your spouse, child, or parent who has a serious health condition (FMLA/CFRA); and/or~~

<del>• To care for your spouse, registered domestic partner, parent, minor child, adult child, child of a domestic partner, grandparent, grandchild, or sibling (CFRA only).</del> REASONS FOR LEAVE		CFRA	FMLA	Both
• <u>To care for or bond with:</u>	• <u>An employee’s newborn child or newly place foster or adopted child.</u>			X
	• <u>A domestic partner’s newborn child or newly placed foster or adopted child.</u>	X		
• <u>To care for a family member with a serious health condition who is the employee’s:</u>	• <u>Spouse, parent<sup>1</sup> or child under age 18, or age 18 or older who is incapable of self-care.</u>			X
	• <u>A domestic partner, child or registered domestic partner’s child of any age, sibling, grandparent, or grandchild.</u>	X		

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<ul style="list-style-type: none"> <li>To care for a “designated person” with a serious health condition (limited to one “designated person” in a 12-month period):</li> </ul>	<ul style="list-style-type: none"> <li>An individual, other than those listed as a family member above, who is related by blood or whose association with the employee is the equivalent of a family relationship.</li> </ul>	X		
<ul style="list-style-type: none"> <li>The employee’s own serious health condition that makes the employee unable to perform their job, excluding leave for the medical disability related to pregnancy and birth.</li> </ul>				X
<ul style="list-style-type: none"> <li>The employee’s own medical disability related to pregnancy and birth.</li> </ul>			X	
<ul style="list-style-type: none"> <li>A qualifying military exigency related to the covered active duty or call to covered active duty of an employee’s spouse<sup>2</sup>, parent or child in the United States armed forces.</li> </ul>				X
<ul style="list-style-type: none"> <li>Military caregiver leave for a service member with a serious health condition who is the employee’s spouse, child, parent or next of kin.*</li> </ul>			X	

<sup>1</sup> Under the CFRA definition of family member includes care for a parent-in-law.

<sup>2</sup> Under CFRA it can also be a domestic partner.

For additional information about eligibility for family/medical leave, please contact the Human Resources Manager.

## 2410.20 **Military Leave Entitlements**

- A. Eligible employees whose spouse, registered domestic partner, ~~son~~, ~~daughter~~ child, or parent is on covered active duty or called to covered active duty status may use their 12-week leave entitlement for certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- B. Eligible employees may also take a special leave entitlement of up to twenty-six (26) weeks of leave during a single 12-month period to care for a covered service member. The employee may take FMLA/CFRA for 12 weeks if the care provider is eligible for both, followed by 14 weeks of (FMLA only), or 26 weeks of FMLA (only if leave is not CFRA covered leave). A covered service member is either:
  - 1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment,

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2. recuperation or therapy, is in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or  
A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

*\*Note: ~~that~~ The FMLA definitions of "serious injury or illness" for current service members and veterans is different from the FMLA definition of "serious health condition."*

**2410.30 Calculating the 12-Month Period** - For purposes of calculating the 12-month period during which 12 weeks of family and medical leave or qualifying exigency leaves may be taken, the District uses the rolling 12-month period. A rolling 12-month period is measured backwards from the date an employee uses FMLA leave (i.e., each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 months).

For example, an eligible employee requests two weeks of FMLA leave to begin on November 1st. The employer looks back 12 months (from November 1st back to the previous November 2nd) and sees that the employee had taken four weeks of FMLA leave beginning January 1st, four weeks beginning March 1st, and three weeks beginning June 1st. The employee has taken 11 weeks of FMLA leave in the 12-month period and only has one week of FMLA-protected leave available. After the employee takes the one week in November, the employee can next take FMLA leave beginning January 1st as the days of the previous January leave "roll off" the leave year.

Under most circumstances, leave under federal and state law will run at the same time and an eligible employee will be entitled to a total of 12 weeks of family and medical leave in the rolling 12-month period.

For leave to care for a covered service member, the 12-month period begins on the first day of the leave. Leave to care for a covered service member is for a maximum of 26 workweeks during a 12-month period.

**2410.40 Pregnancy, Childbirth or Related Conditions and Baby Bonding** - Employees are entitled to take time off for pregnancy-related reasons at any time during employment (~~—Pregnancy~~Pregnancy Disability Leave- PDL). Leave used because of a disability for pregnancy, childbirth, or related medical condition is not counted as time used under California law (CFRA). However, ~~time-off-leave~~ used because of pregnancy disability, childbirth, or related medical condition does count as family and medical leave under federal law (FMLA). Employees who take time off for pregnancy disability and who are eligible for FMLA will be

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placed on FMLA that runs at the same time as their pregnancy disability leave (PDL).

Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth, the employee may apply for leave under the CFRA, for purposes of baby bonding.

Pregnancy disability leave is for the length of the disability due to pregnancy not to exceed~~ing~~ four months, provided the disability is certified by a healthcare provider. PDL need not be taken all at one time; it may be taken on an intermittent or reduced work schedule basis. A healthcare provider must certify the employee's need for intermittent or reduced work schedule leave. Pregnancy disability leave runs concurrent to FMLA leave but consecutive to CFRA bonding leave. Accordingly, an employee disabled due to pregnancy or related medical condition is entitled to a maximum leave entitlement of four months plus 12 weeks of leave. A "four-monthfour-month leave" means time off for the number of days or hours the employee would normally work within four calendar months (one-third of a year or 17 1/3 weeks). For a full time employee who works 40 hours per week, "four months" means 693 hours of leave entitlement, based on 40 hours per week times 17 1/3 weeks.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the District will grant a request for a CFRA leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. On those two occasions, the employee can take family leave in shorter increments (at least one day but less than two weeks). All other leaves have to be at least two weeks long. The District may also grant additional requests for leave lasting less than two weeks at its discretion. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

## 2410.50

**Leave Procedures** - The following procedures shall apply when an employee requests family medical leave:

1. Please contact the Human Resources Manager as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for your serious health condition or that of a family member, you must notify the District at least thirty (30) days before leave is to begin. You must consult with your supervisor regarding scheduling of any planned medical treatment or procedure in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of your health care provider or the health care provider of your child, parent, or spouse.
2. If you cannot provide thirty (30) days' notice, the District must be informed as soon as is practical.

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3. If the FMLA/CFRA request is made because of your own serious health condition, the District may require, at its own expense, a second opinion from a health care provider that the District chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the District.
4. If the second opinion differs from the first opinion, the District may require you, at the District's expense, to obtain the opinion of a third health care provider designated or approved jointly by you and the employer. The opinion of the third health care provider shall be considered final and binding on you and the District.

**2410.60** **Certification** - The District requires you to provide medical certification for FMLA/CFRA/PDL leave. You will have fifteen (15) calendar days from the District's request for certification to provide it to the District unless it is not practicable to do so. The District may require recertification from the health care provider if you request additional leave upon expiration of the time period in the original certification. (For example, if you need two weeks of family and medical leave, but following the two weeks you need intermittent leave, a new medical certification will be requested and required.) If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the District may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave and the District may take action as appropriate for the employee's unauthorized leave of absence.

If the leave is needed to care for a ~~qualified person~~sick child, spouse, or parent, you must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants the employee's participation.

~~When both parents are employed by the District and request simultaneous leave for the birth or placement for adoption or foster care of a child, the District will not grant more than a total of 12 workweeks of family medical leave for this reason.~~

If the employee's own serious health condition is the reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- The employee's inability to work at all or to perform any one or more of the essential functions of employee's position because of the serious health condition.

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If the employee is absent because of his or her own serious health condition, the District will also require a medical release for the employee to return to work or certification from the employee's health care provider that the employee is able to resume work.

Failure to provide a release to return to work from the employee's health care provider may result in denial of reinstatement until the certification is obtained.

**2410.70** **Leave Related to Military Service** - A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member must be supported by a certification by the service member's health care provider or other certification as allowed by law. Special certification requirements apply to leaves related to military service.

**2410.80** **Health Benefit Plan** - If the employee is taking family medical leave, he or she will be allowed to continue participating in any health benefit plan in which the employee was enrolled in before the first day of the leave (for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if you had continued in employment for the duration of such leave. The District will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, the District may recover premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave. If the employee exhausts all of his or her FMLA leave and are on a leave of absence without pay beyond his or her 12-week FMLA leave allotment, then the employee's District-paid health benefits will end. The employee will receive notice of the cancellation of his or her health care benefits and may elect to continue coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four (4) months of pregnancy disability leave on the same terms as if the employee had continued to work. The right to continued group health coverage during pregnancy disability leave is a separate and distinct entitlement from the CFRA entitlement.

**2410.90** **Substitution of Paid Leave** - Generally, FMLA/CFRA/PDL leave is unpaid. However, if the employee has unused and accrued vacation or sick leave, the District requires that the employee use those paid leave balances during the employee's FMLA-only/CFRA leave before going on a leave of absence without pay. An employee may elect to use paid sick leave for leave taken under the CFRA. In order to use paid leave for FMLA/CFRA leave, the employee must comply with the District's normal paid leave policies. For more information on

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those specific circumstances requiring or allowing the substitution of paid leave please contact the Human Resources Manager.

- 2410.100** **Reinstatement** - Under most circumstances, upon return from family/medical leave, you will be reinstated to your original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave, including any accrued benefits such as vacation or sick leave.
- 2410.110** **Benefits** - No benefits (including vacation or sick leave) will accrue during any unpaid FMLA/CFRA/PDL leave, but accrued benefits will not be lost except as otherwise provided. If an employee is on extended family/medical leave and is utilizing a combination of accrued paid leave benefits and unpaid leave, the employee will accrue a pro-rata share of benefits, such as sick leave and vacation, that is equivalent to the percentage of paid leave being utilized over the course of the pay period. Please contact the Human Resources Manager with any questions regarding accrual of District paid leave benefits during unpaid FMLA/CFRA/PDL leave.
- The ~~District~~District will maintain the employee's health coverage under any group health care plan under the same terms and conditions as coverage would have been provided if the employee had not taken leave. However, cash-in-lieu benefits will not continue to be paid during FMLA/CFRA/PDL leave.
- 2410.120** **Carryover** - Leave granted (under any of the reasons provided by state and federal law) will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement (26-workweek entitlement if leave is to care for a service member) in any rolling 12-month period. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.
- 2410.130** **Intermittent Leave** - You may take FMLA/CFRA leave intermittently (in blocks of time, or by reducing your normal weekly or daily work schedule) if the leave is for your serious health condition or a qualifying family member and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. Such leave may be taken in 15-minute increments.

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## ANTI-RETALIATION/WHISTLEBLOWER #2420

The District is committed to providing a work environment where employees are free to report suspected improper governmental activity or conditions that significantly threaten the health or safety of employees or the public without fear of retribution.

**2420.10** The District forbids retaliation against any employee who opposes harassment or discrimination, files a good faith complaint, testifies, assists, or participates in any manner in a workplace investigation, proceedings, or hearing conducted by the District or any governmental agency with the authority to investigate complaints of harassment and discrimination.

Prohibited retaliation includes, but is not limited to:

- Demotion;
- Suspension;
- Failure to hire or consider for hire;
- Failure to give equal consideration in making employment decisions;
- Failure to make impartial employment recommendations; or
- Adversely affecting working conditions or otherwise denying any employment benefit to an individual.

Anyone who believes they have been subjected to retaliatory conduct for making a report or complaint or for participating in a workplace investigation under this policy should immediately report it to the General Manager or Human Resources Manager. The District will investigate and take appropriate remedial action.

The confidentiality of the whistleblower will be maintained whenever possible. No District employee may interfere with the good faith reporting of suspected or actual wrongful conduct. An individual who makes such a good faith report shall not be subject to retaliation, including harassment or any adverse employment, as a result of making a report. All reported claims of retaliation will be reviewed and investigated, and appropriate corrective action will be taken. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. In addition, an employee who intentionally files a false report of wrongdoing, or knowingly makes an untrue statement of fact in the investigation of a complaint, will be subject to discipline up to and including termination.

Anyone found in violation of this policy will be disciplined, up to and including termination.



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## SCHOOL AND CHILD-CARE ACTIVITIES LEAVE #2430

The District understands that employees must occasionally leave work to participate in the school or child care activities of their child(ren).

**2430.10** An absence related to an employee's participation in school or child-care activities is subject to the conditions below:

- Time off under this policy can only be used by "Covered employees" that is, parents, guardians, grandparents, stepparents, foster parents, or a person who stands in loco parentis to one or more children of the age to attend kindergarten through grade 12 or a licensed child-care provider.
- The amount of time off for school or child-care activities described below cannot exceed a total of forty (40) hours each calendar year.
- Covered employees can use the time off to find, enroll, or reenroll a child in a school or with a licensed child-care provider or to participate in activities of the child's school or licensed child care provider. The time off for these purposes cannot exceed eight (8) hours in any calendar month. Employees planning to take time off for these purposes must provide reasonable advanced notice to their supervisor.

Covered employees can also use time off to address a "child-care provider or school emergency" if the employee gives notice to the employer. A child-care provider or school emergency means that the employee's child cannot remain in a school or with a child-care provider due to one of the following:

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

Employees must provide their supervisor with documentation from the school or licensed child-care provider verifying that they were engaged in these child related activities on the day and time of the absence.

If more than one parent is employed by the District, then first employee to request such leave will receive the time off. Another parent will receive the time off only if the leave is approved by his or her supervisor.

Employees must use vacation leave in order to receive compensation for this time off; and employees who do not have paid time off available will take the time off without pay.

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## SCHOOL APPEARANCE LEAVE #2440

If a District employee, who is the parent or guardian of a child, must take time off to appear at their child's school, then the employee should alert his or her supervisor as soon as possible as to the need for time off. In compliance with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose. Employees must use vacation or CTO time in order to receive compensation for time off for this purpose. Employees who do not have paid time off available will take the time off without pay.

## CRIME VICTIM LEAVE #2450

Employees who are victims of domestic violence, sexual assault, stalking, a crime involving physical injury, a crime involving mental injury with a threat of physical injury, or whose immediate family member is killed as a result of a crime -are eligible for leave. While the leave is generally unpaid, employees can use their paid sick time under California's Healthy Workplaces, Healthy Families Act for the purposes described below. Leave also is available to employees to attend judicial proceedings relating to a criminal proceeding in which the employee is either a victim or a witness.

The employee may request leave if the employee is involved in a judicial action, such as obtaining a restraining order, or appearing in court to obtain relief to ensure the employee's health, safety, or welfare, or that of the employee's child. The employee should provide reasonable advanced notice of the need for leave to the employee's supervisor unless advance notice is not feasible. For more information, employee should contact the District's Human Resources Manager. Employee may use available vacation, accrued sick leave, or compensatory time off if they have such time available. Otherwise, the employee must take unpaid leave.

Employees may also take time off (whether it be paid or unpaid) to seek medical attention for injuries caused by domestic violence or sexual assault, or obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault, obtain psychological counseling related to an experience of domestic violence or sexual assault, and/or participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

If an employee is the victim of domestic violence, sexual assault, stalking, a crime involving physical injury, a crime involving mental injury with a threat of physical injury, or whose immediate family member is killed as a result of a crime and needs a reasonable accommodation for their safety at work, the employee should contact the Human Resources Manager and discuss the need for an accommodation. The employee should submit a written statement signed by the employee, or by an individual acting on the employee's behalf, certifying that the accommodation is for the purpose of the employee's safety at work.

For reasonable accommodation requests, the District may require certification demonstrating that the employee is the victim of domestic violence, sexual assault, or stalking. The District may request recertification every six months from the date of the previous certification. The employee should notify the District if an approved accommodation is no longer needed.

The District will engage in an interactive process with the employee to identify possible accommodations, if any, that will be effective and will make reasonable accommodations unless such accommodation would result in an undue hardship to the District.

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The District will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave or accommodation under this policy.

## REPRODUCTIVE LOSS LEAVE

### #2455

- 2455.1 Consistent with state law, the District will permit an employee to take an unpaid leave of absence following a reproductive loss event.
- (1) For purposes of this section, reproductive loss event is defined consistent with California Government code 12945.6 and includes failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction.
  - (2) Reproductive Loss Leave will not exceed five (5) workdays following each reproductive loss event. The five (5) days do not need to be taken consecutively but must be taken within three (3) months of the reproductive loss event. Employees are entitled to a maximum of 20 days within a 12-month period.
  - (3) Reproductive Loss Leave is unpaid however, employees may elect to use accrued and available vacation, sick leave, personal leave, or compensatory time off.
  - (4) Employees must be employed by the District for thirty (30) days to be eligible for Reproductive Loss Leave.

## ADDITIONAL LEAVES

### #2460

#### 2460.1 Organ Donation and Bone Marrow Leave

Consistent with State law, the District will permit an employee to take a paid leave of absence:

- (5) not exceeding 30 work days to an employee who is an organ donor in any one-year period, for the purpose of donating their organ to another person. An additional unpaid leave of absence, not exceeding 30 work days in a one-year period, may be granted to an employee who is an organ donor for the purpose of donating the employee's organ to another person. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months; and
- (6) not exceeding five (5) work days to an employee who is a bone marrow donor in any one-year period, for the purpose of donating his or her bone marrow to another person.

This leave may be taken in one or more periods. In order to receive this type of leave of absence, an employee must provide written verification to the District that they are an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

This leave does not run concurrently with Family Care and Medical Leave. During the leave, the District will continue to maintain the employee's group health coverage on the same terms as when the employee is not on leave.

Time off for this leave will not be considered a break in service. When the employee returns to work, the District will restore them to the same or an equivalent position they held when the leave commenced, unless the District declines to restore the employee because of conditions unrelated to the taking of the leave.

#### 2460.2 Civil Air Patrol Leave

The District will not terminate or discriminate against an employee who is a volunteer member of the Civil Air Patrol or prevent a member from performing service as part of the California Wing of the Civil Air Patrol during an emergency operational mission. Additionally, the District will not retaliate against an employee for requesting or taking Civil Air Patrol leave in accordance with this policy.

The District will provide eligible employees with up to 10 days per year of leave, but no more than three days at a time, unless the emergency is extended by the entity in charge of the operation and the District approves the extension. To be eligible for leave, employees must have been employed by the District for at least 90 days immediately preceding the start of the leave and must be duly directed

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and authorized by a political entity that has the authority to authorize an emergency operational mission of the California Wing of the Civil Air Patrol.

Employees must request leave with as much notice as possible. The District may require certification from the proper Civil Air Patrol authority to verify an employee's eligibility for leave. The District may deny leave if the employee fails to provide the required certification.

Leave taken under this policy is unpaid except that exempt employees will be paid when required by applicable law. Employees will not be required to exhaust accrued vacation or sick leave or any other type of accrued leave prior to taking unpaid Civil Air Patrol Leave but may choose to use such benefits during leave to receive pay.

Following leave, an employee must return to work as soon as practicable and must provide evidence of the satisfactory completion of Civil Air Patrol service. If the employee complies with these requirements, the employee will be restored to their prior position without loss of status, pay or other benefits.

## **2460.3 Emergency Responder Leave**

The District will not terminate or discipline any employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel because the employee takes time off to perform emergency duty, or engages in fire, law enforcement or emergency rescue training. In the event an employee needs to take time off for this type of emergency duty, the employee should alert their supervisor and/or Human Resources before leaving the District's- premises.

A "volunteer firefighter" includes any person registered as a volunteer member of a regularly organized fire department of a city or county; or of a city, county or district having official recognition of the government of the city, county, or district in which the department is located; or a regularly organized fire department of an unincorporated town.

"Emergency rescue personnel" includes any volunteer or paid officers, employees, or members of a fire department or fire protection or firefighting agency who perform first aid and medical services, rescue procedures and transportation or other related activities necessary to ensure the health or safety of a person in immediate danger. Such personnel include those who work for the: (1) federal or state government; (2) city, county, city and county, district or other public or municipal corporation or political subdivision of this state; (3) sheriff's department, police department or private fire department; or (4) disaster medical response entity sponsored or requested by the state.

Employees will also be allowed up to 14 calendar days of leave per year to engage in fire, law enforcement or emergency rescue training.

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Leave taken under this policy is unpaid except that exempt employees will be paid when required by applicable law. Employees will not be required to exhaust accrued vacation or sick leave or any other type of accrued leave prior to taking unpaid Emergency Responder Leave but may choose to use such benefits during leave to receive pay.

Following leave, an employee must return to work as soon as practicable and must provide evidence of the satisfactory completion of Emergency Responder service. If the employee complies with these requirements, the employee will be restored to their prior position without loss of status, pay or other benefits.



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## DRESS CODE

**#24602465**

District employees are expected to wear clothing appropriate for the nature of District business and the type of work performed. Clothing worn at work should be neat, clean, and tasteful. Clothing must demonstrate good taste and common sense. All employees are required to maintain a clean, neat, and well-groomed appearance at work.

Because each employee is a representative of the District in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to use appropriate hygiene and report to work neatly groomed. Employees are also expected to dress neatly and in a manner consistent with the nature of the work performed.

All clothing should be clean and without rips or holes. Employees who report to work inappropriately dressed may be asked to clock out and return to work in acceptable attire.

All employees required to wear uniforms provided by the District must take care of their uniforms and report any wear or damage to their supervisors. Supervisors will inform employees of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Any deviations from these dress code guidelines must be approved by the employee's supervisor.

When off-duty, employees should use caution when wearing District clothing at any location in which a member of the public may question appropriateness.

Upon separation from District employment, all clothing with District logos or other uniforms or clothing items that identify a person as a District employee are to be washed and returned to the supervisor or manager from whom the employee received the clothing item.

This dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, sex, gender identity or gender expression, religion, national origin, or any other class protected by federal, state or local law. Employees have the right to comply with District's dress code in a manner consistent with their gender identity or gender expression. Employees who need a reasonable accommodation for clothing attire because of religious beliefs, observances, or practices should contact the Human Resources Manager to discuss the need for accommodation.

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## DRIVER'S LICENSE #2470

Employees whose job duties require them to drive a District vehicle or their own vehicle for District business will be required to show proof of current valid driver's license and proof of effective insurance coverage before the first day of employment.

If an employee is required to drive as part of his or her job, the District retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is suspended or revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the District's policy.

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## DRUG & ALCOHOL-FREE WORKPLACE #2480

The use of or impairment by alcohol, marijuana, illegal drugs, or any other controlled substances is strictly prohibited in the workplace. Use of these substances, whether on or off the job can detract from an employee's or volunteer's work performance, efficiency, safety, health, and seriously impair District operations. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the District to the risks of property loss or damage, or worse, injury to other persons.

The following rules and standards of conduct apply to all employees and volunteers while on duty, on District property, while working on District business, or while operating District-owned vehicles or equipment. The following conduct is strictly prohibited:

- Being under the influence of, or impaired by, an illegal or controlled substance, including alcohol or marijuana while on the job.
- Using or possessing illegal or controlled substances, including alcohol or marijuana, while on the job (including the illegal use of prescription drugs and possessing drug paraphernalia).
- Distributing, selling, or purchasing of an illegal or controlled substance, including alcohol or marijuana, while on the job.

Violation of these rules and standards of conduct will not be tolerated. Employees who violate this policy will be disciplined, up to and including termination. Volunteers who violate these policies will be dismissed. Depending on the circumstances, the District also may bring the matter to the attention of appropriate law enforcement authorities.

Physician-prescribed medication is permitted, provided that such medication does not adversely affect the employee's or volunteer's job performance or the safety of the employee, volunteer, or other individuals in the workplace. Failure to report use of prescription drugs that could potentially impair job performance and create a hazardous condition for the employee or others is violation of this policy.

Employee, supervisors, managers, or volunteers shall notify their Department Head or designee when they reasonably suspect that an employee may be under the influence of drugs or alcohol while at work or have illegal drugs in his or her possession during work hours. If the Department Head or designee concurs that there is reasonable suspicion of use and/or impairment of drugs or alcohol during work hours, the Department Head will discuss such suspicion with the employee and may choose to send the employee home for the day without pay.

The District will encourage and try to reasonably accommodate employees with alcohol, marijuana, or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is

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impaired because of drug, alcohol, or marijuana use. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be reemployed or be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the standards of conduct described in this Personnel Policy Guide. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

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## FAILURE TO OBTAIN LICENSE OR CERTIFICATE #2490

All District employees are required to maintain appropriate professional or vocational licenses and/or certificates required for their position. An employee may be discharged because he or she has failed to timely obtain or renew a license or certificate required for the job. If this failure results from the employee's inability to pass a test and is not due to any willful or negligent act on his or her part, the District may give the employee a reasonable period to re-take the test or otherwise meet the eligibility requirements to obtain or renew the license and/or certificate.

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## HEALTH & SAFETY #2500

The District is committed to providing a safe and healthy work environment ~~to~~<sup>for</sup> its employees. As such, it is the responsibility of all District employees to conduct District business in the safest possible manner. Any workplace condition that is considered unsafe must be reported immediately to the employee's supervisor.

Employees are required to wear any and all protective clothing and to use any and all protective devices as directed by their supervisor.

Any work-related accident, or other accident occurring on the worksite, involving employees or other persons shall be reported immediately to the employee's immediate supervisor, who will then report the work-related accident to the Human Resources Manager.

Such reports must be made immediately following the accident, and in no event more than twenty-four (24) hours following the accident. If the accident occurs during the weekend, employee must notify his or her supervisor or Human Resources Manager of the incident by text message, email, or phone call as soon as possible. Employee will then be required to fill out an accident form by 10:00 a.m. on the first business day following the accident. Employees are covered for employment-related injury or illness by the California Worker's Compensation Act. Under California law, failure to report or delays in reporting a work-related injury or illness may result in a loss of benefits. Failure to comply with safety regulations or to report an accident may be cause for discipline up to and including termination.

In compliance with California law, and to promote the concept of a safe workplace, the District maintains an Injury and Illness Prevention Program ("IIPP"). The IIPP is in the District Operations Policy Handbook Policy No. 3060. All employees will receive appropriate training under the IIPP and are expected to comply with the respective IIPP at all times.

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## LACTATION ACCOMMODATION #2510

The District accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for the employee's child, subject to exception allowed under applicable law. If possible, the break time for expressing breast milk shall run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the employee shall be unpaid pursuant to Labor Code section 1030.

The District will provide employees who need a lactation accommodation with the use of a vacant room or other private location that is located close to the employee's work area. Employees with private offices should use their offices to express breast milk.

Employees who desire a lactation accommodation should contact their supervisor or Human Resources Manager in writing to request such accommodation. The employee's supervisor or the Human Resources Manager must respond to the employee's accommodation request in writing indicating the approval or denial of the break request. Employees have a 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.

## MEAL & REST PERIODS FOR NON-EXEMPT EMPLOYEES #2520

- 2520.10**     **Meal Periods** - An employee whose total workday is at least five hours will be provided with a meal period of at least thirty minutes unless the employee and his/her supervisor agree to waive this period or unless operational considerations require the employee to continue working during this period. An employee must be completely relieved from duty during meal periods. Meal periods are neither time worked nor time on pay status. Employees are required to clock out for their meal period. Employees are also expected to return to work promptly at the end of the agreed-upon length of their meal period with their supervisor and/or Department Head.
- 2520.20**     **Rest Periods** - A supervisor will grant a full-time employee two paid 10-minute rest periods, one to be taken in the first half of the work day and one in the second half of the work day, unless operational considerations require the employee to continue working during these periods. The first rest period shall occur be taken approximately midway between the employee's starting time and the employee's meal period. The second rest period shall occur be taken approximately midway between the employee's meal period and the end of the employee's workday. District supervisors will grant a part-time employee one 10-minute rest period for each work period of four continuous hours or more, not to exceed two rest periods per day, unless operational considerations require the employee to continue working during these periods. Rest periods are compensable. Employees are allowed to leave their work station during rest periods but should return promptly at the end of the rest period. A rest period need not be authorized for employees whose total daily work time is less than three and one half (3.5) hours.



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## PROHIBITED CONDUCT POLICY #2530

The District expects all employees to conduct themselves in a respectful, professional, and honest manner. As such, the following conduct is prohibited and will not be tolerated:

- A.** Falsifying employment records, employment information, or other District records;
- B.** Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily;
- C.** Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee's;
- D.** Theft and deliberate or careless damage or destruction of any District property, or the property of any employee or customer;
- E.** Removing or borrowing District property without prior authorization;
- F.** Unauthorized use or misuse of District equipment, time, materials, or facilities;
- G.** Provoking a fight or fighting during working hours or on District property;
- H.** Participating in horseplay or practical jokes on District time or on District premises;
- I.** Carrying firearms or any other dangerous weapons on District premises at any time;
- J.** Causing, creating, or participating in a disruption of any kind during working hours on District property;
- K.** Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- L.** Using abusive, threatening, or intimidating language at any time on District premises;
- M.** Violation of the District's punctuality and attendance policy. Absences protected by state or federal law do not count as violations of this policy;
- N.** Failing to obtain permission to leave work for any reason during normal working hours, not including meal periods;
- O.** Failing to observe working schedules, including meal and rest periods;
- P.** Sleeping or malingering on the job;
- Q.** Making or accepting personal telephone calls, including cell phone calls during working hours, except in cases of emergency or extreme circumstances;
- R.** Working overtime without authorization or refusing to work assigned overtime;
- S.** Violating dress standards;
- T.** Violating any safety, health, security, or District policy, rule, or procedure;
- U.** Violating the District's drug and alcohol policy;
- V.** Committing a fraudulent act or a breach of trust;
- W.** Violating the District's anti-harassment or discrimination policies;
- X.** Failing to promptly report a work-related injury or illness;

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- Y. Inappropriately using the District computers or District-issued cell phones, including sending inappropriate emails or engaging in inappropriate internet searches (e.g., pornography).

This list of prohibited conduct is illustrative only. Other types of conduct that threaten the security, personal safety, or welfare of other employees, customers, or District operations may also be prohibited and result in disciplinary action (see Policy ~~2360~~[2350](#)) up to and including termination.

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## PUNCTUALITY & ATTENDANCE #2540

Punctual and regular attendance is an essential responsibility of each District employee. Employees are expected to report to their assigned work-station on time, as scheduled, and prepared to start work. Employees also are expected to remain at work for their entire work shift, except for meal periods, rest periods, or when required to leave on authorized District business. Late arrivals, early departures, or other unanticipated and unapproved absences during scheduled hours are disruptive and must be avoided.

If an employee is unable to report to work, then the employee must provide reasonable advanced notice to his or her supervisor before the start of the employee's shift. The employee must also inform the supervisor of the expected duration of the absence. If the circumstances for the employee's tardiness or absence were unforeseen, then the employee should inform the supervisor as soon as practicable of the reason for the tardiness or absenteeism.

Excessive absenteeism or tardiness, providing false information, or abuse of leave will not be tolerated. If an employee fails to report for work without any notification to the employee's supervisor and the employee's absence continues for a period of three (3) consecutive days or more, then the District will consider that the employee has voluntarily abandoned and/or resigned his or her employment with the District. Exceptions may be made for emergency situations.

Prior to immediate termination, the District will attempt to contact the absent employee and/or his emergency contact to determine whether the unauthorized absence is covered under a protected leave. If the District determines that the employee's absence was due to an emergency situation, the employee may be disciplined d for failure to notify the District of his or her absences.

Absences protected by local, state, and federal law do not count as a violation of the punctuality and attendance policy.

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## TIMEKEEPING FOR NON-EXEMPT EMPLOYEES #2550

All non-exempt employees are required to use the District's time keeping system to record time worked for payroll purposes. All time worked must be accurately reported on the employee's time record.

Employees must record their own time at the start and at the end of each work shift. Employees must clock out for their meal period and record the start and end of the meal period.

Employees are not allowed to work "off the clock." Any work performed before or after a regularly scheduled shift must be approved in advance by the employee's supervisor. If you perform any off-the-clock work, please report the work to your supervisor.

Employees also must record their time whenever they leave the building for any reason other than District business.

Employees will be required to certify that their time record is accurate each pay period.

Any changes on the timecard must be approved by a supervisor. Punching another employee's timecard, allowing another employee to punch your timecard, or altering a timecard is not permissible and may be subject to disciplinary action.

Any errors on an employee timecard should be immediately reported to the employee's supervisor or Department Head.

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## TIME OFF FOR VOTING #2560

If an employee does not have sufficient time outside of working hours to vote in an official federal or statewide election, then the employee may take off enough working time to enable the employee to vote. However, such time off shall be taken at the beginning or the end of the employee's regular work shift, whichever allows for more free time for voting. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her supervisor at least two working days' notice in accordance with Elections Code section 14000. Generally, polls are open from 7:00 a.m. to 8:00 p.m.

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## WORKERS' COMPENSATION POLICY #2570

- 2570.10** The District, in accordance with state law, provides workers' compensation insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:
- Medical care;
  - Temporary disability benefits;
  - Permanent disability benefits; and
  - Death benefits.

- 2570.20** To ensure that you receive any workers' compensation benefits to which you may be entitled, you should:
- Immediately report any work-related injury to your supervisor (note: if your injury or illness developed over time, report it as soon as you learn or believe it was caused by your job);
  - Seek medical treatment and follow-up care if required;
  - Complete a written Employee's Claim for Workers' Compensation Benefits (DWC Form 1) and return it to District's Human Resources Manager; and
  - Provide the District with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as a certification of your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee, under most circumstances, will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the District's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee may not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the District's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

The law requires the District to notify the workers' compensation insurance company of any concerns of false or fraudulent claims.

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Employees will not be discharged or discriminated against for filing a workers' compensation claim.

**2570.30** **Workers' Compensation and FMLA/CFRA** - Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (FMLA and CFRA), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a rolling 12-month period measuring back from the date an employee uses leave.

**2570.40** **Paid Sick Leave and Workers' Compensation Benefits** - Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, the employee will be sent for medical treatment if treatment is necessary. The employee will be paid his or her regular wages for the time the employee spent seeking initial medical treatment.

Any further medical treatment will be under the direction of the employee's health care provider. Any absences from work for follow-up treatment, physical therapy, or other prescribed appointments will not be paid as time worked. If the employee has accrued sick leave, the employee may choose to substitute paid sick leave for any time that would otherwise be unpaid.

If the employee does not have accrued sick leave, or if the employee has used all of his or her sick leave, the employee may choose to substitute vacation for further absences from worked related to the employee's illness or injury.

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## WORKPLACE VIOLENCE #2580

**2580.10** The District wishes to ensure a safe working environment for all employees and volunteers.

As such the District has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination. Violent behavior includes, but is not limited to, unwanted physical contact such as hitting, kicking, pushing, shoving, throwing objects, or the use of a weapon.

**2580.20** Possession of non-work-related weapons on District property or at District-sponsored events shall constitute a threat of violence.

**2580.30** It is every District employee's and volunteer's responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee and volunteer are expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent.

**2580.40** You may report an incident to your supervisor or to the Human Resources Manager.

**2580.50** A threat includes, but is not limited to, any indication of intent to harm a person or damage District property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. The following are examples of threats and acts that shall be considered violent - this list is in no way all-inclusive:

Example	Type of Threat
Saying, "Do you want to see your next birthday?"	Indirect
Writing, "Employees who kill their supervisors have the right idea."	Indirect
Saying, "I'm going to punch your lights out."	Direct
Making a hitting motion or obscene gesture.	Nonverbal
Displaying weapons.	Extreme
Stalking or otherwise forcing undue attention on someone, whether romantic or hostile.	Extreme
Taking actions likely to cause bodily harm or property damage.	Acts of violence

**2580.60** If behavior or threat is violent or criminal in nature and requires immediate intervention, the employee should report it to the police department by calling 9-1-1.



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## MANDATED REPORTER #2590

The California Child Abuse and Neglect Reporting Act (“CANRA”), codified at California Penal Code sections 11164-11174.3, requires that employers of mandated reporters (as defined in the Act) promote identification and reporting of child abuse or neglect. It is the policy of the El Dorado Hills Community Services District to comply with its obligations under the CANRA; to require that all District employees and administrators who are mandated reporters make required reports to child protection or law enforcement agencies; and more broadly to encourage all members of the District’s park community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a District facility or perpetrated by District personnel to promptly report the concern to appropriate external and District officials.

### 2590.10 General Definitions

- A. Child - Person under age 18. (Pen. Code, § 11165)
- B. Mandated reporter - A District employee who is required under CANRA due to their licensure or profession, or otherwise by virtue of their District position or activities, to report child abuse and neglect to the specified authorities.
- C. Reasonable Suspicion - It is reasonable for a person to suspect abuse or neglect based on the information he or she has and his or her training or experience. It does not require certainty that child abuse or neglect has occurred, nor a specific medical indication of abuse or neglect.

**2590.20** Child Abuse/Neglect - Whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows, or reasonably suspects, has been the victim of child abuse or neglect, the mandated reporter shall make an initial report immediately or as soon as is practicably possible.

- A. Who must report (Pen. Code, § 11165.7(a))  
The following general categories of employees who are mandated reporters for abuse and neglect of a child include but are not limited to:
  - An administrator of a public or private day camp.
  - An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
  - An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.
  - A licensee, an administrator, or an employee of a licensed community care or child day care facility.

*A complete list of mandated reporters with detailed definitions is included in Penal Code §11165.7.*

- B. What must be reported (Pen. Code, §§ 11165.1, 11165.6, 11166(a))

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The following general categories of abuse and neglect of a child must be reported when a mandated reporter knows, or reasonably suspects such abuse or neglect has occurred:

- Physical injury
- Sexual abuse
- Neglect
- Willful harm or injury
- Endangering of health
- Unlawful corporal punishment or injury
- Death

**C. Reporting process** (Pen. Code, § 11166)

A mandated reporter who knows of or reasonably suspects abuse or neglect must comply with the reporting process described below.

**2590.30** **Immediately** - Notify the District's Human Resources Manager by calling (916) 614-3238 or emailing the District's Human Resources Manager letting him or her know of your suspicions and that a report to the El Dorado County Sheriff's **eOffice** or the Office Department of Children and Family Services will be made.

Please note that an internal report made under this policy is not a substitute for a mandated reporter's required external reports under CANRA or other applicable laws. Do not assume another party will make the report. If you are a mandated reporter, you have the obligation to make an external report.

**2590.40** **As soon as possible** - Make a telephone report to the El Dorado County Sheriff's **eOffice** or the Department of Children and Family Services Child Protection at its 24-hour hotline (530) 642-7100.

**2590.50** **Within 36 hours** - File a written report on a form designated by the California Attorney General (Suspected Child Abuse Report <https://www.edcgov.us/Government/HumanServices/Protective%20Services/documents/Child%20Abuse%20Reporting%20Form.pdf> [http://ag.ca.gov/childabuse/pdf/ss\\_8572.pdf](http://ag.ca.gov/childabuse/pdf/ss_8572.pdf)) with with the El Dorado County Sheriff's **eOffice** or the Department of Children and Family Services.

**2590.60** **Enforcement** - For those who are mandated reporters under California law, failure to report is a misdemeanor punishable by up to six months in jail or a fine of up to \$1000, or both (Pen. Code, §§ 11162, 11166(c).)

**2590.70** Failure to report is also serious neglect of duty that can lead to discipline under this Personnel Policy Guide, up to and including termination.

**2590.80** All employees who are mandated reporters are required to sign the relevant acknowledgment form.

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## CONFLICT OF INTEREST #2600

No employee shall receive gifts valued over fifty dollars (\$50.00) from any single source in any calendar year in the scope of their employment. A “gift” is any payment or other benefit that confers a personal benefit for which an employee does not provide payment or services of equal or greater value. District employees must avoid the appearance of favoritism in all of their dealings on behalf of the District. An employee may not make or participate in the making of a decision if a financial conflict of interest exists.

It is the policy of the District to separate the District’s interest with its employee’s private interest and to safeguard the District and its employees from charges of favoritism in the acquisition of goods and services. Goods and services must not be purchased from an employee or a near relative of the employee unless there is a specific determination that the goods or services are not otherwise available, or the employee has recused himself or herself from involvement in the decision related to the acquisition of the goods and services for which a potential conflict of interest may exist.

All District employees are expected to act with integrity and good judgment. If there is concern that a potential conflict of interest may exist, the employee should immediately bring it to the attention of their supervisor or the General Manager.

No employee shall disclose any confidential information obtained in his/her employment to any other employee and/or to any third parties, absent the express written approval of the General Manager.

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## UNIFORMS POLICY #2610

Designated employees are required to wear uniforms with the District logo and long pant/jeans leg-covering apparel in reasonable repair at all times while working and representing District. Designated employees are currently identified as Park Supervisors, Maintenance Lead Workers, and Maintenance Workers, and Maintenance Aides.

Each designated employee will receive employer-issued shirts upon hire or entrance into a position requiring such uniform. Uniforms include District logo shirts or other articles of clothing the District provides. Employees are required to sign a document verifying he or she has received the uniforms. The uniforms are considered District property and are to be returned in the event of termination of employment or anytime on demand.

District uniforms will also be laundered by the employee. In the event a uniform needs repair or replacement, employees will be required to return the uniform in exchange for a replacement. While normal wear and tear is expected, excessive or deliberate damage or loss of ~~company~~ District uniforms may result in disciplinary action.

The District may issue new uniforms periodically or require uniforms to be returned for special purposes (e.g., logo change, District color change). Employees will be given notice of the exchange, and the ~~company~~ District will provide suitable replacement uniforms.

Employees must arrive at work on time and in uniform. Employees should not change into their uniform after clocking in. Failure to arrive at work in uniform at the start of the employee's shift may lead to disciplinary action.

During the period of time in which uniforms are sized and ordered for a new hire, or any other instance in which no uniform has yet been provided by the District, the designated employee should wear appropriate clothing and available employer-issued shirts until such time as an official uniform may be provided.

This policy is not intended to restrict or limit the required use of other ~~company~~ District-provided personal protective equipment ("PPE").

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## COMPUTER & CELL PHONE USE #2700

The District provides all employees with access to the vast resources available on the Internet. This policy includes guidelines that identify employee responsibilities with regards to the use of District computers and District-issued cell phones. All employees must adhere to generally accepted standards of courtesy and etiquette and obey any and all laws regarding access and use of District computers, District-issued cell phones, and the Internet. Use of District computers and/or District issued cell phones and through them, the Internet, is a privilege, and failure to adhere to this policy may result in the termination of access to District computers, District-issued cell phones, and use of the Internet. Employees may also be subject to other disciplinary action by the District for improper use of District computers and/or District-issued cell phones. Employees shall have no expectation of privacy in District computers or District-issued cell phones and the District reserves the right to monitor employee use.

**2700.10 Acceptable Use** - The purpose of providing access to the District computers, District-issued cell phones and through them, the Internet, is to help increase productivity by helping employees to do their jobs faster and smarter. It also provides better communication with customers, suppliers, and colleagues, and also helps the employee to research relevant topics and obtain useful business information. Use of District computers, District-issued cell phones, and through them, the Internet, must be in support of the objectives of the District.

Transmission of or access to materials that contain pornography or that violate federal or state laws are prohibited. This prohibition includes, but is not limited to, copyrighted materials, threatening or obscene materials, or material restricted through passwords or other user access codes. Use of District computers or District-issued cell phones for commercial advertising and political lobbying is also prohibited.

Employees are prohibited from using obscenities, vulgarities, racist, sexist, or inflammatory speech when communicating with others using District computers, District-issued cell phones, and through them, the Internet.

Employees are also prohibited from introducing a computer virus to District computers. If an employee imports a file from another computer onto a District computer by any means, he or she is responsible to assure that he or she is not introducing a computer virus into other District computers. Employees should not view or launch attachments to emails from unknown sources.

Also, employees may only access files or programs, whether computerized or not, that they have permission to enter. Unauthorized access, review, duplication, dissemination, removal, damage, or alteration of files, passwords, computer systems or programs, or other property of the District, or improper use of information obtained by unauthorized means, is prohibited. Furthermore, any

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employee leaving the District is expressly prohibited from taking such information, in any form, without express permission from the General Manager or his/her designee.

Any messages sent, or actions taken by an employee on District computers or on a District-issued cell phone, must be done under his or her private user account secured by his or her private password or passcode. Employees are prohibited from using another's private account or from allowing another to use his or her private account. Employees are prohibited from sharing his or her private passwords or passcodes with anyone else or from using another's private password or passcode to access their account.

**2700.20** **Privileges** - The use of the District's network and access to District computers and/or District-issued cell phones is a privilege, not a right. If an employee uses District computers or cell phones inappropriately, or if it is suspected that an employee has done so, his or her access privileges may be suspended or revoked at any time and the employee may be subject to discipline. Reinstatement of his or her access privileges shall be at the discretion of the District. Again, employee use of District computers and District-issued cell phones should not be regarded as private. District staff may monitor employee communications and use of the computers or cell phones and may inspect files in the network systems at any time. Even when electronic mail messages are erased, it is still possible to retrieve and review them. Further, the use of passwords or passcodes for security does not guarantee confidentiality.

**2700.30** **Internet Rules**

- A.** Employee use of District computers, District-issued cell phones, and through them, the Internet, must be in support of the objectives of the District. The District allows for incidental personal use.
- B.** Employees are prohibited from lending their network username and/or password to others.
- C.** Employees are prohibited from using others' network username and/or passwords.
- D.** Employees are forbidden to access any Internet site, news group, or other areas of cyberspace that would be offensive or inappropriate.
- E.** Employees are prohibited from using any forms of obscene, harassing, or abusive language on-line.
- F.** Employees are prohibited from sending or intentionally receiving messages that are discriminatory or could reasonably be view as discriminatory in nature.
- G.** Employees are prohibited from sending or intentionally receiving messages that use inflammatory language or fighting words (i.e., words directed to a person which would have a tendency to cause acts of violence by the person to whom, individually, the remark is addressed).

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- H. Employees are prohibited from placing a computer virus on District computers. If a staff member imports a file from another computer onto a District computer by any means, the staff member is responsible to ensure that he/she is not introducing a computer virus into other District computers. Employees should not view or launch attachments to emails from unknown sources.
- I. Employees are prohibited from sending or intentionally receiving messages with someone else's name on it.
- J. Employees are prohibited from sending or intentionally receiving messages that are racist, sexist, contain obscenities, or otherwise violate the District's anti-harassment policy.
- K. Employees are prohibited from transmitting or accessing pornography or other materials that violate federal or state laws. This prohibition includes, but is not limited to, copyrighted materials, threatening or obscene materials, or material restricted through passwords or other user access codes.
- L. Employees are prohibited from using the District network for commercial advertising or political lobbying.
- M. Employees should be aware that use of District computers should not be regarded as private. District staff may monitor communications on and use of the network and may inspect files in staffs' network file systems at any time.

**2700.40** **Enforcement/Discipline** - Failure of any staff member to adhere to this policy may result in revocation of that staff member's access to District computers or District-issued cell phones, and through them, the Internet, and may not be reinstated as determined solely by the District. In addition to the revocation, the District may, in its sole discretion, impose any other disciplinary action deemed appropriate.

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## FORWARD TO PERSONNEL POLICIES #2000

- 2000.10** The El Dorado Hills Community Services District’s governing body is its Board of Directors (“Board”). Members of the Board are elected by the voters living within the El Dorado Hills Community Services District (“District”). The Board meets to consider and render decisions on a wide variety of matters that arise as a result of the District’s involvement in services to the community.
- 2000.20** The Board has delegated the day-to-day administration of the District to the General Manager.
- 2000.30** As an employee of the District, you will find that the District values the services of every employee in each job position. The District also recognizes that an efficient and effective organization can only be maintained through the willing cooperation of its employees. It is our intent to foster a working environment that supports this goal.
- 2000.40** The District is small enough so that its employees will become well acquainted and familiar with all District operations. It is also large enough to provide opportunity for advancement into more responsible positions as ability, training, and conditions permit.

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## GENERAL PERSONNEL #2005

- 2005.10** This manual shall be known as the "Personnel Policy Guide," and may be cited as such. This Personnel Policy Guide was last updated in January 2023 and was approved by the Board on , 20. Current updates approved by the Board on January 8, 2021.
- 2005.20** The purpose of the Personnel Policy Guide is to provide guidance for the development and application of the District's personnel management.
- 2005.30** The General Manager shall maintain a current copy of the Personnel Policy Guide, with its legislative history attached, at the District offices and shall bring this copy to all Board meetings.
- 2005.40** This Personnel Policy Guide is effective as of the date of its enactment, and, together with any amendments enacted by the Board, is intended to be the governing policy of the District on any matters pertaining to District personnel. Board enacted amendments and revisions shall be marked as such in the text of this document and the dates of revisions listed below.

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## STATEMENT OF PURPOSE #2008

**2008.10** This Personnel Policy Guide has been prepared to give employees a better understanding of the District. It is designed to be a working guide for both employees and supervisors in the day-to-day operations of the District's personnel management. The text of the Personnel Policy Guide is not intended to be a legal contract with the employee, but rather is an attempt to describe generally the way the organization works. There will be circumstances from time to time that will require changes to the described policies, practices, and benefits. Accordingly, the Board will make amendments as changes occur and updated pages will be made available to employees upon request.

The terms and conditions of this Personnel Policy Guide do not alter the status of the at-will District's employees, and it is not a guarantee of employment or continued employment with the District.

**2008.20** This Personnel Policy Guide should increase understanding, eliminate the need for personal decisions on matters of organizational policy, and help assure uniformity and consistency throughout the organization. It affirms that the District retains sole discretion over the determination and execution of its goals and policies.

**2008.30** All employees are expected to review this Personnel Policy Guide and will be responsible for complying with the policies and procedures contained herein. Individual department operating procedures or guidelines shall be consistent with the policies and procedures contained herein. In the event that a term or condition of an employment agreement or a Memorandum of Understanding conflicts with a term or condition contained in this Personnel Policy Guide, the term or condition in the employment agreement or Memorandum of Understanding shall prevail.

**2008.40** If any section, subsection, sentence, clause or phrase of this Personnel Policy Guide is for any reason held illegal, invalid, or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

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## NON-DISCRIMINATION #2010

**2010.10** Employment practices of the District shall fully comply with federal and state equal employment opportunity laws. The District shall not unlawfully discriminate against race (including traits historically associated with race, including but not limited to, hair texture and hairstyles such as afros, braids, locks, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or veteran or military status, or any other status protected by the federal or state laws or regulations.

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## DIVERSITY #2011

**2011.10** The District is committed to fostering and preserving a culture of diversity and inclusion.

Diversity is the presence of difference within the workplace. The District realizes that its employees come from different cultures, backgrounds, and levels of education and life experiences. The District recognizes that each employee is unique and strives to create an atmosphere where all employees and volunteers feel valued and respected regardless of their race (including traits historically associated with race, including but not limited to, hair texture and hairstyles such as afros, braids, locks, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or veteran or military status, or other protected status.

**2011.20** The District's diversity initiatives are applicable, but not limited to, our practices and policies on recruitment and selection; compensation and benefits; professional development and training; and the ongoing development of a work environment built on the premise of diversity and equity that encourages and enforces:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for others.

**2011.30** All employees of the District have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other company-sponsored and participative events.

**2011.40** All employees are also required to attend and complete annual diversity in the workplace awareness training to enhance their knowledge to fulfill this responsibility. Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

**2011.50** Employees who believe they have been subjected to any kind of discrimination that conflicts with the District's diversity policy and initiatives should seek assistance from a supervisor or Human Resources.

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## REASONABLE ACCOMMODATION #2015

- 2015.10** Consistent with applicable law, the District provides reasonable accommodation to qualified employees who are disabled or become disabled and need assistance to perform the essential functions of their jobs. This section shall not be construed as a guarantee of a specific form of accommodation nor shall accommodation in one case establish a precedent for similar or dissimilar circumstances, since all accommodations will be determined in accordance with the specific functional abilities of the employee in coordination with the requirements of the employee's job. The interactive process shall be used to determine what, if any, reasonable accommodation will be made.
- 2015.20** When an employee requests reasonable accommodation for a disability or the District has reason to believe that a reasonable accommodation is needed, the parties will engage in the interactive process, which is an ongoing dialogue between the employee (and, if requested by the employee, their union representative) and appropriate District representatives about possible options for reasonably accommodating the employee's disability. The District will not implement an accommodation that would present an undue hardship on the District. The employee is responsible for providing the District with medical documentation regarding the employee's disability and how it limits the employee's ability to perform the essential functions of the job. While the District will consider the employee's suggestions regarding which accommodation(s) to implement, the District will ultimately determine which accommodation(s) will be implemented, so long as the accommodation implemented is reasonable and as long as it does not place an undue hardship on the District.

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## HARASSMENT-FREE WORK ENVIRONMENT #2020

- 2020.10** It is District policy to maintain a work environment free from discrimination, insult, intimidation, or harassment due to race (including traits historically associated with race, including but not limited to, hair texture and hairstyles such as afros, braids, locks, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or veteran or military status. The District also prohibits discrimination and/or harassment based on the perception that a person has any of the protected characteristics or is associated with a person who has or is perceived as having any of those characteristics. Any incident of discriminatory insult, intimidation, or harassment in any form should be promptly reported to the Human Resources Manager or the General Manager for investigation and appropriate action. The District's anti-harassment and discrimination policy not only applies to employees, but also applies to Board members, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract, and other persons with whom employees may come into contact with while working.
- 2020.20** The District will not tolerate improper, unwelcome conduct that creates a hostile work environment and interferes with the ability of employees, volunteers, interns, or independent contractors to perform their expected duties. Examples of prohibited conduct includes, but is not limited to, making adverse employment decisions based on an applicant's or employee's protected class; jokes or insults directed at a person because of a protected characteristic; engaging in threatening or intimidating behavior; and/or engaging in unwelcome sexual advances. All employees, Board members, volunteers, interns, and independent contractors are required to cooperate with and abide by this policy by not engaging in any inappropriate, harassing, or discriminatory behavior or acts, and by reporting any incidents they observe or are subjected to immediately pursuant to the complaint procedure in this policy.
- 2020.30** Prohibited harassment can take many forms. It can include, but is not limited to, the following behavior:
- A.** Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts, or messages;
  - B.** Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings, or gestures;
  - C.** Physical conduct including assault, unwanted touching, intentionally blocking normal movement, or interfering with work because of sex, race, or any other protected basis;



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- D. Threats or demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss, offers of employment benefits in return for sexual favors;
- E. Retaliation for reporting or threatening to report harassment.

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

## 2020.40

Sexual harassment can include behavior that is personally offensive, threatening, or interferes with work performance. It not only includes unwelcome sexual behavior by employees to other employees, but also includes unwelcome sexual behavior to employees by non-employees and by employees to non-employees. Sexual harassment of District employees in the workplace by any person in any form is prohibited. Sexual harassment includes, but is not limited to, unwelcome sexual advances or propositions, requests for sexual favors, or other verbal or physical conduct of a sexual nature by someone in or from the District when submission to such conduct is made, either expressly or by implication, a term or condition of an individual's employment; when submission to or rejection of such conduct is the basis for employment decisions affecting that individual; or when such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment or adversely affecting the employee's performance, evaluation, advancement, assigned duties, or any other condition of employment or career development. Sexual harassment also includes any act of retaliation against an employee for reporting violations of this policy. Other examples of sexual harassment, whether committed by a Board member, a supervisor, or non-supervisory personnel are:

- A. Unwelcome sexual flirtations or propositions;
- B. Verbal abuse of a sexual nature;
- C. Graphic verbal comments about an individual's body;
- D. Sexually degrading words used to describe an individual;
- E. The display in the workplace of sexually suggestive objects or pictures.

## 2020.50

Each supervisor has the responsibility of maintaining an environment free of sexual harassment in his or her workplace. This responsibility includes discussing this policy with his or her employees and assuring them that they are not required to endure sexually insulting, degrading, or exploitive treatment or any other form of sexual harassment.

## 2020.60

The District will not retaliate against any employee for filing a complaint or participating in any workplace investigation or complaint process, and will not tolerate or permit retaliation by management, employees, or co-workers.

An employee who feels that he or she has been the subject of harassment, discrimination, retaliation, or other prohibited conduct, or who has observed or been informed that another person protected by this policy has been subjected

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to prohibited conduct, should immediately contact his or her supervisor, the Human Resources Manager, or the General Manager. It would be best to communicate the employee's complaint in writing, but this is not mandatory. Each complaint will be investigated quickly and confidentially to determine if harassment, discrimination, retaliation, or other prohibited conduct has occurred.

Supervisors are required to refer all complaints involving harassment, discrimination, retaliation, or other prohibited conduct to the Human Resources Manager or General Manager, so the District may work to investigate and resolve the complaint. Supervisors are also required to report any behavior they observe which may be a violation of this policy.

**2020.70** When the District receives allegations of misconduct, it will undertake a fair, timely, thorough, and objective investigation of the allegations in accordance with all legal requirements. The District will reach reasonable conclusions based on the evidence collected. The District will maintain confidentiality to the extent possible. However, the District cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

If, as a result of the investigation, a determination is made that harassment, discrimination, retaliation (as defined in section 2020.90 below), or other prohibited conduct has occurred, appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The range of disciplinary actions is from verbal reprimand to discharge from employment, depending on the specific circumstances including the severity of the conduct and/or repetitive nature of the conduct and/or whether the employee had previously been warned. Employees should also know that if they engage in unlawful harassment or retaliation, they could be held personally liable (Government Code Section 12940(j)(3)).

**2020.80** Employees should also be aware that the Federal Equal Employment Opportunity Commission (EEOC) and the Civil Rights Department of California (previously named California Department of Fair Employment and Housing) investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. Information is available at [www.eeoc.gov](http://www.eeoc.gov) and <https://calcivilrights.ca.gov/>.

**2020.90** 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 Civil Rights Department of California or EEOC, or for otherwise participating in any proceedings conducted by the District under this policy or by either of these agencies.

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As used in this policy, retaliation is defined as any adverse employment action taken against an employee because the employee engaged in activity protected under this policy. Protected activities may include, but are not limited to, reporting or assisting in reported suspected violations of this policy and/or cooperating in investigations or proceedings arising out of a violation of this policy.

Adverse employment action is conduct or an action that materially affects the terms and conditions of the employee's employment status or is reasonably likely to deter the employee from engaging in protected activity. Even actions that do not result in a direct loss of compensation may be regarded as an adverse employment action when considered in the totality of the circumstances.

Examples of retaliation under this policy include but are not limited to: demotion, suspension, reduction in pay, denial of a merit salary increase, failure to hire or consider for hire, refusing to promote or consider for promotion because of reporting a violation of this policy, harassing another employee for filing a complaint, denying employment opportunities because of making a complaint or for cooperating in an investigation, changing someone's work assignments for identifying harassment or other forms of discrimination in the workplace, treating people differently such as denying an accommodation, or not talking to an employee when otherwise required by job duties or otherwise excluding the employee from job-related activities because of engagement in activities protected under this policy.

**2020.100** **Abusive Conduct/Bullying** - It is expected that District employees perform their jobs productively as assigned, and in a manner that comports with District policies, and that they refrain from any disrespectful, malicious, patently offensive or abusive conduct.

Exposing a person to abusive actions repeatedly over time constitutes bullying. Abusive actions include actions performed with malice that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. Abusive conduct may include repeated infliction of verbal abuse, such as the use of derogatory remarks, insults, and epithets, verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating, or the gratuitous sabotage or undermining of a person's work performance. A single act may constitute abusive conduct, if severe and egregious. Such conduct is prohibited.

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## DISTRICT RIGHTS #2030

- 2030.10** The District has the exclusive right, in accordance with applicable laws and regulations, to take certain actions including, but not limited to, the following:
- A.** Establishing the District's missions, programs, objectives, activities, and priorities;
  - B.** Directing and supervising employees in the performance of their duties;
  - C.** Hiring, promoting, transferring, demoting, training, evaluating, classifying, and assigning employees;
  - D.** Disciplining, reprimanding, suspending, or dismissing employees for misconduct or failure to perform satisfactorily;
  - E.** Determining the District's purpose, budget, organization, work to be performed, and services to be provided;
  - F.** Determining and effectuating methods of implementing the foregoing;
  - G.** Formulating, adopting, and implementing work rules, standards of performance, and standards of conduct for employees;
  - H.** Determining the location or relocation, reorganization, or discontinuance of operations, where employees shall work, or whether any portion of any operation shall be subcontracted;
  - I.** Maintaining and enforcing safety standards and programs;
  - J.** Determining job classifications and job descriptions;
  - K.** Introducing new or improved methods, programs, equipment, or facilities, or changing or eliminating existing methods, equipment, or facilities; and
  - L.** Determining the work to be done; assigning work; establishing and changing daily or weekly work schedules; scheduling hours of work, including overtime; establishing or eliminating shifts; and determining whether and to what extent work shall be performed by employees.

The above enumeration of District rights is not inclusive and does not exclude other management rights not specified, nor shall the exercise or non-exercise of rights retained by the District be construed to mean that any right is waived.

- 2030.20** These District rights shall be exercised by the Board of Directors acting as a body or by the Board's duly authorized agent such as the General Manager or his/her designee.

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## ADMINISTRATION OF RULES #2040

- 2040.10** The General Manager, subject to the direction of the Board, shall be responsible for the administration of the rules set forth in this Personnel Policy Guide.
- 2040.20** The General Manager, in his or her discretion, may delegate any of his or her authority set forth in these rules, as he or she may deem appropriate and necessary.
- 2040.30** All provisions of this Personnel Policy Guide shall apply from the date of its adoption to all District employees without regard to the date of their original employment. This Guide nullifies, replaces, and supersedes all previous personnel policies.

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## APPLICABILITY OF DEFINITIONS #2050

**2050.10** The definitions in this chapter apply to the provisions of the Personnel Policy Guide only, as originally enacted or as later amended, and do not affect any other ordinances or resolutions of the Board. Terms used in this Personnel Policy Guide shall, unless the context clearly indicates a contrary intent, have the meaning accorded them by the definitions in Section 2060.

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## DEFINITIONS #2060

- 2060.10** **Authorized Position** - A funded work position, within a job classification, which is or may be held by an employee.
- 2060.20** **Board** - The Board of Directors of the El Dorado Hills Community Services District.
- 2060.25** **Base Rate of Pay** – An employee’s current hourly rate with no additional incentives or overtime included.
- 2060.30** **Continuous Employment** - District employment which is uninterrupted except by authorized absences.
- 2060.40** **Contracted Services** - Work performed for the District by independent contractors who retain the right to control and direct the manner and means by which the work is to be performed while the District controls the result. Independent contractors are not employees of the District.
- 2060.50** **Demotion** - A change in job classification to a position with a lower salary range.
- 2060.60** **Department** - A major administrative branch of the District, involving a general line of work, with one or more employees under the charge of one or more individuals, known as supervisors.
- 2060.70** **Department Head** – The recognized head of a specific department in the District as designated by the General Manager. A Department Head is an at-will, exempt employee.
- 2060.80** **Dismissal** - Involuntary termination of employment with the District.
- 2060.90** **District** - The El Dorado Hills Community Services District.
- 2060.100** **Employee** - A person who has been employed to serve in a District job position or who is on an authorized leave of absence from such position.
- 2060.110** **Exempt Employees** - Exempt employees are persons who are exempt from the minimum wage and overtime provision of the Fair Labor Standards Act (“FLSA”) and do not receive overtime pay, e.g. executive, administrative, and professional employees. The General Manager will consult with legal counsel and determine and report to the Board each employee's exempt/non-exempt status. Each such employee will be given notice of his or her exempt status.

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- 2060.130** **Good Standing** - Any currently employed full-time or part-time employee not under disciplinary action by the District.
- 2060.140** **Grievance** - A grievance is a claimed violation, misinterpretation, inequitable application, or non-compliance with existing District rules, regulations, and policies.
- 2060.150** **Guide** - Guide means this Personnel Policy Guide.
- 2060.160** **Immediate Family** - An employee's biological, adoptive, or foster parent, stepparent, legal guardian, or a person who stood in loco parentis when the employee was a minor child, employee's spouse, registered domestic partner, or child including biological, adopted, step-child, foster child, legal ward, or a child to whom the employee stands in loco parentis, brother, sister, grandparent, grandchild, or those of the employee's spouse. (Definition only applicable for sick leave and bereavement.)
- 2060.170** **Job Classification** - Descriptive title of a certain type of job performed by a District employee. Inherent in each classification are certain duties, responsibilities, and degrees of authority.
- 2060.180** **Leave of Absence** - When authorized, an absence from duty for a specified period of time. An employee on authorized leave may return to the same or a similar position at the end of the authorized leave period.
- 2060.190** **Non-Exempt Employees** - Non-exempt employees are persons who are not exempt from the minimum wage and overtime provisions of the FLSA. At the option of the District, these 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.
- 2060.200** **Pay Period** - The pay period shall be every 14 days.
- 2060.210** **Performance Evaluation** - A review and evaluation of an employee's performance and demonstrated capabilities in his or her authorized position by his or her supervisor.
- 2060.220** **CalPERS** - California Public Employees Retirement System. All regular full-time employees are required to join CalPERS. Regular part-time employees, after working 1,000 hours in a fiscal year are required to join CalPERS.
- 2060.230** **Personnel Policy Guide** - This group of rules and procedures concerning the terms and conditions of District employment.
- 2060.240** **Probationary Period** - The probationary period is a step in the District's hiring process for regular employees. It allows the probationary employee and the



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District an opportunity to determine if this is the right job for this person and the right person for the job. The District will use the probationary period to continue its assessment of an applicant for regular employment. During the probationary period, an employee is at-will which means the District may discharge the employee with or without cause and with or without notice. The probationary employee does not have the Grievance Procedure rights described in Section 2360 of this manual or the Pre-Disciplinary Procedures described in Section 2360.50.

- 2060.250**     **Regular Full-Time Employee** - A District employee who is regularly assigned to work forty (40) hours per week in an authorized position and has successfully completed the probationary period.
- 2060.260**     **Regular Part-Time Employee** - An employee of the District who is regularly scheduled to work fewer than forty (40) hours each week in an authorized position and has successfully completed the probationary period. Those part-time employees who are regularly scheduled to work thirty (30) hours per week or more will receive paid vacation, holiday, sick leave, and other benefits as described in Policy Numbers 2210 (Compensation Schedule and Salary Plan Administration), 2250 (Paid Holidays), 2260 (Paid Vacations), 2270 (Sick Leave), and 2400 (Tuition Reimbursement) of this Personnel Policy Guide. Part-time employees regularly scheduled to work fewer than thirty (30) hours per week shall receive California sick leave benefits, but no paid vacation, holiday, or other District-paid benefits. If a regular part-time employee works forty (40) hours or more per week for a period of twelve (12) weeks or more, the General Manager shall review the part-time position to determine whether it should be converted to a full-time position. Regular part-time employees shall not exceed 1,000 hours per fiscal year.
- 2060.261**     **Regular Rate of Pay** - An employee's base rate of pay plus any special forms of compensation that will be included when determining the appropriate rate of compensation for overtime worked, CTO pay-out and similar calculations.
- 2060.270**     **Salary Range** - Categories that determine the minimum and maximum salary payable for each employment classification.
- 2060.280**     **Salary Step** - Level of salary payable in each salary range.
- 2060.290**     **Seasonal Employee** - A full-time or part-time employee who works during a specific part of each work year, generally for a limited term. Unlike a temporary employee who has no reasonable expectation of re-employment, a seasonal employee who performs satisfactorily may be offered re-employment the following year (although the District is not required to re-employ any employee). A seasonal employee is eligible for California sick leave benefits. Seasonal employees are not eligible for other District-paid benefits and are not "regular full-time" or "regular part-time" employees regardless of the hours scheduled to work.

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A seasonal employee is an at-will employee meaning the District can terminate his or her employment at any time with or without cause and with or without notice.

- 2060.300**     **Sick Leave** - An excused, paid absence from duty by an employee due to illness as described in Policy Numbers 2270 of this Personnel Policy Guide entitled Sick Leave.
- 2060.310**     **Supervisor** - A person who has day-to-day direction and responsibility over the work of one or more specific employees.
- 2060.320**     **Suspension** - A District-mandated temporary leave of absence which may be either paid or unpaid and may be either for disciplinary reasons or investigative purposes (also known as "investigatory leave"). The District has the right to determine if or when an employee will be on investigatory leave and if or when such leave shall be paid.
- 2060.330**     **Temporary Employee** - An employee hired for a specific purpose for a limited period or an employee who works on an on-call or as-needed basis. A temporary employee has no reasonable expectation that he or she will be called or re-employed by the District in the future. A temporary employee shall receive no District-paid benefits beyond the mandated paid sick leave pursuant to the Healthy Workplace Healthy Family Act (CWHFA) and is not a "regular full-time" or "regular part-time" employee regardless of the hours the temporary employee is scheduled to work. A temporary employee is an at-will employee meaning the District can terminate his or her employment at any time with or without cause and with or without notice.
- 2060.340**     **Termination** - The conclusion or cessation of employment with the District, whether initiated by the District or the employee.
- 2060.350**     **Vacancy** - An unfilled authorized position in the District.
- 2060.360**     **Work Week** - For purposes of computing overtime, the District's work week will run from 12:00 a.m. Sunday through midnight the following Saturday.

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## EMPLOYEE SELECTION #2070

**2070.10** Employees are selected on the basis of merit, ability, appropriate education, competence, experience, and employment references. Neither an employee of the District nor any person seeking employment with the District shall be unlawfully favored or discriminated against because of race (including traits historically associated with race, including but not limited to, hair texture and hairstyles such as afros, braids, locks, and twists), religious creed, color, national origin, ancestry, physical disability, mental disability, reproductive health decision making, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age (40 and over), sexual orientation, or veteran or military status. Any technique or procedure used in the selection or promotion of employees shall be designed to measure only the job-related qualifications of the applicant. Hiring shall be done by the General Manager. Hiring at or above the Department Head level shall be subject to Board approval, with the exception of part-time, interim, or limited term (less than one year) Department Heads.

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## PROBATIONARY APPOINTMENT #2080

- 2080.10** Before employing a person as a full-time or part-time regular employee, the District shall employ that person as a probationary employee for a period of at least six (6) months. The General Manager may extend the probation period up to an additional six (6) months at his or her discretion. Extensions can be the result of a change in responsibilities or supervision, a leave of absence taken during the probationary period, or to further evaluate the employee's performance. At least seven (7) calendar days prior to the effective date of the extension, the employee shall be informed in writing of the reason(s) for and the period of the extension. Any extension of the probationary period shall also extend the probationary status of the employee and eligibility to receive a merit increase.
- 2080.20** The probationary period is a step in the District's hiring process. It allows the probationary employee and the District an opportunity to determine if this is the right job for this person and the right person for the job. The District will use the probationary period to continue its assessment of an applicant for regular employment. During this period, supervisors should carefully evaluate the employee's performance and general suitability for District employment.
- 2080.30** Probationary employees serve the District in an at-will status. At any time during the probationary period, the probationary employee or the District may terminate the employment relationship with or without cause and with or without notice. The probationary employee will not have recourse to the Grievance Procedure set forth in Section 2360 of this Personnel Policy Guide or the Pre-Disciplinary Procedures described in Section 2360.50.
- 2080.40** If interrupted by an authorized leave of absence, the probationary period will be extended accordingly.

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## REGULAR APPOINTMENT #2090

**2090.10** Only regular part-time or full-time employees shall serve a probationary period. Prior to the completion of their probationary period, the probationary employee shall be evaluated by his or her supervisor. If the probationary employee's performance receives an overall rating of satisfactory or greater, the supervisor shall recommend the probationary employee for a regular appointment. The General Manager shall review the recommendation and if he or she concurs, the probationary employee shall become a regular employee effective the first full pay-period following completion of the probationary period.

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## EMERGENCY HELP #2100

- 2100.10** In cases of great emergency, when necessary to protect lives or property from imminent danger, the General Manager may employ a person (or persons) on behalf of the District as a temporary employee for a period which shall not extend beyond the duration of the emergency or the adjournment of the next regular meeting of the Board, whichever is earlier.
- 2100.20** Additionally, the General Manager may employ a person or persons on behalf of the District as a temporary employee for a period which shall not extend beyond the adjournment of the next regular meeting of the Board, when circumstances are found to exist as would cause unreasonable damage to or deterioration of District property or the curtailment or impairment of important District operations without such additional employment.
- 2100.30** Temporary personnel employed pursuant to this section shall be at the salary for the appropriate classification, unless changed by subsequent action of the Board. Any such appointment shall be reviewed by the Board at the first regular meeting following the appointment.

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## PHYSICAL EXAMINATION #2110

**2110.10** Prior to making an appointment of any employee and after an employee receives a conditional offer of employment, the District may require all appointees to specific jobs to pass a physical examination administered by the District's chosen physician that is job-related and consistent with business necessity. The physician's report shall be submitted to the District before the new employee begins his or her employment.

At any time during an individual's employment with the District, if concerns arise about the employee's ability or fitness to perform his or her job, the District may require the employee to have a physical examination if it is job related and consistent with the District's business needs. The cost of required examinations shall be borne by the District.

If an employee is on a medical leave of absence, the District shall require an employee to submit to a physical examination prior to returning to work.

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## HIRING OF RELATIVES #2120

- 2120.10** The District's policy is to hire, promote, and transfer employees on the basis of individual merit and to avoid favoritism in making such decisions.
- 2120.20** Board members' or current District employees' relatives may only be employed within the same department or facility when all the following criteria are met:
- A.** Such employment does not adversely affect safety, morale, security, or supervision; and
  - B.** The relatives do not directly supervise each other; and
  - C.** Such relatives neither initiate nor participate in making institutional recommendations or decisions that would directly affect employment status of their immediate relatives. These recommendations/decisions include but are not limited to selection, appointment, retention, tenure, work assignments, promotion, demotion, or salary.
- 2120.30** The District may prohibit assignment or reassignment of relatives if, in its sole discretion, it finds that any of the above criteria are not met. The District may elect to find alternative placement into a position within the organization if there is a vacancy and the employee meets the minimum qualifications of the position.
- 2120.40** Relative includes an employee's biological, adoptive, or foster parent, stepparent, legal guardian, or a person who stood in loco parentis when the employee was a minor child, employee's spouse, registered domestic partner, or child including biological, adopted, step-child, foster child, legal ward, or a child to whom the employee stands in loco parentis, brother, sister, grandparent, grandchild, or those of the employee's spouse.
- 2120.50** This policy also applies to persons who are not legally married but live together and, in the District's judgment, share the attendant responsibilities and commitments of marriage.
- 2120.60** Marriage While Employed - If two persons should marry while both are employed by the District, they may continue their employment in the same job provided that the criteria set forth in Section 2120.20 are met.
- 2120.70** If the criteria are not met, one of the spouses must change jobs, change work locations, or terminate his or her employment with the District. The couple will make a decision within thirty (30) calendar days of the marriage as to which of them will change positions or employment.
- If this decision is not made within thirty (30) calendar days, however, the employee with the least seniority (based upon his or her total time as a District employee) shall be transferred or terminated. If both employees have the same



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seniority, the District's decision as to which employee must be transferred or terminated will be based upon the necessity of operating the District in an efficient manner. If the General Manager determines that an overriding business necessity requires the transfer or termination of one particular spouse, such overriding necessity shall supersede the foregoing system.

**2120.80** The General Manager may authorize an exception to this policy if it is found that (1) the position to be filled requires a person with specialized training and experience not generally available in the employment market, (2) substantial bona fide efforts have been made to locate and employ such a person who is not a relative of any Board member or employee, and (3) the relationship between the relative and the applicant or employee is unlikely to materially affect his or her employment by the District. Any such exception authorized by the General Manager must be ratified by the Board.

**2120.90** The General Manager has responsibility for the administration of this policy with regard to all hiring and promotional practices. The General Manager will include in his or her annual report to the Board a review of the implementation of this policy, as necessary.

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## PROMOTION, DEMOTION, LATERAL TRANSFER #2130

- 2130.10** A promotion is the change of an employee from one position to another position which has a higher salary range maximum. Upon promotion, an employee may be granted a salary increase to the minimum of the salary range for the new classification or one step in amount, whichever is greater, provided that the employee's new salary rate does not exceed the maximum of the new classification. An employee that is promoted to a higher classification will be required to serve a probationary period of at least six (6) months.
- 2130.20** A demotion is the change of an employee from one position to another position, which has a lower salary range maximum. Salary adjustment due to a demotion shall be at the discretion of the General Manager.
- 2130.30** A lateral transfer is the change of an employee from one position to another position which is in a class having the same salary range maximum. An employee who is transferred from one classification to another must have the qualifications and skills required for the new classification.
- 2130.40** If a new position is established or if a position is or will become vacant, the General Manager may laterally transfer a District employee working at or above that level into the vacant position.

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## ADVERTISING AND FILLING VACANCIES #2140

- 2140.10** If a new or vacant position is not filled through lateral transfer as described in Personnel Policy Guide 2130.30, the General Manager shall advertise for the position.
- 2140.20** Job advertisements shall be posted on the District's website.
- 2140.30** The advertisement shall state:
- Position title;
  - Salary or wage range;
  - Deadline for filing an application;
  - Where and how the application may be obtained and submitted.
- 2140.40** Nothing in this provision shall be interpreted to preclude the District from promoting qualified individuals from within without the necessity of advertising a vacant or newly created position when to do so is in the best interest of the District as determined by the General Manager. Employees appointed from one classification to another must have the qualifications and skills required for the new classification.
- 2140.50** **Applications** - All applications must be in writing and must be submitted on the form provided by the District. Letters of recommendation and references may be required where appropriate. A resume is not a substitution for a completed District employment application.
- 2140.60** **Interviews** - Before an applicant is hired, he or she shall be personally interviewed.
- 2140.70** **Applicability of Advertising and Hiring Provisions** - These provisions apply to filling regular full-time and regular part-time employee positions. These sections do not apply to appointment of seasonal or temporary employees.
- 2140.80** **Appointment** - The position of General Manager shall be filled by Board appointment. The General Manager shall appoint successful candidates to fill all other vacant positions. The appointment of Department Head positions shall be subject to Board approval.

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## REGULAR WORK WEEK AND WORK DAY #2150

- 2150.10** The regular work week shall be forty (40) hours for a seven (7) day period running from 12:00 a.m. Sunday through midnight the following Saturday. Management may set other hours of work for specific positions to accommodate District needs.
- 2150.20** The District's public office hours shall be Monday through Friday from 8:00 a.m. to 5:00 p.m.
- 2150.30** Employees may be scheduled for five (5) eight (8) hour days per week; four (4) ten (10) hour days per week with Friday off; four (4) nine (9) hour days per week with half days off on each Friday or every other Friday off; or another work schedule as determined by the General Manager. Each work day shall include an unpaid meal period, and two paid ten-minute work breaks. Work breaks may be scheduled by the employee's supervisor.
- 2150.40** Regular full-time employees will receive eight (8) hours of pay for a holiday and may elect to work, at straight time, any additional hours if their normal work schedule normally exceeds eight (8) hours in a day or take vacation time for the additional hours upon approval of their supervisor if a holiday falls on their normal work schedule. To receive holiday pay, employees must have been in a paid status the last work day prior to the holiday and the day following the holiday. Pay status includes use of sick leave or vacation leave. The District's overtime policy applies to any other hours worked on a holiday which exceed forty (40) in a workweek.

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## SALARIES #2160

- 2160.10** With the exception of the General Manager and Department Heads, whose compensation shall be determined by the Board, unrepresented employees' wages or salaries will be determined by the General Manager. Represented employees will be subject to the wage and salary scale negotiated during collective bargaining and subsequently approved by the employee organization and by the District's Board.
- 2160.20** All employees, with the exception of temporary and seasonal workers who are paid on an hourly basis, have their salaries set on the basis of a regular monthly sum. Pay periods will be on a bi-weekly basis. Paydays will be on alternating Thursdays, or Wednesday if a listed holiday falls on a Thursday.

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## OVERTIME #2170

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.

**2170.10** Non-exempt employees are eligible for overtime pay for each hour worked in excess of forty (40) hours in a workweek. All overtime must be required or authorized in advance by a supervisor, unless determined to have been a bona fide emergency. In the case of a bona fide emergency, where it is not feasible to obtain such prior authorization, the employee who has worked overtime shall request such authorization on the next regular work day. Any employee who works overtime which is not pre-approved may be subject to discipline up to and including termination.

Overtime pay shall be received for the following:

- A.** Hours actually worked in excess of forty hours in a workweek.
- B.** Hours worked by an employee when called in on a day off or called back to work after leaving the jobsite. In such cases, the employee will be paid a two (2) hour minimum. Those two (2) hours will be paid at an overtime rate only if the employee has already worked forty (40) hours in the workweek.

**2170.20** Non-exempt employees shall be paid overtime at one-and-one-half (1½) times the employee's regular rate of pay computed to the nearest one-quarter hour for all time actually worked. Holidays, administrative leave, vacation, authorized compensatory time off, and sick leave do not count toward an employee's overtime calculation.

**2170.30** Exempt employees shall receive no additional pay for hours worked over forty (40) in a workweek.

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## COMPENSATORY TIME OFF (CTO) #2180

- 2180.10**     **Compensation** - In lieu of overtime pay, an employee may earn Compensatory Time Off ("CTO") at the rate of 1½ hours off for each hour worked in excess of forty (40) in a workweek. Employees should request CTO in lieu of overtime to their supervisor before overtime hours are worked and the request should be in writing.
- 2180.20**     **Accumulation and Use of CTO** - No employee shall accumulate more than 40 hours of CTO at any given time. Before using CTO, an employee should obtain the approval of their supervisor. Employees shall be permitted to use CTO as requested unless employee's absence on the requested day would unduly disrupt the District's operations. If CTO is denied for operational reasons, the employee shall be permitted to use CTO within a reasonable period of time thereafter so long as the usage does not unduly disrupt the District's operations.
- 2180.30**     **Termination** - Upon termination, any employee with accumulated CTO shall have it paid out to them at either (1) the employee's average regular rate of pay during the past three years of employment or (2) the employee's regular rate of pay in effect at the time of termination, whichever is higher. Overtime and CTO shall be paid in accordance with these rules and the provisions of the FLSA for all non-exempt employees.

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## EMERGENCY DUTY #2190

- 2190.10** Call-Out - When responding to an emergency call, an employee who returns to the jobsite shall be paid a two (2) hour minimum plus any hours worked in excess of the two hours in which the employee is continuously engaged in work for which he or she was called back. If the employee is working overtime hours (beyond 40 hours in a workweek), then employee shall receive overtime pay for those two (2) hours and any additional call back hours worked in excess of forty (40) in a workweek. Providing brief consultation assistance over the phone is not recognized as being continuously engaged in work.
- 2190.20** On-Call - When warranted and in the interest of the District's operations, Department Heads or their designee may assign employees to "on-call duty."
- A.** "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.

An employee assigned on-call duty shall be compensated at the regular rate of pay for each hour the employee is on-call.



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## PAY ADVANCES, DEDUCTIONS, FINAL CHECK #2200

- 2200.10** Pay advances to employees on earned wages and salaries may be granted on an individual basis if approved by the General Manager. Advances to employees on unearned wages and salaries will not be made.
- 2200.20** As required by law, the District makes payroll deductions from each employee's wages and salaries for federal withholding taxes, Social Security taxes, California State withholding taxes, State Disability Insurance, and wage garnishment. Deductions are also made from employees' salaries for contributions paid to the CalPERS for any employee who is enrolled in CalPERS.
- 2200.30** A final paycheck shall be issued to employees who have been dismissed, laid off, or resigned as soon as possible but no later than their next regularly scheduled paycheck following their separation from employment.

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## COMPENSATION SCHEDULE AND SALARY PLAN ADMINISTRATION #2210

- 2210.10** With the exception of the position of General Manager, all unrepresented District employees shall receive the compensation provided in the basic salary schedule. The Board may, at any regular or special meeting duly called for that purpose, adjust the salaries or salary ranges by minute order or resolution. It is the Board's goal to determine annual salary adjustments by July 1st of each year. All represented employees will be subject to the wage and salary scale negotiated during collective bargaining and subsequently approved by the employee organization and by the District's Board.
- 2210.20** The District has a salary schedule that denotes the steps in the pay ranges of the District salary plan.
- 2210.30** Except as otherwise provided in this Personnel Policy Guide (including Section 2220), employees and candidates shall be employed or appointed at the first step of the salary range for their particular class. Advancement within a salary range shall not be automatic but shall be given only upon affirmative recommendation of the employee's supervisor and approval of the General Manager. Thereafter, an employee may be considered for increase in salary according to the following schedule:
- A.** Step 1 shall be paid upon initial appointment to District service for a period of at least six (6) months (1,040 hours of work), except when another step is indicated as the beginning pay step.
  - B.** After satisfactory completion of at least six (6) months service in Step 1 (1,040 hours of work), employees may be considered for a merit increase to Step 2. Employees appointed at other than Step 1 may be considered for an increase to the next higher step upon the satisfactory completion of at least six (6) months of service.
  - C.** After satisfactory completion of at least twelve (12) months of service at Step 2 (2,080 hours of work), employees may be considered for an increase to a higher step.
  - D.** All step increases shall be effective the first day of the next payroll period following the employee's eligibility for such increase.
- 2210.40** Regular part-time employees shall be eligible for step increases when their equivalent length of service meets the provisions of paragraph 2210.30(B) in this section.

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## MERIT AND SPECIAL MERIT COMPENSATION PROGRAM FOR UNREPRESENTED FULL-TIME EMPLOYEES #2220

- 2220.10** It is the intent of this policy to provide highly effective full-time unrepresented employees a merit or special merit increase to his/her salary beyond the established standard salary range for exceeding performance standards. In order to properly compensate and retain highly qualified and effective employees, adjustments in salary shall be based on a merit system. Adjustments shall not be automatic but shall depend upon the rating of the employee's performance evaluation. This policy seeks to clarify when an unrepresented full-time employee may receive a flexible merit increase to his/her salary based on the employee's outstanding or exceptional performance.
- 2220.20** The General Manager or his/her designee shall prepare a compensation plan covering all unrepresented classifications in the District service. This compensation plan will show the salary ranges and list other forms of compensation which each classification will receive. In arriving at such salary ranges, consideration may be given to the prevailing rates of pay for comparable work in other public and private employment (usually within close geographic proximity of the District), as well as the District's current financial condition and operational needs. The General Manager or his/her designee may make further studies of the compensation plan as needed, or as may be requested by the Board. All such studies will be done in accordance with applicable laws, District policies, and current agreements affecting employer-employee relations in the District. The Board shall adopt the compensation plan as part of the District's budget each fiscal year.
- 2220.30** A full-time unrepresented employee occupying a position in the District service will be paid a wage within the standard salary range established for that position's classification under the adopted salary schedule. The salary schedule shall provide salary steps for each classification. An employee may be assigned by the General Manager or his/her designee, with the Department Head's recommendation, to the various steps within the standard range for the classification. Salary step advancement is not automatic nor is it based solely upon an employee's length of service. Instead, salary step advancement will be based upon an employee's performance in the prior review year. Step increases may also be accelerated at the discretion of the General Manager. Each salary step increase must be accompanied by a written performance review wherein the Department Head or the General Manager recommends salary step advancement for the eligible employee.
- 2220.40** Salary step increases may be withheld in the event that an employee's performance, as viewed by the Department Head or the General Manager, has been less than satisfactory during the review period. The denial of a step increase

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shall be in writing to the employee and shall specify to the employee the areas of his/her performance which need improvement. The employee's performance will be re-evaluated in ninety (90) days by the Department Head or the General Manager. If the employee's performance has significantly improved during the ninety (90) day re-evaluation period, the Department Head or the General Manager may recommend the commencement of the salary step increase, or portion thereof, which was previously withheld.

## 2220.50

Upon the recommendation of the Department Head and with the approval of the General Manager, an employee may receive a special merit increase above and beyond the standard salary schedule range. These special merit salary steps, which are above and beyond the standard salary range, shall be specifically identified on the salary schedule for each classification. Such special merit increases are to provide recognition for truly outstanding or exceptional performance beyond the normal expectations of the position. A special performance evaluation must accompany the recommendation by the Department Head or General Manager which describes the specific and measurable performance achievements attributable to the employee that warrants a special merit increase. No special merit increase may exceed the maximum of the employee's current special merit salary range for his or her classification.

Generally, a special merit increase award will be 2.5% for measurable performance that is increasingly above standards across all categorical areas of performance reviewed by the District. The recommending Department Head or General Manager shall provide sufficient written evidence and descriptive proof of why the employee's performance is above and beyond the normal call of duty, or is particularly exceptional, thus warranting a special merit increase.

Mandatory criterion for receiving special merit increase:

- Employee has not received more than a 10% salary adjustment in the last twelve months.
- Employee has not received any special salary adjustments in the last twelve months.
- Employee has not received an "Improvement Needed" comment on a performance evaluation in the last eighteen (18) months.
- Employee has been employed by the District for a minimum of eighteen (18) months.

An employee whose performance has been rated as "Outstanding" across all categorical areas of the performance evaluation and who has demonstrated performance above and beyond the call of duty may be considered for a 5% special merit increase award.

An employee whose performance has met all of the aforementioned criteria and which is exceptionally beyond the expectations established by the District and

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management, may be considered for a special merit increase award of up to 7.5% beyond the standard salary schedule range of the position. Such exceptional performance may include:

- Process improvement ideas that, if implemented, result in a measurable efficiency-to-value deliverable(s) exceeding \$50,000.
- Obtains outside funding (e.g., grant funding) that augments a District project or operation costs by more than \$50,000.
- Obtains prestigious recognition award for work performed for the District. May not be an award that has been submitted or requested to be submitted by the employee being considered for a special merit increase award.
- Directly responsible for a highly positive community-impacting deliverable that elevates the District to new heights in the area(s) of public confidence in District governance, transparency, communications, community involvement, recognition, or other similar achievement.

All special merit increase awards at or above 5% may require a budget allocation, and as such, review and approval of the special merit increase award by the Board is required.

## 2220.60

Implementation of this policy requires employees to continue and maintain highly effective performance, and for the performance-rating supervisor(s) and the merit-awarding authority to provide written proof of such outstanding or exceptional performance of the employee through the performance review and appraisal process. A merit or special merit increase may be removed through the employee performance review and/or disciplinary process.

It is the goal of this policy to establish progression through the standard salary steps and not to skip steps. Progression through the special merit steps (above and beyond the standard salary steps) generally occurs when an employee has reached the maximum step of the standard wage scale or when the employee demonstrates outstanding or exceptional performance warranting a higher increase. Annual performance reviews are the time at which a merit or special merit increase is considered, except for special circumstances which may warrant a special review of the employee's performance outside of the District's annual review process.

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## COST OF LIVING ADJUSTMENTS (COLA) FOR UNREPRESENTED FULL-TIME CLASSIFICATIONS #2230

**2230.10** The District recognizes that the cost of living fluctuates from year to year and that the buying power of employees often diminishes if a mechanism is not initiated to adjust salaries from time to time to compensate for these fluctuations. Therefore, it is the policy of the District to annually include consideration for a Cost of Living Adjustment (“COLA”) in the District's fiscal year budget for unrepresented full-time classifications. The District Board will take into consideration the Consumer Price Index (“CPI”) for the prior year in making this determination. Recognizing that employees are one of the principal assets of the District, the final COLA approved by the Board, if any, will be based on the overall budget, programs and projects, initiatives, and goals of the District.

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## SPECIAL PAYS #2240

- 2240.10**     **Special Certification Stipend** - Regular employees designated by the Board or the General Manager to acquire and maintain special certification in order to meet federal, state, or local laws or regulations shall receive \$250 per year per certificate. Each employee shall be eligible for a maximum of two certification pay stipends per year. Certification pay should be approved by the Human Resources Manager provided that the employee provides proof of the certification, and the certification is required by the District for the job the employee is performing. The employee shall continue to receive certification pay if the employee continues to keep the certification current. If the certification expires, the employee shall no longer be eligible for certification pay. If the certification expires mid-year, then the employee's certification pay stipend shall be prorated.
- 2240.20**     **Out of Classification Pay Differential** - When the District temporarily assigns an employee to fully perform the functions of a position in a higher classification for at least twenty (20) working days or more, the employee will be paid at least five percent (5%) over his or her current pay rate or the minimum of the higher position's salary range, whichever is higher (retroactive to the first day of the out of class assignment) provided that:
- A.** The employee is assigned to a program, service, or activity established by the Board which is reflected in an authorized position which has been classified and assigned to the Salary Schedule and such authorized position has become vacant due to the temporary or permanent absence of the position's incumbent. The General Manager's written approval of this assignment must be obtained at the start of the assignment.
  - B.** The nature of the departmental assignment is such that the employee in the lower classification becomes fully responsible for the duties of the position of the higher classification.
  - C.** The employee has been assigned to perform duties which exceed the scope of that employee's classification. In this case, the General Manager, in his/her sole discretion, shall determine whether it is appropriate for the employee to receive a five percent (5%) raise or compensation for the higher classification in accordance with other provisions of this section.
  - D.** Employees selected for the temporary out of class assignment will normally be expected to meet the minimum qualifications for the higher classification.
  - E.** Pay for work in a higher classification shall not be utilized as a substitute for regular promotional procedures provided for in District policy.
  - F.** Higher pay assignments shall not exceed six (6) months unless specifically authorized by the General Manager.
  - G.** If approval is granted for pay in a higher classification and the assignment is terminated and later re-approved for the same employee within thirty

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(30) working days, no additional twenty (20) day waiting period will be required.

- H.** Approved overtime or differential pay will be paid based on the rate of pay of the higher classification.



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## PAID HOLIDAYS #2250

**2250.10** An employee who is in “pay status” on the employee's last scheduled work day before the holiday and first scheduled work day after the holiday shall be eligible to receive holiday pay. No employee shall be eligible for compensation for any holiday which is immediately preceded by or followed by an unauthorized, unpaid absence or a disciplinary suspension.

An eligible part-time employee shall only receive proportionate holiday pay, up to the maximum of eight (8) hours per holiday, based on the percentage of time the employee works that pay period. If a holiday falls on an employee's regularly scheduled work day, employees on a 9/80 alternative work schedule shall be compensated eight (8) hours of straight pay and shall use one (1) hour of leave for the holiday. If a holiday falls on an employee's regularly scheduled workday, employees on a 4-10 alternative work schedule shall be compensated eight (8) hours of straight pay and shall use two (2) hour of leave for the holiday.

A regular part-time employee will only be eligible if the employee is regularly scheduled to work on the day that the holiday falls and meets the criteria stated in 2250.10 and 2250.40. Regular full-time employees shall receive holiday pay on the following days:

New Years' Day	**January 1
Martin Luther King Jr.'s Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	**July 4
Labor Day	1st Monday in September
Veterans Day	**November 11
Thanksgiving	4th Thursday in November
Friday after Thanksgiving	4th Friday in November
Christmas Eve	**December 24
Christmas Day	**December 25
Floating Holiday (8 hours)	To be used by Dec 31 of each year

**2250.20** \*\*Any of the allowed holidays falling on a Saturday will be observed on the preceding Friday. Those falling on Sunday will be observed on the following Monday. Should December 24 fall on a Sunday, it will be observed on the following Monday and December 25 will be observed on the following Tuesday.

**2250.30** Temporary and seasonal employees are not eligible for holiday pay.

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- 2250.40** Regular part-time employees regularly scheduled to work 30 hours per week or more shall receive six (6) hours holiday pay for the holidays listed above.
- 2250.50** **Overtime for Holiday Work** - Non-exempt regular full-time employees who are required to work on any holiday shall only be granted overtime pay or compensatory time off at 1 ½ times the employee's regular rate of pay if the hours actually worked on the holiday are more than forty (40) in a workweek.

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## PAID VACATIONS #2260

**2260.10** Vacation benefits shall begin to accrue for all regular full-time and regular part-time employees who are regularly scheduled to work thirty (30) hours per week or more effective upon his/her initial date of hire but shall not be taken until after the successful completion of the employee's initial probationary period unless otherwise approved by the General Manager. Vacation benefits shall accrue as shown in the following table:

### FULL TIME EMPLOYEES

YEARS OF CONTINUOUS EMPLOYMENT	ANNUAL VACATION DAYS NON-EXEMPT	NON-EXEMPT HOURS PER PAY PERIOD**	ANNUAL VACATION DAYS EXEMPT	EXEMPT HOURS PER PAY PERIOD**
0-3 Years	11	3.67	16	5.34
3-5 Years	13	4.33	18	6.0
5-10 Years	16	5.34	21	7.0
10-15 Years	20+5*	6.67	25+5*	8.34
15 Years	20+5*	6.67	25+5*	8.34
20 Years	20+5*	6.67	25+5*	8.34

\*See 2260.20 Longevity

\*\*24 pay periods a year

Regular part-time employees who are regularly scheduled to work 30 hours or more per week shall accrue vacation benefits monthly and Longevity Incentive days at 75% the rate of regular full-time employees.

**2260.20** The Longevity incentive is intended to recognize and reward employees for ten (10) years or more of service to the District. Starting in the 10th year of District employment and every fifth year thereafter, each eligible regular employee will receive five longevity days in addition to their annual vacation accrual. These five longevity days will be awarded only in anniversary years divisible by the number five.

**2260.30** An employee shall take accrued vacation only after successful completion of his/her initial probationary period unless otherwise approved by the General Manager.

**2260.40** Vacation benefits will not accrue during a leave of absence without pay, but any accrued vacation will not be lost.

**2260.50** No regular full-time employee will accrue more than thirty-two (32) days (or 256 hours) of allotted vacation time. When a full-time employee has accrued the 32-day (or 256 hour) allotment, no further vacation will be earned until some vacation

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time is taken. Regular part-time employees may accrue a maximum of twenty-four (24) days (or 192 hours).

**2260.60** Vacation schedules shall be arranged as early as possible each year. Employees shall schedule vacation(s) with the approval of their immediate supervisor and/or the General Manager.

**2260.65** Regular full-time employees may cash-out accrued vacation leave on an hour-for-hour basis at the employee's regular base rate of pay pursuant to procedures established by the Human Resources Department. Employees may cash out up to 5 days (40 hours) of vacation leave per calendar year.

Employees may cash out accrued vacation leave each December. To cash out, regular full-time employees must have used at least 10 days (80 hours) of accrued vacation leave prior to December of the year the leave is to be cashed out.

**2260.70** At termination, an employee shall be paid for all unused accrued vacation at the employee's base rate of pay at the time of termination.

**2260.80** An employee who becomes ill while on vacation and desires to claim sick leave rather than vacation shall make such a request as soon as possible after he or she desires sick leave compensation to begin in lieu of vacation.

**2260.90** All vacation leave taken must be verified by the employee on appropriate forms provided by the District or the request for paid vacation may not be approved.

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## SICK LEAVE #2270

- 2270.10** Sick leave is an employee benefit provided by the District to be granted in circumstances of adversity and for the purpose of promoting the health and welfare of the individual employee or his or her immediate family member or designated person. It is not an earned right to be used like vacation time. Sick leave is granted to an employee when he or she must be absent from duty because of his or her own a bona fide illness or injury or the bona fide illness or injury of an immediate family member as defined in Policy 2060.160 or designated person. Employees must use paid sick leave in 15-minute increments. Employees may only identify a single designated person for whom they want to use the sick leave once every 12 months.
- 2270.20** All regular full-time employees will accrue sick leave beginning on the employee's first day of work. It will accrue at the rate of four (4) hours for each full pay period of service (24 pay periods). All regular part-time employees who are regularly scheduled to work 30 or more hours per week shall accrue sick leave beginning on the employee's first day of work. It will accrue at the rate of three (3) hours for each full pay period of service.
- 2270.30** Non-regular (seasonal, limited term, and/or temporary) and regular part-time employees are entitled to accrue five (5) days or forty (40) hours of paid sick time annually which may be used within a twelve (12) month period or during the term of the employee's employment (if less than 12-months). Non-regular and regular part-time employees may also carryover a maximum of ten (10) days or eighty (80) hours year to year. If employees are re-hired by the District within twelve (12) months of the employee's separation date, the District will reinstate up to five (5) days or forty (40) hours of previously accrued, but unused, paid sick leave. Paid sick leave made available under this section for non-regular employees has no cash value, and the District will not pay employees for unused sick leave at the employee's separation.
- 2270.40** Sick leave shall not accrue during a leave of absence without pay but accrued sick leave shall not be lost.
- 2270.50** Accrued sick leave with pay shall be granted for employees for the following reasons:
- A.** The employee's own illness or injury;
  - B.** Medical or dental appointments;
  - C.** Providing care for a member of the immediate family member (as described in Policy 2060.160) or designated person where such person is ill or injured and who requires the care or attendance of the employee.

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- 2270.60** It shall be the responsibility of each employee absent from duty due to a bona fide illness or injury to notify his or her supervisor within the first half hour of the employee's start time. Employees with sole responsibility for opening a facility or starting a scheduled District activity are responsible for notifying the supervisor of their absence due to illness or injury far enough in advance to allow the supervisor to arrange for a substitute to perform these duties.
- 2270.70** A certification from a healthcare provider verifying the reason for absence due to illness or injury may be required by the District if the employee's absence exceeds three (3) consecutive days.
- 2270.80** A certification from a healthcare provider will be required stating that the employee is capable of returning to his or her normal duties if the employee is returning to work from a long-term medical leave such as FMLA/CFRA leave.
- 2270.90** Paid sick leave will not be authorized or granted for periods in excess of the employee's accrued sick leave balance. Upon retirement, unused accrued sick leave will be credited to the employee according to the provisions of the District's contract with CalPERS.
- 2270.100** **Sick Leave Donations** - Employees may donate part of their accrued sick leave to any other employee of the District who exhausts their sick leave and is still incapacitated from the performance of his or her duties. Sick leave must be donated in increments of one hour. Sick leave will be donated on an hour-for-hour basis. There will be no calculation as to the value of donated time. Sick leave donations shall be in writing and shall be signed by the employee donating the sick leave and specifying the employee to whom it is donated. Donation request shall be forwarded to Human Resources for review and approval prior to the use of the donation.
- 2270.110** **Sick Leave Conversion** - Employees may convert up to a maximum of one-half of any earned sick leave available above 96 hours as of December 31 of that year for either earned vacation leave on an hour for hour (1:1) basis or for a cash reimbursement on a half an hour for hour (.5:1) basis. Any employee desiring to convert sick leave to either or both of these two options must submit a written request to the Human Resources Manager between December 15 of that year and January 15 of the next year which specifically indicates the conversion requested. All requests for sick leave conversion shall require the General Manager's approval.
- 2270.120** **Coordination of Sick Leave, SDI, and Worker's Compensation Benefits** - A regular employee may coordinate sick leave benefits with his or her worker's compensation or state disability insurance benefits. The District will pay the difference between the employee's insurance benefit and his or her full salary until such time as his or her previously accrued sick leave is exhausted. For example: if disability insurance pays 75% of an employee's pay during a one-day

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absence, the employee may use accrued sick leave for the remaining 25%. The employees' accrued sick leave is therefore reduced by one-fourth of a day. The employee will be considered on leave of absence without pay for the time the employee is receiving worker's compensation or state disability insurance benefits. Therefore, the employee will not accrue any sick leave or vacation benefits or be entitled to health care benefits (unless such leave is protected by FMLA/CFRA/PDL), for the period the employee is on a leave of absence without pay. An employee will only accrue vacation or sick or be entitled to health care benefits on a pro rata basis equivalent to the percentage of paid leave being utilized.

A 3-day waiting period exists for those employees who are not hospitalized or removed from work for more than fourteen (14) days due to a work-related injury before worker's compensation benefits are paid. Employees may use their accrued sick leave or, if the employee has no accrued sick leave, vacation during this 3-day waiting period.

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## BEREAVEMENT AND COURT LEAVE #2280

**2280.10** **Bereavement Leave** - An eligible employee is entitled to leave with pay, up to 3 consecutive working days and up to 2 additional days unpaid for a total of 5 days per incident.

- A.** Two unpaid days require employee to have 30 days of service and must be used within 3 months of death. Proof of death must be provided within 30 days of first day of leave. Employees may elect to use accrued vacation or CTO for the additional 2 unpaid days.
- B.** Eligible Employees. All regular employees are eligible to take bereavement leave in the event of the death of a member of his or her immediate family. For the purposes of this section "Immediate Family" is defined as spouse, domestic partner, parent, stepparent, brother/sister, step-brother/sister, child, stepchild, or the same relatives of a domestic partner. The General Manager may approve additional family members as qualifying for the bereavement leave benefit.
- C.** Documentation of Death. The District may require the employee taking bereavement leave to provide written documentation of the death for which the bereavement leave is taken.

**2280.20** **Court Leave** - Payment of salary while on jury duty, or for court appearances solely in the capacity of a witness and not when a party to the action, is subject to the following conditions:

- A.** An amount equal to the total compensation, except expenses and mileage, received from the courts will be deducted from the employee's salary; or, if preferred, the employee may turn in to the District all such compensation received and draw full pay during jury duty.
- B.** Employees must furnish a copy of the official summons or witness subpoena to the District before a court leave will be granted. Evidence of attendance in court, which is available and furnished by the courts, must be furnished to the District before payment of salary will be authorized.
- C.** Employees will only receive compensation for jury duty or for court appearances scheduled during normal working hours.
- D.** Court leave is only available to regular employees.



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## EXCEPTIONAL LEAVES OF ABSENCE #2290

- 2290.10** Any employee may request a leave of absence for reasons other than statutorily protected leaves when exceptional circumstances exist. The request must be in writing to the employee's supervisor and state the reasons for and the duration of the requested leave. Such leaves of absence must be approved by the General Manager. The General Manager will take into consideration the best interests of the District and the employee when granting or denying a request for a general leave of absence, and when determining whether an approved leave of absence will be with or without pay.

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## JOB ABANDONMENT #2310

- 2310.10** An employee's failure to report to work as scheduled for three (3) consecutive workdays will be treated by the District as an employee's job abandonment resulting in her/his resignation. This does not include employees who are on authorized vacation, sick leave, bereavement leave, military leave, court leave, or other authorized leave of absence. Exceptions may also be made for emergency situations.
- An unauthorized absence during part of a day constitutes an unauthorized absence for an entire day for purposes of this section.
- 2310.20** Prior to termination, the District will attempt to contact the absent employee and/or emergency contact to determine whether the unauthorized absence is covered under a protected leave. If the District determines that the employee's absence was due to an emergency situation, the employee may be disciplined for failure to notify the District of his or her absences. An employee terminating employment in the manner described in 2310.10 will be considered to have voluntarily resigned his or her District employment.
- 2310.30** Nothing in this section shall limit the General Manager's authority to retain, discipline, or dismiss an employee due to an unauthorized absence.

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## ANNUAL PERFORMANCE EVALUATION #2320

- 2320.10** Each supervisor shall prepare a written annual performance evaluation for each employee he or she directly supervises and provide the employee a copy. The purpose of the evaluation is to provide an opportunity for District supervisors to meet with their employees to discuss their job performance and future development. Written evaluations shall become a permanent part of the employee's personnel file.
- 2320.20** The employee's performance evaluation is confidential. During the evaluation process and any subsequent use of the evaluation materials, all verbal discussion and documentation shall be protected from unauthorized persons.
- 2320.30** The supervisor conducting the performance evaluation shall discuss the employee's job performance and provide the employee an opportunity to comment on any aspect of the evaluation.
- 2320.40** The employee shall sign the evaluation acknowledging that it has been read and the performance has been discussed with the supervisor. The employee's signature does not necessarily indicate agreement with the evaluation.
- 2320.50** The employee shall be given the opportunity to make a written response to the evaluation. An employee's written response must be received within five (5) working days after the evaluation is signed by the employee. If no response is received within five (5) working days, the performance evaluation then becomes part of the employee's personnel file with no response included.
- 2320.60** Each employee at Step 5a (or top of salary range) shall continue to receive an evaluation annually.
- 2320.70** If the employee has been under the direct supervision of more than one supervisor:
- A.** The rating shall be by both the last person to supervise the employee and by the person who supervised the employee for the longest period of time during the rating period in question.
  - B.** If the person who supervised the employee for the longest period is no longer employed in District service, such person, if available, shall be provided the opportunity to confer with the rating supervisor. If such person is not available, or declines to comment, the rating shall be made by the last supervisor and such other supervisor as may be directed by the General Manager or his/her designee.

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## SEPARATION FROM EMPLOYMENT #2330

- 2330.10**     **Discharge** - The District may dismiss anyone in its service at any time. Represented permanent employees shall be discharged pursuant to Policy 2350.
- 2330.20**     **Layoff** - If, in the judgment of the District, budgetary or operational considerations make it necessary to curtail operations, reorganize, or reduce the hours of the workforce, staffing levels will be reduced in accordance with this provision. The selection of classes or employees for layoff shall be at the sole determination of the District. The District may lay off or reduce the hours of any employee at any time for lack of work or lack of funds, or for other operational changes that have taken place. The District will attempt to give at least one week's advanced notice to the employee before such a layoff or reduction in hours is to take place, but notice is not required. Employee performance and seniority in his or her role will be considered when determining who may be subject to layoff.
- 2330.30**     **Resignation** - An employee wishing to leave the District in good standing shall provide a written statement to the District including the employee's reasons for leaving and the effective date of resignation at least 2 (two) weeks before leaving. The two-week notice may be waived, at the discretion of the District.
- 2330.40**     **Exit Interview** - An exit interview shall be conducted on every employee at the time of separation and a final written report prepared by the General Manager or designee. At the employee's request, this report shall remain confidential and be shared only with the Board and others with legitimate access to the employee's personnel file.

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## HEALTH BENEFITS #2335

- 2335.10** **Health Benefits** - The District currently provides medical benefits to eligible employees through the California Public Employees' Retirement System (CalPERS) Health Program under the Public Employees' Medical and Hospital Care Act (PEMHCA).
- 2335.20** **Contributions towards Health Benefits** - The District will contribute the minimum monthly amount required by PEMHCA for medical insurance benefits (PEMHCA Minimum Contribution). This amount is established annually by CalPERS and is the minimum amount the District must pay on behalf of employees for medical insurance. This contribution is required only to the extent mandated by law and only as long as the District participates in a plan regulated by PEMHCA.
- 2335.30** **Cafeteria Plan** - In addition to the PEMHCA Minimum Contribution, the District shall provide an additional contribution to eligible employees to offset the cost of participation in District sponsored benefits available through an IRS Section 125 cafeteria plan (Additional Contribution). Cafeteria plan payments are not eligible for cash payments.

The Additional Contributions can be used toward District-offered benefits, such as:

- Medical insurance premiums.
  - Dental, Vision premiums.
  - Flexible benefit plan.
  - Dependent care flexible spending.
- A.** The Additional Contribution is based on the employee's medical insurance plan tier. The PEMHCA Minimum Contribution, when added to the Additional Contribution, will equal the District's total monthly contribution toward an employee's medical, dental and vision election (Total Contribution).

The District's Total Contribution as of July 1, 2022, is:

- \$1,025.00 per month for employee only coverage.
  - \$1,425.00 per month for employee plus one dependent coverage.
  - \$1,855.00 per month for employee plus family coverage.
- B.** The monthly allocation tiers, as described above, will continue in effect until June 30, 2025. If the premium rates for the District's Kaiser Permanente medical plan should increase for calendar year 2023, 2024, and/or 2025, the District will notify the employees during open enrollment

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and will increase the employee's monthly allocation by \$25.00 (twenty-five dollars) across each tier for upcoming coverage year(s).

**2335.40** If an employee elects medical, dental, and/or vision benefits and the total cost exceeds the District's total contribution to the Cafeteria Plan, the District will automatically deduct the excess amount on a pre-tax basis, as allowed under IRS Code, Section 125, from the employee's bi-weekly payroll.

**2335.50** **Cash-in-lieu** - Employees will have the right to receive cash each month in lieu of using the Section 125 Plan if every six (6) months such employee demonstrates to the Human Resources Manager's satisfaction that he or she has comparable, full, medical insurance through another source.

Employees hired after July 1, 2018, and any employee transferring from the Section 125 Plan to cash-in-lieu shall receive a maximum of \$300.00 per month, subject to the same medical coverage articulated above.

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## RETIREE HEALTH BENEFITS

### #2336

- 2336.10** Eligible employees must retire (as defined by CalPERS) from the District to be eligible for post-retirement health benefits.
- 2336.20** The District currently provides medical benefits through the California Public Employees' Retirement System (CalPERS) Medical Program under the Public Employees' Medical and Hospital Care Act (PEMHCA). The District will contribute the minimum monthly amount required by PEMHCA for medical insurance benefits (PEMHCA Minimum Contribution). This amount is established annually by CalPERS and is the minimum amount the District must pay on behalf of employees for medical insurance. This contribution is required only to the extent mandated by law and only as long as the District participates in a plan regulated by PEMHCA.
- 2336.30** **Additional Contribution Amounts**
- A.** Retirees and employees hired prior to 2013, will continue to receive up to \$1150.00 per month for retiree medical benefits. Retirees will receive the PEMHCA Minimum Contribution through CalPERS. The difference will be paid by the retiree, and then reimbursed to retirees by the District or a third-party administrator.
  - B.** Employees hired between 2013 through June 30, 2016, receive up to \$1150.00 per month for retiree medical benefits until the retiree reaches Medicare eligibility. At that time, the retiree will receive up to \$400.00 per month for reimbursement for supplemental medical insurance coverage. Retirees will receive the PEMHCA Minimum Contribution through CalPERS. The difference will be paid by the retiree, and then reimbursed to retirees by the District or a third-party administrator.
  - C.** Employees hired after July 1, 2016, must have worked for the District as a regular, full-time employee for a minimum of ten (10) years to be eligible for the retiree program. Retirees will receive up to \$1150.00 per month for retiree medical benefits until the retiree reaches the age of Medicare eligibility. At that time, the retiree will receive up to \$400.00 per month for reimbursement for supplemental health insurance coverage. Retirees will receive the PEMHCA Minimum Contribution through CalPERS. The difference will be paid by the retiree, and then reimbursed to retirees by the District or a third-party administrator.
- 2336.40** The medical reimbursement amount will be reduced by the CalPERS-required employer portion of the premium if the employee purchases insurance through the CalPERS plan and the PEMCHA amount will change each year based on CalPERS rules.
- 2336.50** The retiree medical reimbursement benefit paid to retirees shall not exceed the actual premiums paid for medical coverage. Retirees shall furnish to the District

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or 3rd party administrator proof of coverage and payment as required to establish eligibility under this section.



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## EMPLOYEE REFERENCE #2340

**2340.10** Any request for an employment reference received by a District employee shall be immediately forwarded to the Human Resources Manager.

The Human Resources Manager shall disclose only: (1) date of hire; (2) last date of employment; and (3) the position last held by the employee. If the employee or former employee provides a waiver instructing the District to release additional information, said information will be released within the context of the waiver provided.

No employee besides the Human Resources Manager or the General Manager is authorized to provide references on behalf of another current or former employee.

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## TRIP, TRAVEL, AND REIMBURSEMENT #2345

### 2345.10 General Statement

The District reimburses trip and travel related expenses under an accountable plan. The Internal Revenue Service (IRS) allows nontaxable reimbursement of actual expenses when an employee incurs costs, which would otherwise be a deductible business expense and the following requirements are met (IRS Publication 535):

- The expense has a (District) business connection, and
- The employee adequately accounts for the expenses within a reasonable period of time; and
- The employee returns any excess advance reimbursement or allowance within a reasonable time.

Federal Per Diem limits will apply to ALL trips and travel, for ALL Departments, and for ALL employees, unless otherwise defined herein.

In accordance with California Government Code section 53232.2, Board of Directors' reimbursement for District trip and travel related expenses shall be as set forth in this policy. Wherever this policy refers to "employees" such reference shall also be deemed to include the District's Board of Directors.

### 2345.20 Definitions

- A.** Travel. Defined in accordance with IRS requirements (IRS Publication 15B):
1. An employee's duties require the employee to be away from the general area of the employee's tax home, and,
  2. The employee needs to sleep or rest to meet the demands of the employee's work.
- B.** Trip. A trip is of one day duration within or outside El Dorado County involving no overnight accommodations. A trip shall be authorized by the Department Head or his or her designee.
- C.** Accounting for Expenses. Adequate accounting of expenses is performed by providing evidence of expenses, such detailed receipts of meals, a map printout of distance traveled, agendas, etc.
- D.** Reasonable Period of Time. 30 days. Or 15 days in the event that the employee's reimbursement would fall within a prior fiscal year.

### 2345.30 Travel

Travel should be approved only on the basis of one or more of the following guidelines:

- A.** Conferences or conventions at which attendance by an employee is required by law or regulation.
- B.** Professional association(s) events.

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- C. Conferences or conventions as approved in the annual budget, by formal Board action, or on occasion by the General Manager.
- D. Meetings or conferences required in the implementation or administration of new or ongoing programs may be approved as necessary.
- E. Training or in-service sessions requiring more than a day trip. Travel requests requiring approval of the General Manager, and all per diem advances, will be submitted five (5) weeks before travel is to occur. An agenda or other information indicating the value of travel shall accompany the travel request.
- F. Out of Region Travel. Requests made for out of region travel must include an analysis of the availability for comparable non-out-of-region travel. Such an analysis shall consider: attendance as a key representative of the District; representative of the conference association; attending as a presenter/speaker; professional association certification upkeep, when such upkeep cannot be performed in the region; training which is unavailable within the region on a regular/recurring basis or which cannot be conducted remotely (e.g., webinar; remote conference attendance; on-demand).

## 2345.40 Mode of Transportation

For all trips and travel, the most economically feasible mode of transportation shall be taken. Should an alternative mode of transportation be taken, any District reimbursement shall be limited to the value of the most economical mode of travel. When unclear, such determination shall be made by the General Manager or his/her designee.

When available, District-owned automobiles should be used for trips and travel, but the use of personal vehicles may also be authorized when appropriate; provided, further that a Department Head or his or her designee may authorize a different mode of transportation if determined in his or her discretion to be necessary or appropriate.

Mileage Reimbursement is available for personal vehicle use on a business-related trip or travel. Except for employees that receive an auto allowance, an employee who utilizes his or her personal vehicle for District business shall be reimbursed at the mileage rate as determined by IRS Regulations for the distance traveled from the employee's primary District office location to and from the destination, or the employee's home to and from the destination, whichever is shorter. A MapQuest, Google Map, or other online mapping program printout is required to be provided with the related expense report to verify the distance traveled. Employees with an auto allowance that travel for District business may seek mileage reimbursement and/or alternative modes of transportation when that two-way travel distance will be greater than 100 miles.

Damages to an employee's personal vehicle shall be covered by the employee's insurance. If the employee has a deductible type policy, the employee shall

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assume this liability while used on District business, just as the employee would while driving on personal business.

Other forms of transportation such as trains, buses and airplanes may be used as long as they are approved by the Department Head or his or her designee and supported by ticket stubs and/or receipts. Reimbursement for airplane fares shall be no greater than the coach rate and the taxes/fees associated thereof.

## **2345.50** Lodging

In all travel, employees on District-approved travel are expected to secure overnight accommodations and meals as economically as possible, within the standard appropriate for business travel. The need for lodging is at the discretion of the Board of Directors, General Manager or Department Head, as applicable for the person(s) travelling.

Allowance for lodging is actual cost, when cost is reasonable for the location, and is consistent with government and/or conference rates, and must be supported by a receipt and travel request. Where no conference rate is available, U.S. General Services Administration (GSA) per diem for lodging will apply where such cost is reasonable for the location (see: <https://www.gsa.gov/travel/planbook/per-diem-rates/per-diem-rates-lookup>). In no case will expenditure or reimbursement be made where the cost exceeds two times the per diem as set by the GSA, unless approved by the General Manager or his/her designee. Lodging in excess of the aforementioned parameters will be the responsibility of the employee.

Single rates prevail except when the room is occupied by more than one employee. Single rates, if different than double rates, must be shown in some manner on the lodging receipt. Conference rates will be accepted with proper documentation. An employee or person in the service of the District who is accompanied by a family member, friend, or guest of any type is responsible for the difference between the single room rate and a double room rate, or any other variation of accommodations.

Hotel/Motel Transient Occupancy Tax Waiver Exemption Certificates should be used by all departments during the hotel/motel registration process. The District is a governmental agency and, as such, may qualify for and receive this Transient Occupancy Tax Exemption if the hotel/motel will accept it. Departments are responsible for filing this form for each room at each hotel. In most instances, a hotel/motel will have a separate government or conference rate that should be utilized. If unable to obtain those rates, the Department Head must approve other rates.

## **2345.60** Per Diem or Actual Cost

**A.** For trips, actual cost or the maximum allowable set by the GSA meals and incidental expenses breakdown, whichever is lesser, shall be used.

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- B. For travel, Federal (GSA) Per Diem for all days traveled, or day of travel (75%), allowance is reimbursable on a total day meal expenditure, not on a per meal basis, up to the maximum allowable or the amount spent, whichever is lesser shall be used.

2345.70

## Meals

### A. Meals Generally

Meals in conjunction with trips will be reimbursed in accordance with IRS regulations (IRS Publication 535). The IRS allows for meal reimbursement during travel-qualified occurrences, and for trips if:

1. There is a clear business purpose and the main purpose of the meeting was to conduct business, or
2. The meal is associated with the active conduct of your business, and
3. The meal took place before or after a substantial business discussion
4. Supporting documentation must include a detailed receipt for meal, attendees and a brief description of the purpose of the meeting. To be reimbursed, the employee must complete a claim form, which will be provided or approved by District Administration and Finance Department.

Note: These meals are allowed as an entertainment business expense. This means meals where only the employee is present would not meet business expense exemptions and are therefore not reimbursable under this policy.

Meals for all employees during emergency situations will be approved as justified by the Department Head or his or her designee. Meals will be reimbursed when a detailed receipt is provided.

Meals may be reimbursed during a trip when Board Directors or employees are required to attend a breakfast, lunch or dinner meeting within the District and for the benefit of the District. District facilities should be used for meetings whenever possible and during regular working hours in lieu of meetings where meals are served. It is recognized that some after-hours meetings are necessary where schedules conflict, and that some meetings are of a sensitive nature and material that are best suited to occur away from District facilities.

All expenditures and reimbursements for meals described above will adhere to the limits established within the GSA Meals & Incidentals Breakdown (found at GSA.gov). When multiple employees of the District are together for a qualified meal, the employee with the highest organizational chart status will be responsible for conducting the transaction with their CalCard.

### B. District-Hosted Affairs

Whenever District Administrators/Administration or any of its Board of Directors or Department Head(s) or his or her designees acts as a host for a convention, continuing education, conference, or meeting that will be of benefit to the District, the expenses of the luncheon or dinner held in

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conjunction therewith, including meals of duly authorized delegates or representatives thereto, may be paid upon presentation of claims therefor. Detailed receipts are necessary for the meal along with written information about the meetings purpose and a list of attendees. In all cases, a sign-in sheet or list of attendees shall be provided.

**C. Special Committees**

Special and ad hoc committees created and appointed by the Board of Directors may be reimbursed for actual expenses when permitted by law.

**D. Governance and Administration of District Meetings**

Special meetings related to the overall governance and administration of the District are conducted by the governing body and/or the General Manager. Such meetings may, from time to time, and at regular intervals, occur outside of formal conferences, conventions, or training. Such special governance and administration meetings will qualify for expenses and/or reimbursement, as applicable with California Government Code section 53232.1 (b):

**2345.80 Governing Body Members**

Notwithstanding any other provision of this policy to the contrary, a member of a governing body as defined in California Government Code section 53232, subdivision (a), shall submit reports and shall provide detailed receipts that document each claimed expense, and each such member shall otherwise comply with every applicable provision of Article 2.3 of Chapter 2 of Part 1 of Division 2 of Title 5 of the California Government Code (commencing with Section 53232 thereof) regarding claiming reimbursement for, or requesting advance payments for, actual and necessary expenses incurred in the performance of the official's duties.

**2345.90 Unallowable Reimbursement**

An employee may not claim a reimbursement for any meal which is provided as part of the registration or conference expense. Exceptions to this may be approved by the Department Head or his or her designee but should be infrequent, and must be supported in writing by the Department Head or his or her designee justifying the reason the provided meal was not utilized. Departments who frequently use this exception may be required to obtain General Manager approval. Continental breakfasts provided at hotels or motels as a part of the cost of attendance are not considered a meal, and an employee may receive reimbursement for the cost of a breakfast meal notwithstanding the availability of the complimentary breakfast. No reimbursement will be made for alcoholic beverages.

Taxable meals must be paid through payroll. Nontaxable meals must be paid through accounts payable. Because the taxability cannot be determined until after the meal has occurred and because advances cannot be made through payroll, no advances will be made for meals in conjunction with trips.

**2345.100 Miscellaneous Trip Expense**

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The following items may also be claimed for reimbursement, if incurred in the performance of District business and if supported by ticket stubs and/or receipts:

- Registration/conference/continuing education fees and dues
- Hotel parking
- Ferry
- Shuttle buses and taxi fare, including alternative taxiing such as Uber/Lyft (when available)
- Internet – Only District business
- Airport parking
- Business telephone calls when no other District phone or free-of-charge method is available

## **2345.110 Trip and Travel Budget Limitations**

Trip and travel expenses are charged to the Department/Budget Unit “Mileage & Travel” budget, except as follows:

- The expense is directly related to training, then the charges will be applied to the “Training” budget or,
- The expense is directly related to elected officials of the District, then the expense will be applied to “Directors Expense”.

Departments may not exceed their trip or travel authorization in any fiscal year. If an unanticipated trip or travel requirement will result in an over expenditure in this line item, the trip or travel must be approved by the General Manager in advance and an appropriation adjustment processed.

## **2345.120 Reimbursement**

To be reimbursed for any of the above-mentioned allowable expenses, the employee must complete a claim form provided or approved by the Administration and Finance Department.

Statement on the claim form shall include the purpose of travel; dates of travel; itinerary/agenda; all applicable receipts.

## **2345.130 Advances**

Advances will be permitted as follows:

- Advances will not be given more than five (5) working days prior to the travel.
- If travel is cancelled, any advanced Per Diem will be returned to the Administration and Finance Department within three (3) working days of such cancellation.
- All advances, except for the meals and incidentals per diem, must be reconciled within two (2) weeks of the return of the traveler.

## **2345.140 Non-accountable Stipend**

Any meal reimbursement not meeting the criteria outlined above will be reimbursed through payroll as a taxable meal stipend. These meals will be reimbursed at the Federal Per Diem meal rates, as defined by the GSA, and will

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be taxed accordingly as required by the IRS and the State of California. All taxable meal stipends are paid through payroll, after expenses have been incurred.



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## DISCIPLINARY ACTION #2350

- 2350.10** It is the District's intent to openly communicate its standards of conduct to all employees as a means of avoiding undesirable conduct. The discipline and counseling procedures set forth in this section and as further outlined in Prohibited Conduct section (see Policy 2530) represent guidelines that the District believes are generally appropriate to govern employee conduct. The District retains discretion to determine what constitutes proper disciplinary action and the procedure for implementing the disciplinary action in each individual situation. These guidelines do not guarantee that any particular procedure will be used or that any particular disciplinary action will be taken. The appropriate level of discipline will be determined on a case-by-case basis.
- 2350.20** **Initiation of Disciplinary Action** - Disciplinary action, up to and including dismissal, may be initiated by the General Manager upon his or her own initiative, or upon the written recommendation to the General Manager by the employee's supervisor.
- 2350.30** **Causes for Disciplinary Action** - The District reserves the right to discipline or dismiss an employee for just cause, misconduct, or unsatisfactory performance. The illustrations of unacceptable conduct cited below are to alert employees to some commonplace types of employment conduct violations. However, because conditions of human conduct are unpredictable, no attempt has been made to establish a complete list. Employees may be disciplined up to and including dismissal for any unacceptable conduct or poor job performance, including but not limited to the following:
- A. Misconduct**
1. Fraud in securing employment.
  2. Inexcusable neglect of duty.
  3. Insubordination or willful disobedience.
  4. Dishonesty.
  5. Use, possession, or being under the influence of alcohol or illegal drugs (including marijuana) while on duty or on District premises.
  6. Inexcusable absences without leave, or abuse of sick leave or other privileges.
  7. Conducting personal business during working hours.
  8. Conviction of a crime relevant to employment.
  9. Discourteous treatment of the public or other employees.
  10. Negligence or willful misconduct that has caused damage to public property or public supplies.
  11. Unauthorized use of District property or equipment.
  12. Absence without leave, or failure to report to work after an approved leave of absence has expired, or after such leave has been revoked or canceled by the General Manager.

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13. 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.
14. Repetition of offenses.
15. Theft.
16. Falsifying records.
17. Unbecoming behavior such as fighting or threatening members of the public or other employees.

**B. Poor Job Performance**

1. Incompetence and/or inefficiency.
2. 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.
3. Failure to satisfactorily perform job tasks or responsibilities.

**2350.40** Prior to Disciplinary Action - Depending on the nature of the conduct or the performance deficiency, the District will generally give an employee a verbal reprimand, which is corrective and is non-disciplinary in nature, prior to taking formal disciplinary action. A verbal reprimand is encouraged but is not required before issuing formal disciplinary action.

A verbal reprimand is a formal discussion with an employee concerning the employee's job performance or conduct. The supervisor should warn the employee that formal discipline will result if unacceptable job performance is not improved, or conduct is not corrected.

**2350.50 Types of Formal Disciplinary Action**

- A.** Written reprimand - A formal written document outlining specific job performance or conduct problems, including a warning of more severe discipline if the unacceptable job performance is not improved or the conduct is not corrected. A written reprimand should be prepared by the employee's supervisor whenever a verbal reprimand is considered inappropriate to correct below standard job performance or misconduct, or a verbal reprimand has already been provided. The written reprimand should be provided to the employee with a copy placed in the employee's personnel file. The employee shall be permitted to submit a written response within five (5) working days following receipt of the written reprimand which will also be included in the employee's personnel file.
- B.** Suspension - A District mandated leave of absence without pay.
- C.** Demotion - A change in job classification to a lower job, salary, or salary range.
- D.** Dismissal - The involuntary termination of District employment.

**2350.60** Pre-Disciplinary Procedures – (Note: This section does not apply to at-will, probationary, temporary, limited-term, or seasonal employees.) Before a District

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employee is demoted, suspended without pay, or dismissed from his or her District employment, the employee's supervisor shall provide the employee with the following:

- A. Written notice of the proposed disciplinary action (demotion, suspension without pay, or dismissal).
- B. Reasons for the proposed disciplinary action.
- C. The specific policy, rule, or regulation which the employee is alleged to have violated and the factual basis for the violation.
- D. All documents and materials upon which the proposed disciplinary action is based.
- E. 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 proposed disciplinary action is received.
- F. Notice that if there is a Skelly meeting, the employee is entitled to be represented by a person of his or her choice.
- G. 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.

**2350.70**     **Skelly Meeting** (*If requested*) - The 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.

**2350.80**     **Skelly Decision** - 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 shall also be provided to the Human Resources Manager and the General Manager.

**2350.90**     **Post-Skelly Final Notice** - Within three (3) working days after receiving the Skelly Officer's final decision, 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.

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The final notice of disciplinary action shall include the following:

- A.** The disciplinary action taken;
- B.** The effective date of the disciplinary action;
- C.** Specific charges upon which the action is based (i.e., the policy, rule, or regulation which has been violated);
- D.** A summary of the facts upon which the charges are based;
- E.** The written materials, reports, and documents upon which the disciplinary action is based; and
- F.** The employee's right to submit a grievance.

The employee may object to the imposed disciplinary action by filing a grievance and following the procedures set forth in Policy Number 2360 of this Personnel Policy Guide.

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## GRIEVANCE PROCEDURE #2360

- 2360.10** **Purpose** - The purpose of the grievance procedure is to allow all employees to voice job-related complaints and/or alleged violations of the Personnel Policy Guidelines and/or any collective bargaining agreement, and to have them considered fairly by the District. The procedures outlined are intended to meet that objective.
- 2360.20** **Definition** - A grievance is a claimed violation, misinterpretation, inequitable application, or non-compliance with existing District rules, regulations, and policies. This procedure shall not apply to employee discipline.
- 2360.30** The following policies and procedures shall be adhered to in processing all grievances:
- A.** No employee may contact, directly or indirectly, any individual member of the Board at any time regarding a grievance that is being processed.
  - B.** The employee may select a representative of his or her choice to assist in processing a grievance.
  - C.** The District will not retaliate or take punitive action against an employee for utilizing the grievance procedure.
- 2360.40** **Timing to Submit a Formal Grievance** - All grievances must be submitted to the grievant's Department Head within thirty (30) calendar days after the date on which the employee knew or could be expected to know of the event or action giving rise to the grievance. Grievances will be denied if they are untimely filed.
- 2360.50** **Informal Grievance Procedure** – Informal resolution of grievances at the lowest possible level is an objective of the District. Therefore, before commencing the formal grievance procedure, an employee should first attempt to resolve the alleged grievance informally with his or her supervisor. If the matter is not satisfactorily resolved, then the employee may submit a formal grievance to the Department Head. Please note that informal attempts to resolve the grievance shall not extend time limits including the initial 30-day submission deadline as provided in Policy 2360.40.
- 2360.60** **Formal Grievance Procedures** - The employee shall submit to the Department Head a written statement outlining the grievance, giving the date of the event giving rise to the grievance, the policy, rule or regulation alleged to have been violated, the names of individuals involved, and any other pertinent information that may be necessary to arrive at a full understanding. After submission of the grievance statement, the Department Head shall reply within ten (10) working days in writing to the employee as to whether the grievance is granted, denied, or granted in part. The Department Head shall also provide the supervisor with a written copy of his or her response.

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- 2360.70** If the employee thinks the grievance is not satisfactorily resolved by the Department Head, he or she then has ten (10) working days from the date of the Department Head's response to file a written appeal to the General Manager outlining his or her grievance. Upon receiving the appeal, the General Manager shall determine whether a meeting with the employee is necessary to fully understand the employee's grievance. If the General Manager determines that a meeting is not necessary, then the General Manager shall reply within ten (10) working days in writing to the employee as to whether the grievance is granted, denied, or granted in part. If the General Manager determines that a meeting is necessary, then the meeting shall be held within ten (10) working days from the date of the employee's appeal. After the meeting, the General Manager shall reply to the employee within ten (10) working days in writing as to whether the grievance is granted, denied, or granted in part.
- 2360.80** If the appeal is not resolved to the satisfaction of the employee, he or she has 10 working days in which to file a written request with the General Manager for a hearing before an impartial arbitrator through the California Mediation and Conciliation Service or through a mutually agreeable third-party hearing officer. The District and the employee shall split the cost of the arbitrator (or hearing officer) and the hearing shall be held within sixty calendar (60) days or as soon as possible thereafter depending on the parties, the arbitrator/hearing officer, and the witnesses' availability. During the hearing, the parties shall be allowed to call witnesses and present evidence pertinent to the grievance. The employee may be represented during the hearing but shall bear the full cost of such representation. The arbitrator shall prepare a written record and advisory decision within thirty calendar (30) days after the hearing that includes findings of fact and conclusions of law. The arbitrator's advisory decision shall be submitted to the Board at the next regularly scheduled Board meeting in closed session. The Board shall review the arbitrator's decision and within fourteen (14) calendar days make a determination as to whether it will accept or reject the arbitrator's decision. If the majority of the Board accepts the decision, then the Board will issue a decision stating they accept the arbitrator's decision. If the majority of the Board rejects the decision, it shall review the record and shall prepare, with the assistance of legal counsel, its own decision with findings of fact and conclusions of law.
- 2360.90** The majority decision of the Board shall be final.
- 2360.100** **Time Limits for Processing Grievances** - Failure to process a grievance within the time limits set forth in this policy or MOU for represented employees, shall cause the grievance to be deemed settled in accordance with the last response; however, a time limit may be extended by mutual consent in writing should the parties find there is good cause to do so.

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The General Manager also may agree to allow the employee to skip steps in the formal grievance procedure if he or she believes it is in the best interest of the District to do so.

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## DISTRICT EQUIPMENT AND VEHICLES #2370

- 2370.10** **Use of District Equipment and Facilities** - The District provides keys, equipment, tools, supplies, and facilities for the exclusive use of employees in the performance of their work duties. Use of District keys, equipment, tools, supplies, and facilities by employees for personal reasons, personal benefits, or personal convenience is strictly prohibited. Violation of this policy is sufficient grounds for disciplinary action.
- 2370.20** **Return of District Equipment** - The employee and District agree that upon separation from employment, the employee will return all District property in his or her possession on his or her last day of work.
- 2370.30** **Use of District Vehicles** - The District provides vehicles for employees to use solely in the performance of their work duties. All District vehicles will remain on District premises after normal working hours unless they are being used for standby or emergency purposes or other use as authorized by the General Manager.
- 2370.40** The General Manager shall have the authority to make temporary assignments of vehicles, when it is necessary for the operation of the District.
- 2370.50** No employee shall utilize District vehicles for any use other than District business. No one except employees and authorized persons shall be in a District vehicle at any time.
- 2370.60** Employees must operate District vehicles in a courteous and safe manner. Before operating a District vehicle, the employee must possess a valid California driver's license and shall adhere to the California Vehicle Code. The District will review the driving record of each employee authorized to use District vehicles annually or more often as necessary. An employee's unfavorable driving record or any unfavorable insurance rating can result in termination of employment if driving is one of the employee's essential job duties. If an employee's driver's license expires or is suspended and such employee uses a District vehicle or drives as part of their job duties, the employee should immediately notify the District.

Employees operating District vehicles and equipment are responsible for preventative maintenance and for requesting required maintenance. District vehicles are to be used on District business whenever possible. When District vehicles are not available, private vehicles may be used, if authorized, with reimbursement at the current per mile rate authorized by the United States Internal Revenue Service.



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## MISCELLANEOUS #2380

- 2380.10**     **Conflict of Interest** - No employee shall engage in any employment, activity, or enterprise that is clearly inconsistent, incompatible, or in conflict with his or her duties as a District employee, or the duties, functions, or responsibility of the District.
- 2380.20**     **Incurred Expenses and Reimbursements** - The District will pay actual and reasonable business-related expenses incurred by employees in the performance of their job responsibilities. Such expenses should be pre-approved by the employee's supervisor or the General Manager.
- 2380.30**     Expense reports are to be submitted to their manager or Department Head and supported by proof of purchase or expense (i.e., a receipt).
- 2380.40**     **Media Contacts** - The General Manager or designee and/or Board shall handle all contacts with the media. Unless otherwise instructed, employees shall channel any media requests through the General Manager for approval before granting interviews or disseminating information regarding the District.
- 2380.50**     **Mileage Reimbursement** - With approval of the General Manager, employees may use their personal vehicles for business related reasons only if there is no District vehicle available to the employee. Employees using their own vehicles shall be reimbursed at the current per mile rate authorized by the United States Internal Revenue Service. All employees assume liability for the use of their personal vehicles in work-related travel to the extent of the coverage under their respective insurance policies. The employees must possess a valid California driver's license, a good driving record, and must provide proof of insurance if the employee is using his or her personal vehicle for business travel.
- 2380.60**     **Outside Employment Policy** - While not encouraged, it is the policy of the District to allow employees the ability to hold secondary positions outside their District employment. However, it is reasonable that the District not approve outside employment if such employment may have a detrimental effect on the District's business operations or if that the work is incompatible or poses a conflict with the employee's position with the District. The employee shall notify the District if he or she is engaging in secondary employment.
- A.**     **Annual Form Completed by Employee** - Employees must complete an annual "Authorization for Outside Employment" form available from the Human Resources Manager. The form is designed to ensure employees are aware of and agree with the conditions listed below. The form must be completed and submitted to the employees' supervisor for approval on an annual basis. It is the employee's responsibility to complete the form annually and submit it to their Department Head. Department Heads are

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expected to thoroughly consider any employee's request and to act upon such requests in a timely manner. Outside employment must be reviewed with the employee and approved annually.

- B. Appeal Process - Any employee may appeal a denied authorization for outside employment in writing to the General Manager. The General Manager will give reasonable consideration to the appeal. The General Manager's decision to authorize or deny the request for Authorization for Outside Employment is final.
- C. Conditions for Outside Employment - Employees may engage in outside employment provided that:
  1. The employment does not conflict with the employee's work schedules, duties, and responsibilities;
  2. The employment does not create a conflict of interest or incompatibility with District employment (e.g., an employee working for a vendor that the employee also purchases goods and services from in their capacity as a District employee);
  3. The employment does not create a detrimental effect upon the employee's work performance with the District;
  4. The employee does not conduct outside business during hours of employment with the District;
  5. The employee does not use District property, premises, facilities, equipment, or supplies for their outside employment;
  6. The District is in no way responsible for the employee's outside employment;
  7. Written approval based on above conditions 1-6, is obtained in advance from the employee's Department Manager; and
  8. The employment will not be with any District Board member, manager, supervisor, or Department Head of the District.

Self-employment is considered outside employment and must meet the same conditions as other outside employment, with the addition of the restriction that the employment does not involve ownership of a private business that is incompatible with the employee's position with the District.

**2380.70** Personnel Files - Employees will have access to their personnel file upon request (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. It is each employee's responsibility to ensure that all information in the file regarding the employee's name, address, telephone number, and emergency contact is correct. Any change must be reported to the supervisor and Human Resources Manager immediately.

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- 2380.80**     **Personal Use of Office Equipment and Supplies** - The District's supplies, copy services, and postage meter are for the District's business and should not be used for personal use.
- 2380.90**     **Personal Phone Calls** - Employees are to conduct personal business on their own time. Personal telephone calls during business hours, both incoming and outgoing, should be confined to those that are absolutely necessary and should be kept short. Employees should not use District office phones for personal long-distance telephone calls and may be charged for doing so.
- 2380.100**    **Political Activity** - As an employee of the District, you should not take an active part in any political campaign during work hours or use his or her title or position with the District in connection with any political activity at any time including the election of District officials. This provision does not in any way deny you the right and privilege to express your private opinions, seek a public office, or cast your vote as you see fit.
- 2380.110**    **Serving the Public** - All employees shall conduct themselves in a professional manner that will reflect well on the District. During the performance of your duties with the District you will meet some people who, for one reason or another, will show very little respect for you or the manner in which the District is operated. These people, however, constitute a very small part of the District and you will be expected to be helpful, maintain good manners, and be courteous in all dealings with the public and fellow employees.
- 2380.120**    **Business During Works Hours** - As a District employee, you are expected to conduct District business during work hours and conduct your personal business when off duty.
- 2380.130**    **Smoking** - Smoking is strictly prohibited inside any District building or other enclosed area. For the purpose of this policy, "enclosed area" means an area closed in by a roof and walls with appropriate openings for ingress and egress; this also includes District vehicles. For purpose of this policy, "smoking" shall mean the inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, or pipe, or any other lighted tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device (e-cigarettes) that creates an aerosol or vapor.

Smoking within 20 feet of main entrances, exits, and operable windows of any District building is also prohibited.

Smoking within 25 feet of District park playgrounds or sandboxes is also prohibited.

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Employees are also not allowed to smoke during work hours and may only do so on designated meal and rest breaks subject to the parameters above.

**2380.140** **Cell Phone Use While Driving** - In the interest of the safety of our employees and other drivers, if your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device. Unless using a hands-free device, under no circumstances should employees place or receive phone calls while operating a motor vehicle or while driving on District business and/or District time. This includes texting. Any citations for cell phone violations shall be the employee's responsibility. Drivers under the age of 18 may not use any type of cell phone device while driving.

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## EMPLOYEE USE OF DISTRICT SERVICES #2390

- 2390.10** The District places a high importance on the health and wellness of its employees and highly encourages all employees to seek recreation opportunities for themselves and their families in order to maintain and improve their physical, emotional, and mental well-being. For the purposes of this policy, the term “employee” shall include elected members of the Board, regular part-time, and regular full-time employees.
- 2390.20** The District and its constituents will directly benefit through the employment of staff who maintain a well-rounded recreational lifestyle and maintain a positive attitude and understanding of the value of the services provided by the District to the community.
- 2390.30** A healthy employee is less likely to experience health related absences and is more likely to maintain a positive and productive relationship with other employees.
- 2390.40** In order to foster health and wellness related activity by its staff, the District will establish an incentive program by encouraging regular employees and their families to participate in District sponsored recreation programs.
- 2390.50** The General Manager is authorized to review District recreation services which could provide improved morale, harmony in the workplace, better efficiency, and generally greater health and wellness of employees, and is further authorized to establish opportunities through fee discounts, scheduling, and when not a deterrent to work requirements, time off to participate in District events and activities.
- 2390.60** Employees are encouraged to provide constructive feedback to the District on opportunities to improve the quality and efficiency of District services.
- 2390.70** Program services are to be promoted to all employees to assure full awareness of its availability.
- 2390.80** At no time shall an employee receive priority over a resident who is paying full cost of service nor should the District subsidize the direct costs of an employee’s participation.

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## TUITION REIMBURSEMENT #2400

- 2400.10** Employee Requested Courses - This section will apply only to courses requested by the employee in accordance with the criteria set forth below and submitted in writing with a fee schedule from the institution.
- 2400.20** Requirements for Reimbursement of Tuition - The requesting employee must be and have been in a regular full-time or regular part-time position in the District for at least two (2) years prior to the start of the course in question.
- A.** The subject matter of the course must be directly related to the employee's present position or an allocated position within the District.
  - B.** The employee's attendance at the course will not interfere with the employee's normal duties, responsibilities, or work hours.
  - C.** The employee agrees in writing to repay the District, upon termination of employment, any tuition reimbursement received from the District within a twelve (12) month period prior to the employee's termination.
  - D.** Requests for reimbursement must be submitted to the District and approved prior to the commencement of the course in question.
  - E.** Applications received by April 30 of each year will be considered for next Fiscal Year's funding and will be reviewed and approved by a committee of Department Heads.
  - F.** Approval of tuition reimbursement for one (1) year does not guarantee approval for additional years.
- 2400.30** In order for requests to be granted, funds for tuition reimbursement must be designated and available for that purpose in the District budget.
- A.** Reimbursement may be available at the rate of up to one hundred percent (100%) of actual costs of the tuition fees not to exceed two thousand dollars (\$2,000.00) per employee per year. (This does not include books, documents, other materials, mileage, travel costs, or other incidental expenses incurred by the employee.)
  - B.** The District may limit its reimbursement to the actual amount not funded by some other source (e.g., scholarships, grants, waivers, etc.).
  - C.** To be eligible for tuition reimbursement, the employee must present satisfactory proof of a minimum final GPA of 2.0 or equivalent passing grade for the approved course and of the amount of tuition paid by the employee.
- 2400.40** District Required Training - Education or training required by the District as a condition of continued employment in the employee's present position shall be reimbursable at one hundred percent (100%) or paid directly by the District and shall take place on District time if possible.

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## FAMILY MEDICAL LEAVE #2410

- 2410.10** California’s California Family Rights Act (“CFRA”) and the Family Medical Leave Act (“FMLA”) provide up to twelve (12) workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:
- You have been employed with the District for a total of at least twelve (12) months prior to the commencement of leave. The twelve (12) months of employment must have accumulated within the previous seven (7) years (certain exceptions apply); and
  - You have worked at least 1,250 hours during the previous twelve (12) month period before the need for leave.

**Family Medical Leave may be taken for one or more of the following reasons:**

REASONS FOR LEAVE		CFRA	FMLA	Both
<ul style="list-style-type: none"> <li>• To care for or bond with:</li> </ul>	<ul style="list-style-type: none"> <li>• An employee’s newborn child or newly placed foster or adopted child.</li> </ul>			X
	<ul style="list-style-type: none"> <li>• A domestic partner’s newborn child or newly placed foster or adopted child.</li> </ul>	X		
<ul style="list-style-type: none"> <li>• To care for a family member with a serious health condition who is the employee’s:</li> </ul>	<ul style="list-style-type: none"> <li>• Spouse, parent<sup>1</sup> or child under age 18, or age 18 or older who is incapable of self-care.</li> </ul>			X
	<ul style="list-style-type: none"> <li>• A domestic partner, child or registered domestic partner’s child of any age, sibling, grandparent, or grandchild.</li> </ul>	X		
<ul style="list-style-type: none"> <li>• To care for a “designated person” with a serious health condition (limited to one “designated person” in a 12-month period):</li> </ul>	<ul style="list-style-type: none"> <li>• An individual, other than those listed as a family member above, who is related by blood or whose association with the employee is the equivalent of a family relationship.</li> </ul>	X		
<ul style="list-style-type: none"> <li>• The employee’s own serious health condition that makes the employee unable to perform their job, excluding leave for the medical disability related to pregnancy and birth.</li> </ul>				X

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<ul style="list-style-type: none"> <li>The employee's own medical disability related to pregnancy and birth.</li> </ul>		X	
<ul style="list-style-type: none"> <li>A qualifying military exigency related to the covered active duty or call to covered active duty of an employee's spouse<sup>2</sup>, parent or child in the United States armed forces.</li> </ul>			X
<ul style="list-style-type: none"> <li>Military caregiver leave for a service member with a serious health condition who is the employee's spouse, child, parent or next of kin.*</li> </ul>		X	

<sup>1</sup> Under the CFRA definition of family member includes care for a parent-in-law.

<sup>2</sup> Under CFRA it can also be a domestic partner.

For additional information about eligibility for family/medical leave, please contact the Human Resources Manager.

## 2410.20 Military Leave Entitlements

- A. Eligible employees whose spouse, registered domestic partner, child, or parent is on covered active duty or called to covered active duty status may use their 12-week leave entitlement for certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- B. Eligible employees may also take a special leave entitlement of up to twenty-six (26) weeks of leave during a single 12-month period to care for a covered service member. The employee may take FMLA/CFRA for 12 weeks if the care provider is eligible for both, followed by 14 weeks of (FMLA only), or 26 weeks of FMLA (only if leave is not CFRA covered leave). A covered service member is either:
  - 1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or
  - 2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.\*

*\*Note: The FMLA definitions of "serious injury or illness" for current service members and veterans is different from the FMLA definition of "serious health condition."*



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**2410.30** **Calculating the 12-Month Period** - For purposes of calculating the 12-month period during which 12 weeks of family and medical leave or qualifying exigency leaves may be taken, the District uses the rolling 12-month period. A rolling 12-month period is measured backwards from the date an employee uses FMLA leave (i.e., each time an employee takes FMLA leave, the remaining leave is the balance of the 12 weeks not used during the immediately preceding 12 months).

For example, an eligible employee requests two weeks of FMLA leave to begin on November 1st. The employer looks back 12 months (from November 1st back to the previous November 2nd) and sees that the employee had taken four weeks of FMLA leave beginning January 1st, four weeks beginning March 1st, and three weeks beginning June 1st. The employee has taken 11 weeks of FMLA leave in the 12-month period and only has one week of FMLA-protected leave available. After the employee takes the one week in November, the employee can next take FMLA leave beginning January 1st as the days of the previous January leave “roll off” the leave year.

Under most circumstances, leave under federal and state law will run at the same time and an eligible employee will be entitled to a total of 12 weeks of family and medical leave in the rolling 12-month period.

For leave to care for a covered service member, the 12-month period begins on the first day of the leave. Leave to care for a covered service member is for a maximum of 26 workweeks during a 12-month period.

**2410.40** **Pregnancy, Childbirth or Related Conditions and Baby Bonding** - Employees are entitled to take time off for pregnancy-related reasons at any time during employment (Pregnancy Disability Leave- PDL). Leave used because of a disability for pregnancy, childbirth, or related medical condition is not counted as time used under California law (CFRA). However, leave used because of pregnancy disability, childbirth, or related medical condition does count as family and medical leave under federal law (FMLA). Employees who take time off for pregnancy disability and who are eligible for FMLA will be placed on FMLA that runs at the same time as their pregnancy disability leave (PDL).

Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth, the employee may apply for leave under the CFRA, for purposes of baby bonding.

Pregnancy disability leave is for the length of the disability due to pregnancy not to exceed four months, provided the disability is certified by a healthcare provider. PDL need not be taken all at one time; it may be taken on an intermittent or reduced work schedule basis. A healthcare provider must certify the employee’s need for intermittent or reduced work schedule leave. Pregnancy disability leave runs concurrent to FMLA leave but consecutive to CFRA bonding leave.

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Accordingly, an employee disabled due to pregnancy or related medical condition is entitled to a maximum leave entitlement of four months plus 12 weeks of leave. A “four-month leave” means time off for the number of days or hours the employee would normally work within four calendar months (one-third of a year or 17 ⅓ weeks). For a full time employee who works 40 hours per week, “four months” means 693 hours of leave entitlement, based on 40 hours per week times 17 ⅓ weeks.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. CFRA leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the District will grant a request for a CFRA leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. On those two occasions, the employee can take family leave in shorter increments (at least one day but less than two weeks). All other leaves have to be at least two weeks long. The District may also grant additional requests for leave lasting less than two weeks at its discretion. Any leave taken must be concluded within one year of the birth or placement of the child with the employee.

**2410.50** Leave Procedures - The following procedures shall apply when an employee requests family medical leave:

1. Please contact the Human Resources Manager as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for your serious health condition or that of a family member, you must notify the District at least thirty (30) days before leave is to begin. You must consult with your supervisor regarding scheduling of any planned medical treatment or procedure in order to minimize disruption to the operations of the District. Any such scheduling is subject to the approval of your health care provider or the health care provider of your child, parent, or spouse.
2. If you cannot provide thirty (30) days' notice, the District must be informed as soon as is practical.
3. If the FMLA/CFRA request is made because of your own serious health condition, the District may require, at its own expense, a second opinion from a health care provider that the District chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the District.
4. If the second opinion differs from the first opinion, the District may require you, at the District's expense, to obtain the opinion of a third health care provider designated or approved jointly by you and the employer. The opinion of the third health care provider shall be considered final and binding on you and the District.

**2410.60** Certification - The District requires you to provide medical certification for FMLA/CFRA/PDL leave. You will have fifteen (15) calendar days from the

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District's request for certification to provide it to the District unless it is not practicable to do so. The District may require recertification from the health care provider if you request additional leave upon expiration of the time period in the original certification. (For example, if you need two weeks of family and medical leave, but following the two weeks you need intermittent leave, a new medical certification will be requested and required.) If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, the District may delay approval of the leave, or continuation thereof, until certification is received. If certification is never received, the leave may not be considered family and medical leave and the District may take action as appropriate for the employee's unauthorized leave of absence.

If the leave is needed to care for a qualified person, you must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants the employee's participation.

If the employee's own serious health condition is the reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- The employee's inability to work at all or to perform any one or more of the essential functions of employee's position because of the serious health condition.

If the employee is absent because of his or her own serious health condition, the District will also require a medical release for the employee to return to work or certification from the employee's health care provider that the employee is able to resume work.

Failure to provide a release to return to work from the employee's health care provider may result in denial of reinstatement until the certification is obtained.

**2410.70** **Leave Related to Military Service** - A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a service member must be supported by a certification by the service member's health care provider or other certification as allowed by law. Special certification requirements apply to leaves related to military service.

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**2410.80**     **Health Benefit Plan** - If the employee is taking family medical leave, he or she will be allowed to continue participating in any health benefit plan in which the employee was enrolled in before the first day of the leave (for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered service member) at the level and under the conditions of coverage as if you had continued in employment for the duration of such leave. The District will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, the District may recover premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave. If the employee exhausts all of his or her FMLA leave and are on a leave of absence without pay beyond his or her 12-week FMLA leave allotment, then the employee's District-paid health benefits will end. The employee will receive notice of the cancellation of his or her health care benefits and may elect to continue coverage through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Employees on pregnancy disability leave will be allowed to continue to participate in group health coverage for up to a maximum of four (4) months of pregnancy disability leave on the same terms as if the employee had continued to work. The right to continued group health coverage during pregnancy disability leave is a separate and distinct entitlement from the CFRA entitlement.

**2410.90**     **Substitution of Paid Leave** - Generally, FMLA/CFRA/PDL leave is unpaid. However, if the employee has unused and accrued vacation or sick leave, the District requires that the employee use those paid leave balances during the employee's FMLA-only leave before going on a leave of absence without pay. An employee may elect to use paid sick leave for leave taken under the CFRA. In order to use paid leave for FMLA/CFRA leave, the employee must comply with the District's normal paid leave policies. For more information on those specific circumstances requiring or allowing the substitution of paid leave please contact the Human Resources Manager.

**2410.100**     **Reinstatement** - Under most circumstances, upon return from family/medical leave, you will be reinstated to your original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave, including any accrued benefits such as vacation or sick leave.

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**2410.110** **Benefits** - No benefits (including vacation or sick leave) will accrue during any unpaid FMLA/CFRA/PDL leave, but accrued benefits will not be lost except as otherwise provided. If an employee is on extended family/medical leave and is utilizing a combination of accrued paid leave benefits and unpaid leave, the employee will accrue a pro-rata share of benefits, such as sick leave and vacation, that is equivalent to the percentage of paid leave being utilized over the course of the pay period. Please contact the Human Resources Manager with any questions regarding accrual of District paid leave benefits during unpaid FMLA/CFRA/PDL leave.

The District will maintain the employee's health coverage under any group health care plan under the same terms and conditions as coverage would have been provided if the employee had not taken leave. However, cash-in-lieu benefits will not continue to be paid during FMLA/CRFA/PDL leave.

**2410.120** **Carryover** - Leave granted (under any of the reasons provided by state and federal law) will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement (26-workweek entitlement if leave is to care for a service member) in any rolling 12-month period. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

**2410.130** **Intermittent Leave** - You may take FMLA/CFRA leave intermittently (in blocks of time, or by reducing your normal weekly or daily work schedule) if the leave is for your serious health condition or a qualifying family member and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. Such leave may be taken in 15-minute increments.

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## ANTI-RETALIATION/WHISTLEBLOWER #2420

The District is committed to providing a work environment where employees are free to report suspected improper governmental activity or conditions that significantly threaten the health or safety of employees or the public without fear of retribution.

**2420.10** The District forbids retaliation against any employee who opposes harassment or discrimination, files a good faith complaint, testifies, assists, or participates in any manner in a workplace investigation, proceedings, or hearing conducted by the District or any governmental agency with the authority to investigate complaints of harassment and discrimination.

Prohibited retaliation includes, but is not limited to:

- Demotion;
- Suspension;
- Failure to hire or consider for hire;
- Failure to give equal consideration in making employment decisions;
- Failure to make impartial employment recommendations; or
- Adversely affecting working conditions or otherwise denying any employment benefit to an individual.

Anyone who believes they have been subjected to retaliatory conduct for making a report or complaint or for participating in a workplace investigation under this policy should immediately report it to the General Manager or Human Resources Manager. The District will investigate and take appropriate remedial action.

The confidentiality of the whistleblower will be maintained whenever possible. No District employee may interfere with the good faith reporting of suspected or actual wrongful conduct. An individual who makes such a good faith report shall not be subject to retaliation, including harassment or any adverse employment, as a result of making a report. All reported claims of retaliation will be reviewed and investigated, and appropriate corrective action will be taken. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated. In addition, an employee who intentionally files a false report of wrongdoing, or knowingly makes an untrue statement of fact in the investigation of a complaint, will be subject to discipline up to and including termination.

Anyone found in violation of this policy will be disciplined, up to and including termination.

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## SCHOOL AND CHILDCARE ACTIVITIES LEAVE #2430

The District understands that employees must occasionally leave work to participate in the school or child care activities of their child(ren).

**2430.10** An absence related to an employee's participation in school or childcare activities is subject to the conditions below:

- Time off under this policy can only be used by "Covered employees" that is, parents, guardians, grandparents, stepparents, foster parents, or a person who stands in loco parentis to one or more children of the age to attend kindergarten through grade 12 or a licensed childcare provider.
- The amount of time off for school or childcare activities described below cannot exceed a total of forty (40) hours each calendar year.
- Covered employees can use the time off to find, enroll, or reenroll a child in a school or with a licensed childcare provider or to participate in activities of the child's school or licensed child care provider. The time off for these purposes cannot exceed eight (8) hours in any calendar month. Employees planning to take time off for these purposes must provide reasonable advanced notice to their supervisor.

Covered employees can also use time off to address a "childcare provider or school emergency" if the employee gives notice to the employer. A childcare provider or school emergency means that the employee's child cannot remain in a school or with a childcare provider due to one of the following:

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

Employees must provide their supervisor with documentation from the school or licensed childcare provider verifying that they were engaged in these child related activities on the day and time of the absence.

If more than one parent is employed by the District, then first employee to request such leave will receive the time off. Another parent will receive the time off only if the leave is approved by his or her supervisor.

Employees must use vacation leave in order to receive compensation for this time off; and employees who do not have paid time off available will take the time off without pay.

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## SCHOOL APPEARANCE LEAVE #2440

If a District employee, who is the parent or guardian of a child, must take time off to appear at their child's school, then the employee should alert his or her supervisor as soon as possible as to the need for time off. In compliance with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose. Employees must use vacation or CTO time in order to receive compensation for time off for this purpose. Employees who do not have paid time off available will take the time off without pay.



## **CRIME VICTIM LEAVE #2450**

Employees who are victims of domestic violence, sexual assault, stalking, a crime involving physical injury, a crime involving mental injury with a threat of physical injury, or whose immediate family member is killed as a result of a crime are eligible for leave. While the leave is generally unpaid, employees can use their paid sick time under California's Healthy Workplaces, Healthy Families Act for the purposes described below. Leave also is available to employees to attend judicial proceedings relating to a criminal proceeding in which the employee is either a victim or a witness.

The employee may request leave if the employee is involved in a judicial action, such as obtaining a restraining order, or appearing in court to obtain relief to ensure the employee's health, safety, or welfare, or that of the employee's child. The employee should provide reasonable advanced notice of the need for leave to the employee's supervisor unless advance notice is not feasible. For more information, employee should contact the District's Human Resources Manager. Employee may use available vacation, accrued sick leave, or compensatory time off if they have such time available. Otherwise, the employee must take unpaid leave.

Employees may also take time off (whether it be paid or unpaid) to seek medical attention for injuries caused by domestic violence or sexual assault, or obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault, obtain psychological counseling related to an experience of domestic violence or sexual assault, and/or participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

If an employee is the victim of domestic violence, sexual assault, stalking, a crime involving physical injury, a crime involving mental injury with a threat of physical injury, or whose immediate family member is killed as a result of a crime and needs a reasonable accommodation for their safety at work, the employee should contact the Human Resources Manager and discuss the need for an accommodation. The employee should submit a written statement signed by the employee, or by an individual acting on the employee's behalf, certifying that the accommodation is for the purpose of the employee's safety at work.

For reasonable accommodation requests, the District may require certification demonstrating that the employee is the victim of domestic violence, sexual assault, or stalking. The District may request recertification every six months from the date of the previous certification. The employee should notify the District if an approved accommodation is no longer needed.

The District will engage in an interactive process with the employee to identify possible accommodations, if any, that will be effective and will make reasonable accommodations unless such accommodation would result in an undue hardship to the District.

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The District will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave or accommodation under this policy.

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## REPRODUCTIVE LOSS LEAVE #2455

- 2455.1** Consistent with state law, the District will permit an employee to take an unpaid leave of absence following a reproductive loss event.
- (1) For purposes of this section, reproductive loss event is defined consistent with California Government code 12945.6 and includes failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction.
  - (2) Reproductive Loss Leave will not exceed five (5) workdays following each reproductive loss event. The five (5) days do not need to be taken consecutively but must be taken within three (3) months of the reproductive loss event. Employees are entitled to a maximum of 20 days within a 12-month period.
  - (3) Reproductive Loss Leave is unpaid however, employees may elect to use accrued and available vacation, sick leave, personal leave, or compensatory time off.
  - (4) Employees must be employed by the District for thirty (30) days to be eligible for Reproductive Loss Leave.

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## ADDITIONAL LEAVES #2460

### 2460.1 Organ Donation and Bone Marrow Leave

Consistent with state law, the District will permit an employee to take a paid leave of absence:

- (5) not exceeding 30 work days to an employee who is an organ donor in any one-year period, for the purpose of donating their organ to another person. An additional unpaid leave of absence, not exceeding 30 work days in a one-year period, may be granted to an employee who is an organ donor for the purpose of donating the employee's organ to another person. The one-year period is measured from the date the employee's leave begins and shall consist of 12 consecutive months; and
- (6) not exceeding five (5) work days to an employee who is a bone marrow donor in any one-year period, for the purpose of donating his or her bone marrow to another person.

This leave may be taken in one or more periods. In order to receive this type of leave of absence, an employee must provide written verification to the District that they are an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

This leave does not run concurrently with Family Care and Medical Leave. During the leave, the District will continue to maintain the employee's group health coverage on the same terms as when the employee is not on leave.

Time off for this leave will not be considered a break in service. When the employee returns to work, the District will restore them to the same or an equivalent position they held when the leave commenced, unless the District declines to restore the employee because of conditions unrelated to the taking of the leave.

### 2460.2 Civil Air Patrol Leave

The District will not terminate or discriminate against an employee who is a volunteer member of the Civil Air Patrol or prevent a member from performing service as part of the California Wing of the Civil Air Patrol during an emergency operational mission. Additionally, the District will not retaliate against an employee for requesting or taking Civil Air Patrol leave in accordance with this policy.

The District will provide eligible employees with up to 10 days per year of leave, but no more than three days at a time, unless the emergency is extended by the entity in charge of the operation and the District approves the extension. To be eligible for leave, employees must have been employed by the District for at least 90 days immediately preceding the start of the leave and must be duly directed

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and authorized by a political entity that has the authority to authorize an emergency operational mission of the California Wing of the Civil Air Patrol.

Employees must request leave with as much notice as possible. The District may require certification from the proper Civil Air Patrol authority to verify an employee's eligibility for leave. The District may deny leave if the employee fails to provide the required certification.

Leave taken under this policy is unpaid except that exempt employees will be paid when required by applicable law. Employees will not be required to exhaust accrued vacation or sick leave or any other type of accrued leave prior to taking unpaid Civil Air Patrol Leave but may choose to use such benefits during leave to receive pay.

Following leave, an employee must return to work as soon as practicable and must provide evidence of the satisfactory completion of Civil Air Patrol service. If the employee complies with these requirements, the employee will be restored to their prior position without loss of status, pay or other benefits.

## **2460.3 Emergency Responder Leave**

The District will not terminate or discipline any employee who is a volunteer firefighter, reserve peace officer, or emergency rescue personnel because the employee takes time off to perform emergency duty, or engages in fire, law enforcement or emergency rescue training. In the event an employee needs to take time off for this type of emergency duty, the employee should alert their supervisor and/or Human Resources before leaving the District's premises.

A "volunteer firefighter" includes any person registered as a volunteer member of a regularly organized fire department of a city or county; or of a city, county or district having official recognition of the government of the city, county, or district in which the department is located; or a regularly organized fire department of an unincorporated town.

"Emergency rescue personnel" includes any volunteer or paid officers, employees, or members of a fire department or fire protection or firefighting agency who perform first aid and medical services, rescue procedures and transportation or other related activities necessary to ensure the health or safety of a person in immediate danger. Such personnel include those who work for the: (1) federal or state government; (2) city, county, city and county, district or other public or municipal corporation or political subdivision of this state; (3) sheriff's department, police department or private fire department; or (4) disaster medical response entity sponsored or requested by the state.

Employees will also be allowed up to 14 calendar days of leave per year to engage in fire, law enforcement or emergency rescue training.

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Leave taken under this policy is unpaid except that exempt employees will be paid when required by applicable law. Employees will not be required to exhaust accrued vacation or sick leave or any other type of accrued leave prior to taking unpaid Emergency Responder Leave but may choose to use such benefits during leave to receive pay.

Following leave, an employee must return to work as soon as practicable and must provide evidence of the satisfactory completion of Emergency Responder service. If the employee complies with these requirements, the employee will be restored to their prior position without loss of status, pay or other benefits.

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## **DRESS CODE #2465**

District employees are expected to wear clothing appropriate for the nature of District business and the type of work performed. Clothing worn at work should be neat, clean, and tasteful. Clothing must demonstrate good taste and common sense. All employees are required to maintain a clean, neat, and well-groomed appearance at work.

Because each employee is a representative of the District in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees are expected to use appropriate hygiene and report to work neatly groomed. Employees are also expected to dress neatly and in a manner consistent with the nature of the work performed.

All clothing should be clean and without rips or holes. Employees who report to work inappropriately dressed may be asked to clock out and return to work in acceptable attire.

All employees required to wear uniforms provided by the District must take care of their uniforms and report any wear or damage to their supervisors. Supervisors will inform employees of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Any deviations from these dress code guidelines must be approved by the employee's supervisor.

When off-duty, employees should use caution when wearing District clothing at any location in which a member of the public may question appropriateness.

Upon separation from District employment, all clothing with District logos or other uniforms or clothing items that identify a person as a District employee are to be washed and returned to the supervisor or manager from whom the employee received the clothing item.

This dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, sex, gender identity or gender expression, religion, national origin, or any other class protected by federal, state or local law. Employees have the right to comply with District's dress code in a manner consistent with their gender identity or gender expression. Employees who need a reasonable accommodation for clothing attire because of religious beliefs, observances, or practices should contact the Human Resources Manager to discuss the need for accommodation.

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## DRIVER'S LICENSE #2470

Employees whose job duties require them to drive a District vehicle or their own vehicle for District business will be required to show proof of current valid driver's license and proof of effective insurance coverage before the first day of employment.

If an employee is required to drive as part of his or her job, the District retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is suspended or revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the District's policy.



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## DRUG & ALCOHOL-FREE WORKPLACE #2480

The use of or impairment by alcohol, marijuana, illegal drugs, or any other controlled substances is strictly prohibited in the workplace. Use of these substances, whether on or off the job can detract from an employee's or volunteer's work performance, efficiency, safety, health, and seriously impair District operations. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the District to the risks of property loss or damage, or worse, injury to other persons.

The following rules and standards of conduct apply to all employees and volunteers while on duty, on District property, while working on District business, or while operating District-owned vehicles or equipment. The following conduct is strictly prohibited:

- Being under the influence of, or impaired by, an illegal or controlled substance, including alcohol or marijuana while on the job.
- Using or possessing illegal or controlled substances, including alcohol or marijuana, while on the job (including the illegal use of prescription drugs and possessing drug paraphernalia).
- Distributing, selling, or purchasing of an illegal or controlled substance, including alcohol or marijuana, while on the job.

Violation of these rules and standards of conduct will not be tolerated. Employees who violate this policy will be disciplined, up to and including termination. Volunteers who violate these policies will be dismissed. Depending on the circumstances, the District also may bring the matter to the attention of appropriate law enforcement authorities.

Physician-prescribed medication is permitted, provided that such medication does not adversely affect the employee's or volunteer's job performance or the safety of the employee, volunteer, or other individuals in the workplace. Failure to report use of prescription drugs that could potentially impair job performance and create a hazardous condition for the employee or others is violation of this policy.

Employee, supervisors, managers, or volunteers shall notify their Department Head or designee when they reasonably suspect that an employee may be under the influence of drugs or alcohol while at work or have illegal drugs in his or her possession during work hours. If the Department Head or designee concurs that there is reasonable suspicion of use and/or impairment of drugs or alcohol during work hours, the Department Head will discuss such suspicion with the employee and may choose to send the employee home for the day without pay.

The District will encourage and try to reasonably accommodate employees with alcohol, marijuana, or drug dependencies to seek treatment and/or rehabilitation. Employees desiring such assistance should request treatment or rehabilitation leave. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is

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impaired because of drug, alcohol, or marijuana use. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not automatically be reemployed or be given a second opportunity to seek treatment and/or rehabilitation. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the standards of conduct described in this Personnel Policy Guide. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

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## **FAILURE TO OBTAIN LICENSE OR CERTIFICATE #2490**

All District employees are required to maintain appropriate professional or vocational licenses and/or certificates required for their position. An employee may be discharged because he or she has failed to timely obtain or renew a license or certificate required for the job. If this failure results from the employee's inability to pass a test and is not due to any willful or negligent act on his or her part, the District may give the employee a reasonable period to re-take the test or otherwise meet the eligibility requirements to obtain or renew the license and/or certificate.

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## HEALTH & SAFETY #2500

The District is committed to providing a safe and healthy work environment for its employees. As such, it is the responsibility of all District employees to conduct District business in the safest possible manner. Any workplace condition that is considered unsafe must be reported immediately to the employee's supervisor.

Employees are required to wear any and all protective clothing and to use any and all protective devices as directed by their supervisor.

Any work-related accident, or other accident occurring on the worksite, involving employees or other persons shall be reported immediately to the employee's immediate supervisor, who will then report the work-related accident to the Human Resources Manager.

Such reports must be made immediately following the accident, and in no event more than twenty-four (24) hours following the accident. If the accident occurs during the weekend, employee must notify his or her supervisor or Human Resources Manager of the incident by text message, email, or phone call as soon as possible. Employee will then be required to fill out an accident form by 10:00 a.m. on the first business day following the accident. Employees are covered for employment-related injury or illness by the California Worker's Compensation Act. Under California law, failure to report or delays in reporting a work-related injury or illness may result in a loss of benefits. Failure to comply with safety regulations or to report an accident may be cause for discipline up to and including termination.

In compliance with California law, and to promote the concept of a safe workplace, the District maintains an Injury and Illness Prevention Program ("IIPP"). The IIPP is in the District Operations Policy Handbook Policy No. 3060. All employees will receive appropriate training under the IIPP and are expected to comply with the respective IIPP at all times.

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## LACTATION ACCOMMODATION #2510

The District accommodates lactating employees by providing a reasonable amount of break time to any employee who desires to express breast milk for the employee's child, subject to exception allowed under applicable law. If possible, the break time for expressing breast milk shall run concurrently with any break time already provided to the employee. Any break time provided to express breast milk that does not run concurrently with break time already provided to the employee shall be unpaid pursuant to Labor Code section 1030.

The District will provide employees who need a lactation accommodation with the use of a vacant room or other private location that is located close to the employee's work area. Employees with private offices should use their offices to express breast milk.

Employees who desire a lactation accommodation should contact their supervisor or Human Resources Manager in writing to request such accommodation. The employee's supervisor or the Human Resources Manager must respond to the employee's accommodation request in writing indicating the approval or denial of the break request. Employees have a 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.

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## MEAL & REST PERIODS FOR NON-EXEMPT EMPLOYEES #2520

- 2520.10** **Meal Periods** - An employee whose total workday is at least five hours will be provided with a meal period of at least thirty minutes unless the employee and his/her supervisor agree to waive this period or unless operational considerations require the employee to continue working during this period. An employee must be completely relieved from duty during meal periods. Meal periods are neither time worked nor time on pay status. Employees are required to clock out for their meal period. Employees are also expected to return to work promptly at the end of the agreed-upon length of their meal period with their supervisor and/or Department Head.
- 2520.20** **Rest Periods** - A supervisor will grant a full-time employee two paid 10-minute rest periods, one to be taken in the first half of the work day and one in the second half of the work day, unless operational considerations require the employee to continue working during these periods. The first rest period shall occur be taken approximately midway between the employee's starting time and the employee's meal period. The second rest period shall occur be taken approximately midway between the employee's meal period and the end of the employee's workday. District supervisors will grant a part-time employee one 10-minute rest period for each work period of four continuous hours or more, not to exceed two rest periods per day, unless operational considerations require the employee to continue working during these periods. Rest periods are compensable. Employees are allowed to leave their work station during rest periods but should return promptly at the end of the rest period. A rest period need not be authorized for employees whose total daily work time is less than three and one half (3.5) hours.

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## PROHIBITED CONDUCT #2530

The District expects all employees to conduct themselves in a respectful, professional, and honest manner. As such, the following conduct is prohibited and will not be tolerated:

- A.** Falsifying employment records, employment information, or other District records;
- B.** Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily;
- C.** Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee's;
- D.** Theft and deliberate or careless damage or destruction of any District property, or the property of any employee or customer;
- E.** Removing or borrowing District property without prior authorization;
- F.** Unauthorized use or misuse of District equipment, time, materials, or facilities;
- G.** Provoking a fight or fighting during working hours or on District property;
- H.** Participating in horseplay or practical jokes on District time or on District premises;
- I.** Carrying firearms or any other dangerous weapons on District premises at any time;
- J.** Causing, creating, or participating in a disruption of any kind during working hours on District property;
- K.** Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- L.** Using abusive, threatening, or intimidating language at any time on District premises;
- M.** Violation of the District's punctuality and attendance policy. Absences protected by state or federal law do not count as violations of this policy;
- N.** Failing to obtain permission to leave work for any reason during normal working hours, not including meal periods;
- O.** Failing to observe working schedules, including meal and rest periods;
- P.** Sleeping or malingering on the job;
- Q.** Making or accepting personal telephone calls, including cell phone calls during working hours, except in cases of emergency or extreme circumstances;
- R.** Working overtime without authorization or refusing to work assigned overtime;
- S.** Violating dress standards;
- T.** Violating any safety, health, security, or District policy, rule, or procedure;
- U.** Violating the District's drug and alcohol policy;
- V.** Committing a fraudulent act or a breach of trust;
- W.** Violating the District's anti-harassment or discrimination policies;
- X.** Failing to promptly report a work-related injury or illness;

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- Y. Inappropriately using the District computers or District-issued cell phones, including sending inappropriate emails or engaging in inappropriate internet searches (e.g., pornography).

This list of prohibited conduct is illustrative only. Other types of conduct that threaten the security, personal safety, or welfare of other employees, customers, or District operations may also be prohibited and result in disciplinary action (see Policy 2350) up to and including termination.



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## PUNCTUALITY & ATTENDANCE #2540

Punctual and regular attendance is an essential responsibility of each District employee. Employees are expected to report to their assigned workstation on time, as scheduled, and prepared to start work. Employees also are expected to remain at work for their entire work shift, except for meal periods, rest periods, or when required to leave on authorized District business. Late arrivals, early departures, or other unanticipated and unapproved absences during scheduled hours are disruptive and must be avoided.

If an employee is unable to report to work, then the employee must provide reasonable advanced notice to his or her supervisor before the start of the employee's shift. The employee must also inform the supervisor of the expected duration of the absence. If the circumstances for the employee's tardiness or absence were unforeseen, then the employee should inform the supervisor as soon as practicable of the reason for the tardiness or absenteeism.

Excessive absenteeism or tardiness, providing false information, or abuse of leave will not be tolerated. If an employee fails to report for work without any notification to the employee's supervisor and the employee's absence continues for a period of three (3) consecutive days or more, then the District will consider that the employee has voluntarily abandoned and/or resigned his or her employment with the District. Exceptions may be made for emergency situations.

Prior to immediate termination, the District will attempt to contact the absent employee and/or his emergency contact to determine whether the unauthorized absence is covered under a protected leave. If the District determines that the employee's absence was due to an emergency situation, the employee may be disciplined for failure to notify the District of his or her absences.

Absences protected by local, state, and federal law do not count as a violation of the punctuality and attendance policy.

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## TIMEKEEPING FOR NON-EXEMPT EMPLOYEES #2550

All non-exempt employees are required to use the District's time keeping system to record time worked for payroll purposes. All time worked must be accurately reported on the employee's time record.

Employees must record their own time at the start and at the end of each work shift. Employees must clock out for their meal period and record the start and end of the meal period.

Employees are not allowed to work "off the clock." Any work performed before or after a regularly scheduled shift must be approved in advance by the employee's supervisor. If you perform any off-the-clock work, please report the work to your supervisor.

Employees also must record their time whenever they leave the building for any reason other than District business.

Employees will be required to certify that their time record is accurate each pay period.

Any changes on the timecard must be approved by a supervisor. Punching another employee's timecard, allowing another employee to punch your timecard, or altering a timecard is not permissible and may be subject to disciplinary action.

Any errors on an employee timecard should be immediately reported to the employee's supervisor or Department Head.

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## TIME OFF FOR VOTING #2560

If an employee does not have sufficient time outside of working hours to vote in an official federal or statewide election, then the employee may take off enough working time to enable the employee to vote. However, such time off shall be taken at the beginning or the end of the employee's regular work shift, whichever allows for more free time for voting. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay. When possible, an employee requesting time off to vote shall give his or her supervisor at least two working days' notice in accordance with Elections Code section 14000. Generally, polls are open from 7:00 a.m. to 8:00 p.m.

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## WORKERS' COMPENSATION #2570

- 2570.10** The District, in accordance with state law, provides workers' compensation insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:
- Medical care;
  - Temporary disability benefits;
  - Permanent disability benefits; and
  - Death benefits.

- 2570.20** To ensure that you receive any workers' compensation benefits to which you may be entitled, you should:
- Immediately report any work-related injury to your supervisor (note: if your injury or illness developed over time, report it as soon as you learn or believe it was caused by your job);
  - Seek medical treatment and follow-up care if required;
  - Complete a written Employee's Claim for Workers' Compensation Benefits (DWC Form 1) and return it to District's Human Resources Manager; and
  - Provide the District with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as a certification of your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee, under most circumstances, will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the District's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee may not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the District's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

The law requires the District to notify the workers' compensation insurance company of any concerns of false or fraudulent claims.

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Employees will not be discharged or discriminated against for filing a workers' compensation claim.

**2570.30** **Workers' Compensation and FMLA/CFRA** - Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under state and federal law (FMLA and CFRA), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a rolling 12-month period measuring back from the date an employee uses leave.

**2570.40** **Paid Sick Leave and Workers' Compensation Benefits** - Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When an employee reports a work-related illness or injury, the employee will be sent for medical treatment if treatment is necessary. The employee will be paid his or her regular wages for the time the employee spent seeking initial medical treatment.

Any further medical treatment will be under the direction of the employee's health care provider. Any absences from work for follow-up treatment, physical therapy, or other prescribed appointments will not be paid as time worked. If the employee has accrued sick leave, the employee may choose to substitute paid sick leave for any time that would otherwise be unpaid.

If the employee does not have accrued sick leave, or if the employee has used all of his or her sick leave, the employee may choose to substitute vacation for further absences from worked related to the employee's illness or injury.

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## WORKPLACE VIOLENCE #2580

**2580.10** The District wishes to ensure a safe working environment for all employees and volunteers.

As such the District has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination. Violent behavior includes, but is not limited to, unwanted physical contact such as hitting, kicking, pushing, shoving, throwing objects, or the use of a weapon.

**2580.20** Possession of non-work-related weapons on District property or at District-sponsored events shall constitute a threat of violence.

**2580.30** It is every District employee's and volunteer's responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee and volunteer are expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent.

**2580.40** You may report an incident to your supervisor or to the Human Resources Manager.

**2580.50** A threat includes, but is not limited to, any indication of intent to harm a person or damage District property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally. The following are examples of threats and acts that shall be considered violent - this list is in no way all-inclusive:

<b>Example</b>	<b>Type of Threat</b>
Saying, "Do you want to see your next birthday?"	Indirect
Writing, "Employees who kill their supervisors have the right idea."	Indirect
Saying, "I'm going to punch your lights out."	Direct
Making a hitting motion or obscene gesture.	Nonverbal
Displaying weapons.	Extreme
Stalking or otherwise forcing undue attention on someone, whether romantic or hostile.	Extreme
Taking actions likely to cause bodily harm or property damage.	Acts of violence

**2580.60** If behavior or threat is violent or criminal in nature and requires immediate intervention, the employee should report it to the police department by calling 9-1-1.

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## MANDATED REPORTER #2590

The California Child Abuse and Neglect Reporting Act (“CANRA”), codified at California Penal Code sections 11164-11174.3, requires that employers of mandated reporters (as defined in the Act) promote identification and reporting of child abuse or neglect. It is the policy of the El Dorado Hills Community Services District to comply with its obligations under the CANRA; to require that all District employees and administrators who are mandated reporters make required reports to child protection or law enforcement agencies; and more broadly to encourage all members of the District’s park community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at a District facility or perpetrated by District personnel to promptly report the concern to appropriate external and District officials.

### 2590.10 General Definitions

- A. Child - Person under age 18. (Pen. Code, § 11165)
- B. Mandated reporter - A District employee who is required under CANRA due to their licensure or profession, or otherwise by virtue of their District position or activities, to report child abuse and neglect to the specified authorities.
- C. Reasonable Suspicion - It is reasonable for a person to suspect abuse or neglect based on the information he or she has and his or her training or experience. It does not require certainty that child abuse or neglect has occurred, nor a specific medical indication of abuse or neglect.

**2590.20** Child Abuse/Neglect - Whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows, or reasonably suspects, has been the victim of child abuse or neglect, the mandated reporter shall make an initial report immediately or as soon as is practicably possible.

- A. Who must report (Pen. Code, § 11165.7(a))  
The following general categories of employees who are mandated reporters for abuse and neglect of a child include but are not limited to:
  - An administrator of a public or private day camp.
  - An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
  - An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.
  - A licensee, an administrator, or an employee of a licensed community care or child day care facility.

*A complete list of mandated reporters with detailed definitions is included in Penal Code §11165.7.*

- B. What must be reported (Pen. Code, §§ 11165.1, 11165.6, 11166(a))

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The following general categories of abuse and neglect of a child must be reported when a mandated reporter knows, or reasonably suspects such abuse or neglect has occurred:

- Physical injury
- Sexual abuse
- Neglect
- Willful harm or injury
- Endangering of health
- Unlawful corporal punishment or injury
- Death

**C. Reporting process** (Pen. Code, § 11166)

A mandated reporter who knows of or reasonably suspects abuse or neglect must comply with the reporting process described below.

**2590.30** **Immediately** - Notify the District's Human Resources Manager by calling (916) 614-3238 or emailing the District's Human Resources Manager letting him or her know of your suspicions and that a report to the El Dorado County Sheriff's Office or the Office Department of Children and Family Services will be made.

Please note that an internal report made under this policy is not a substitute for a mandated reporter's required external reports under CANRA or other applicable laws. Do not assume another party will make the report. If you are a mandated reporter, you have the obligation to make an external report.

**2590.40** **As soon as possible** - Make a telephone report to the El Dorado County Sheriff's Office or the Department of Children and Family Services Child Protection at its 24-hour hotline (530) 642-7100.

**2590.50** **Within 36 hours** - File a written report on a form designated by the California Attorney General (Suspected Child Abuse Report <https://www.edcgov.us/Government/HumanServices/Protective%20Services/documents/Child%20Abuse%20Reporting%20Form.pdf>) with the El Dorado County Sheriff's Office or the Department of Children and Family Services.

**2590.60** **Enforcement** - For those who are mandated reporters under California law, failure to report is a misdemeanor punishable by up to six months in jail or a fine of up to \$1000, or both (Pen. Code, §§ 11162, 11166(c).)

**2590.70** Failure to report is also serious neglect of duty that can lead to discipline under this Personnel Policy Guide, up to and including termination.

**2590.80** All employees who are mandated reporters are required to sign the relevant acknowledgment form.



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## CONFLICT OF INTEREST #2600

No employee shall receive gifts valued over fifty dollars (\$50.00) from any single source in any calendar year in the scope of their employment. A “gift” is any payment or other benefit that confers a personal benefit for which an employee does not provide payment or services of equal or greater value. District employees must avoid the appearance of favoritism in all of their dealings on behalf of the District. An employee may not make or participate in the making of a decision if a financial conflict of interest exists.

It is the policy of the District to separate the District’s interest with its employee’s private interest and to safeguard the District and its employees from charges of favoritism in the acquisition of goods and services. Goods and services must not be purchased from an employee or a near relative of the employee unless there is a specific determination that the goods or services are not otherwise available, or the employee has recused himself or herself from involvement in the decision related to the acquisition of the goods and services for which a potential conflict of interest may exist.

All District employees are expected to act with integrity and good judgment. If there is concern that a potential conflict of interest may exist, the employee should immediately bring it to the attention of their supervisor or the General Manager.

No employee shall disclose any confidential information obtained in his/her employment to any other employee and/or to any third parties, absent the express written approval of the General Manager.

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## UNIFORMS #2610

Designated employees are required to wear uniforms with the District logo and long pant/jeans leg-covering apparel in reasonable repair at all times while working and representing District. Designated employees are currently identified as Park Supervisors, Maintenance Lead Workers, and Maintenance Workers, and Maintenance Aides.

Each designated employee will receive employer-issued shirts upon hire or entrance into a position requiring such uniform. Uniforms include District logo shirts or other articles of clothing the District provides. Employees are required to sign a document verifying he or she has received the uniforms. The uniforms are considered District property and are to be returned in the event of termination of employment or anytime on demand.

District uniforms will also be laundered by the employee. In the event a uniform needs repair or replacement, employees will be required to return the uniform in exchange for a replacement. While normal wear and tear is expected, excessive or deliberate damage or loss of District uniforms may result in disciplinary action.

The District may issue new uniforms periodically or require uniforms to be returned for special purposes (e.g., logo change, District color change). Employees will be given notice of the exchange, and the District will provide suitable replacement uniforms.

Employees must arrive at work on time and in uniform. Employees should not change into their uniform after clocking in. Failure to arrive at work in uniform at the start of the employee's shift may lead to disciplinary action.

During the period of time in which uniforms are sized and ordered for a new hire, or any other instance in which no uniform has yet been provided by the District, the designated employee should wear appropriate clothing and available employer-issued shirts until such time as an official uniform may be provided.

This policy is not intended to restrict or limit the required use of other District-provided personal protective equipment ("PPE").

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## COMPUTER & CELL PHONE USE #2700

The District provides all employees with access to the vast resources available on the Internet. This policy includes guidelines that identify employee responsibilities with regards to the use of District computers and District-issued cell phones. All employees must adhere to generally accepted standards of courtesy and etiquette and obey any and all laws regarding access and use of District computers, District-issued cell phones, and the Internet. Use of District computers and/or District issued cell phones and through them, the Internet, is a privilege, and failure to adhere to this policy may result in the termination of access to District computers, District-issued cell phones, and use of the Internet. Employees may also be subject to other disciplinary action by the District for improper use of District computers and/or District-issued cell phones. Employees shall have no expectation of privacy in District computers or District-issued cell phones and the District reserves the right to monitor employee use.

**2700.10 Acceptable Use** - The purpose of providing access to the District computers, District-issued cell phones and through them, the Internet, is to help increase productivity by helping employees to do their jobs faster and smarter. It also provides better communication with customers, suppliers, and colleagues, and also helps the employee to research relevant topics and obtain useful business information. Use of District computers, District-issued cell phones, and through them, the Internet, must be in support of the objectives of the District.

Transmission of or access to materials that contain pornography or that violate federal or state laws are prohibited. This prohibition includes, but is not limited to, copyrighted materials, threatening or obscene materials, or material restricted through passwords or other user access codes. Use of District computers or District-issued cell phones for commercial advertising and political lobbying is also prohibited.

Employees are prohibited from using obscenities, vulgarities, racist, sexist, or inflammatory speech when communicating with others using District computers, District-issued cell phones, and through them, the Internet.

Employees are also prohibited from introducing a computer virus to District computers. If an employee imports a file from another computer onto a District computer by any means, he or she is responsible to assure that he or she is not introducing a computer virus into other District computers. Employees should not view or launch attachments to emails from unknown sources.

Also, employees may only access files or programs, whether computerized or not, that they have permission to enter. Unauthorized access, review, duplication, dissemination, removal, damage, or alteration of files, passwords, computer systems or programs, or other property of the District, or improper use of information obtained by unauthorized means, is prohibited. Furthermore, any

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employee leaving the District is expressly prohibited from taking such information, in any form, without express permission from the General Manager or his/her designee.

Any messages sent, or actions taken by an employee on District computers or on a District-issued cell phone, must be done under his or her private user account secured by his or her private password or passcode. Employees are prohibited from using another's private account or from allowing another to use his or her private account. Employees are prohibited from sharing his or her private passwords or passcodes with anyone else or from using another's private password or passcode to access their account.

**2700.20** **Privileges** - The use of the District's network and access to District computers and/or District-issued cell phones is a privilege, not a right. If an employee uses District computers or cell phones inappropriately, or if it is suspected that an employee has done so, his or her access privileges may be suspended or revoked at any time and the employee may be subject to discipline. Reinstatement of his or her access privileges shall be at the discretion of the District. Again, employee use of District computers and District-issued cell phones should not be regarded as private. District staff may monitor employee communications and use of the computers or cell phones and may inspect files in the network systems at any time. Even when electronic mail messages are erased, it is still possible to retrieve and review them. Further, the use of passwords or passcodes for security does not guarantee confidentiality.

**2700.30** **Internet Rules**

- A.** Employee use of District computers, District-issued cell phones, and through them, the Internet, must be in support of the objectives of the District. The District allows for incidental personal use.
- B.** Employees are prohibited from lending their network username and/or password to others.
- C.** Employees are prohibited from using others' network username and/or passwords.
- D.** Employees are forbidden to access any Internet site, news group, or other areas of cyberspace that would be offensive or inappropriate.
- E.** Employees are prohibited from using any forms of obscene, harassing, or abusive language on-line.
- F.** Employees are prohibited from sending or intentionally receiving messages that are discriminatory or could reasonably be view as discriminatory in nature.
- G.** Employees are prohibited from sending or intentionally receiving messages that use inflammatory language or fighting words (i.e., words directed to a person which would have a tendency to cause acts of violence by the person to whom, individually, the remark is addressed).

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- H. Employees are prohibited from placing a computer virus on District computers. If a staff member imports a file from another computer onto a District computer by any means, the staff member is responsible to ensure that he/she is not introducing a computer virus into other District computers. Employees should not view or launch attachments to emails from unknown sources.
- I. Employees are prohibited from sending or intentionally receiving messages with someone else's name on it.
- J. Employees are prohibited from sending or intentionally receiving messages that are racist, sexist, contain obscenities, or otherwise violate the District's anti-harassment policy.
- K. Employees are prohibited from transmitting or accessing pornography or other materials that violate federal or state laws. This prohibition includes, but is not limited to, copyrighted materials, threatening or obscene materials, or material restricted through passwords or other user access codes.
- L. Employees are prohibited from using the District network for commercial advertising or political lobbying.
- M. Employees should be aware that use of District computers should not be regarded as private. District staff may monitor communications on and use of the network and may inspect files in staffs' network file systems at any time.

**2700.40** **Enforcement/Discipline** - Failure of any staff member to adhere to this policy may result in revocation of that staff member's access to District computers or District-issued cell phones, and through them, the Internet, and may not be reinstated as determined solely by the District. In addition to the revocation, the District may, in its sole discretion, impose any other disciplinary action deemed appropriate.