

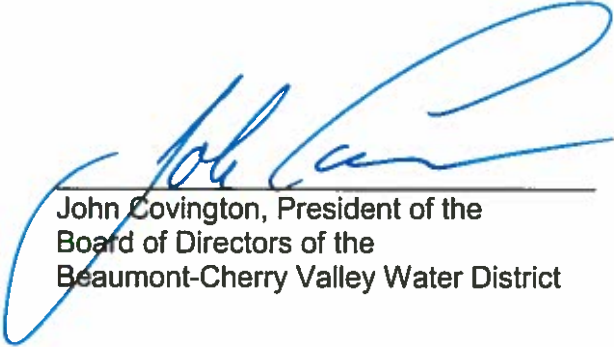


**CALL OF SPECIAL MEETING
OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
BOARD OF DIRECTORS**

The undersigned, John Covington, President of the Beaumont-Cherry Valley Water District, hereby calls a Special Meeting of the Board of Directors to be held Monday, May 20, 2019 at 5:30 p.m. at the District's Administrative Offices located at 560 Magnolia Avenue, Beaumont, California 92223.

The agenda for said meeting will be posted no later than 5:29 p.m. on Sunday, May 19.

Dated: Monday, April 29, 2019



John Covington, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



SPECIAL MEETING NOTICE

**Special Meeting of the
Personnel Committee of the
Board of Directors of the
Beaumont-Cherry Valley Water District
Scheduled for Monday, May 20, 2019 at 5:30 p.m.**

NOTICE IS HEREBY GIVEN that a Special Meeting of the Personnel Committee of the Board of Directors of the Beaumont-Cherry Valley Water District has been scheduled for Monday, May 20, 2019 at 5:30 p.m., at 560 Magnolia Ave., Beaumont, CA 92223.

The agenda for this meeting will be posted no later than 5:29 p.m. on Sunday, May 19.

Respectfully,

Yolanda Rodriguez
Director of Finance & Administrative Services



**BEAUMONT-CHERRY VALLEY WATER DISTRICT
SPECIAL MEETING
PERSONNEL COMMITTEE MEETING AGENDA
560 Magnolia Avenue, Beaumont, CA 92223
Monday, May 20, 2019 - 5:30 p.m.**

Call to Order, Chair Covington

Roll Call

Public Comment

PUBLIC COMMENT: At this time, any person may address the Personnel Committee on matters within its jurisdiction which are not on the agenda. However, any non-agenda matters that require action will be referred to staff for a report and possible action at a subsequent meeting. To provide comments on specific agenda items, please complete a Request to Address the Committee form and provide the completed form to the Committee President prior to the committee meeting. Please limit your comments to three minutes. Sharing or passing time to another speaker is not permitted.

- 1. Adjustments to the Agenda**
- 2. Approval of Personnel Committee Meeting minutes:**
 - a. January 28, 2019 (pages 3 - 6)
 - b. March 25, 2019 (pages (7 - 9)

ACTION ITEMS

- 3. Proposed BCVWD Policies and Procedures Manual Updates** (page 10)
 - a. Proposed Employee Performance Evaluation Policy and Procedure (pages 11 - 15)
 - b. Proposed Personnel Action Form (PAF) Policy and Procedure (pages 16 - 19)
 - c. Proposed Recruitment/Selection and On-Boarding Policy and Procedure (pages 20 - 32)
 - d. Proposed Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff (pages 33 - 82)
 - e. Proposed Vacation Policy and Discussion regarding Current Liability and Proposed Optional Vacation Limits (pages 83 - 97) (Handout)
 - f. Proposed Sick Leave Policy – Revised Final Draft (pages 98 - 110)

4. **Review and Update on HR consulting project**
5. **Employee Association Election Update**
6. **Action List for Future Meetings**
7. **Next Meeting Date: July 22, 2019**

Adjournment

AVAILABILITY OF AGENDA MATERIALS - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Board of Directors in connection with a matter subject to discussion or consideration at an open meeting of the Board of Directors are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office"). If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available from the District Office in the Board Room of the District's Office.

REVISIONS TO THE AGENDA - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Special Meeting Agenda may be made up to 24 hours before the Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Board Meeting.

REQUIREMENTS RE: DISABLED ACCESS - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at info@bcvwd.org or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

CERTIFICATION OF POSTING REGULAR MEETING

I certify that on or before 5:29 p.m. May 19, 2019, a copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 24 hours in advance of the meeting (Government Code §54956(a)).



Yolanda Rodriguez
Director of Finance and Administration



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA
DRAFT MINUTES OF THE PERSONNEL COMMITTEE
Monday, January 28, 2019 at 5:30 p.m.
560 Magnolia Avenue, Beaumont, CA 92223**

CALL TO ORDER

Chair Ramirez called the meeting to order at 5:30 p.m. at 560 Magnolia Avenue, Beaumont, California.

Present

<i>Directors present:</i>	<i>Hoffman (alternate), Ramirez</i>
<i>Directors absent:</i>	<i>Covington</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers; Director of Finance and Administrative Services Yolanda Rodriguez, Senior Finance and Administrative Analyst Bill Clayton, Information Systems Manager Robert Rasha, Assistant Director of Operations James Bean, Production Maintenance 1 Dustin Smith, and Administrative Assistant Erica Gonzales. Also present at this meeting were Julian Herrera, Alma Frausto and Eric Dahlstrom representing the Beaumont-Cherry Valley Water District (BCVWD) Employee Association, and HR Dynamics and Performance Management consultant Rhonda Strout-Garcia.</i>

PUBLIC INPUT: *None.*

ACTION ITEMS

1. Adjustments to the Agenda: *None.*
2. Approval of Nov. 26, 2018 Meeting minutes

Chair Ramirez tabled the approval of the minutes of the Nov. 26, 2018 Personnel Committee meeting to the March 25, 2019 meeting.

3. Closed Session

Chair Ramirez recessed the meeting to Closed Session at 5:32 p.m.

CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
District Designated Representative: Dan Jagers, General Manager
Employee Organization: BCVWD Employee Association

4. Reconvene in Open Session: 7:09 p.m.

Report on Action Taken in Closed Session: *Chair Ramirez announced that there was no reportable action taken.*

5. Review and Update on HR Consulting Project

Director of Finance and Administrative Services Yolanda Rodriguez reported that HR Dynamics and Performance Management has completed the assessment and recommendations are ongoing.

6. Draft Updates: BCVWD Policies and Procedures Manual

a. Vacation Leave Accrual Caps

Ms. Rodriguez advised that during the last audit, the District's auditors recommended adding a cap on vacation and sick leave accruals. For hourly employees, vacation is cashed out at the end of the year, for salaried and contract employees it rolls over. In response to Chair Ramirez, Ms. Rodriguez clarified that depending on years of service, vacation earned of 80 hours to 160 hours are allotted at the beginning of the year, and any hours not taken are cashed out at the end of the year. Mr. Jagers noted that a Personnel Committee member suggested evaluating the potential to roll over up to 80 hours to the following year to allow employees to save some vacation time for use in the next year. Right now, Ms. Rodriguez added, there is no option to roll over time: vacation must be used or cashed out.

Ms. Rodriguez continued, for this example the accrual cap is 80 hours. Mr. Jagers noted that the roll over potential might be an option to discuss with the Employee Association if the Personnel Committee is inclined to consider it. Chair Ramirez clarified that right now, hours cannot roll over. Mr. Jagers explained that employees begin the year with the full accrual of vacation hours due, not accrued over time.

At the last Personnel Committee meeting, exempt employees' accrual was discussed, and President Covington suggested discussion of hourly employees. There was enough interest to bring the matter forward again. Chair Ramirez asked the employees present for feedback.

Julian Herrera advised that feedback from employees was very good, and they felt they were being included and this is a benefit. Ms. Frausto concurred. Mr. Jagers clarified that the current policy in the Policies and Procedures Manual requires cash out. The exposure for the District is that if there is a Cost of Living increase awarded, there may be a minor increased cost if cashed out in a future year. Additionally, if an employee is promoted the hours are carried to the next pay grade.

Mr. Jagers noted that the District is trying to improve the employees' experience and this allows more flexibility than cashing out. The vacation cap was discussed, and 80 hours is a number determined for discussion purposes. Chair Ramirez asked, and Ms. Rodriguez acknowledged that she is comfortable with the 80 hours rollover. Mr. Jagers pointed out this is more parallel with the contract employees who are not currently required to cash out time at the end of the year.

Ms. Rodriguez drew attention to the staff report on vacation time caps with examples from other agencies, as requested at the last meeting, and options for consideration. BCVWD employees surveyed favored Option A or Option C. Mr. Jagers noted that for those employees with large vacation balances, the goal would be to reduce the amount over time.

In response to Chair Ramirez, Mr. Jagers explained the Option A multiplier of maximum of 2 times the rate of accrual. He also pointed out that for recruitment purposes, a contract negotiating point is a third week of vacation to entice potential experienced hires who have earned that third week at the current employer due to years of service. In addition, in a number of positions it may be difficult for a dedicated employee to take all earned vacation time.

Chair Ramirez pointed out this is an added benefit and employees are unified in support of the suggested rollover policy. He said the Committee, and the Board understands there is a human aspect and would like to be as helpful and amicable as possible within reason. He recommended proceeding as indicated with the 80 hours option for hourly employees and suggested looking at Option C for contract employees with adjusted years, then an Option C hybrid focused on employee retention. Member Hoffman concurred. Mr. Jagers indicated he favored a multiplier formula for flexibility.

b. Sick Leave Accrual Caps

Ms. Rodriguez explained this is also a recommendation from the auditor. Currently, there is no cap, Mr. Jagers noted. Per legal counsel, this is something that would have to be renegotiated in the MOU. Chair Ramirez directed staff to have the Employee Association discuss, and requested a fair and balanced approach.

Mr. Jagers explained that the policy indicates that sick leave may not be cashed out unless an employee has had 12 months without taking sick leave. Cash out is at 50 percent of sick leave value; or two days traded for one day's pay. He explained some policy nuances that would require a transition to implement. Jagers also noted that some agencies had converted all time off into a combined "Paid Time Off" (PTO) system, which could be an option for the future.

Ms. Rodriguez explained the current and potential sick leave buyout options and noted that many agencies do not cap sick leave. Chair Ramirez indicated that cities are more inclined to cap sick leave. Mr. Jagers pointed to the CalPERS conversion at retirement or death, which is part of the current policy and a defined benefit.

Chair Ramirez directed staff to return with a cost benefit analysis of a cap. Mr. Jagers noted that the general manager, per contract terms, cannot not cash out sick leave.

c. New Sick Leave Donation Program

Ms. Rodriguez advised the members that at its last meeting, the Committee requested a draft policy with recommendations. Staff looked at policies of different agencies and created a comprehensive sample to fit BCVWD.

The purpose of the proposed policy is to offer an option for employees if the District adopts a sick leave cap. The sample policy is very detailed, and applies only to a catastrophe. Chair Ramirez asked about the minimum leave to retain; Ms. Rodriguez answered it is 40 hours.

Mr. Jagers explained the policy items and staff recommendations to result in a complete policy. Chair Ramirez asked if this has been shared with the Employee Association; Mr. Jagers said such a policy has been discussed in general, but this is the first look and beginning discussion as part of a published agenda.

Chair Ramirez asked staff and the Association to read the proposal and direct any questions to management in order to iron it out for the next meeting. Member Hoffman concurred that feedback should be garnered from the Employee Association to determine whether to move forward with the policy.

Mr. Herrera of the BCVWD Employee Association noted that the group has talked about the policy and it is something the employees view as an added benefit.

Ms. Rodriguez added the Committee expressed concern that there is no abuse of the policy, therefore staff tried to make procedures as clear as possible. Chair Ramirez commended the GM for his approach to staff unity with office and field crews.

7. Topics Requested by Employee Association

Messers Herrera and Dahlstrom indicated that employee representative positions would be opened to a vote. Mr. Jaggars added that at some point, there should be established a vehicle for contract employee representation.

8. Action List for Future Meetings

Vacation and Sick Leave Accrual Caps
Sick Leave Donation Program

9. Next Meeting Date: *March 25, 2019 at 5:30 p.m.*

ADJOURNMENT: *8:08 p.m.*

Attest:

DRAFT UNTIL APPROVED

Andy Ramirez, Chairman
to the Personnel Committee of the
Beaumont-Cherry Valley Water District



**BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA
DRAFT MINUTES OF THE PERSONNEL COMMITTEE
Monday, March 25, 2019 at 5:30 p.m.
560 Magnolia Avenue, Beaumont, CA 92223**

CALL TO ORDER

Chair Covington called the meeting to order at 5:30 p.m. at 560 Magnolia Avenue, Beaumont, California.

Present

<i>Directors present:</i>	<i>Covington, Ramirez</i>
<i>Directors absent:</i>	<i>None</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers; Director of Finance and Administrative Services Yolanda Rodriguez, Information Systems Manager Robert Rasha, Production Maintenance 1 Dustin Smith, and Administrative Assistant Erica Gonzales. Also present at this meeting were Julian Herrera Jr. and Eric Dahlstrom representing the Beaumont-Cherry Valley Water District (BCVWD) Employee Association.</i>

PUBLIC INPUT: *None.*

ACTION ITEMS

1. Adjustments to the Agenda: *None.*
2. Approval of Nov. 26, 2018 and the Jan. 28, 2019 Meeting minutes

The Committee approved the minutes of the Personnel Committee meeting of Nov. 26, 2018 by unanimous vote.

The Jan. 28, 2019 minutes were NOT approved due to lack of majority vote (Covington abstained).

3. Closed Session

Chair Covington recessed the meeting to Closed Session at 5:32 p.m.

CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code Section 54957.6
District Designated Representative: Dan Jagers, General Manager
Employee Organization: BCVWD Employee Association

4. Reconvene in Open Session: 6:03 p.m.

Report on Action Taken in Closed Session: *Chair Covington announced that there was no reportable action taken.*

5. Draft Updates: BCVWD Policies and Procedures Manual

a. Proposed Vacation Policy

Director of Finance and Administrative Services Yolanda Rodriguez reminded the Committee that at the last meeting it was recommended that a cap on vacation hours for exempt employees be instituted. She presented a revised draft of the policy.

Chair Covington confirmed there would be 120 hours available for carry over. Mr. Jagers noted that a few exempt employees have hours over the cap, and the intent is to allow some time to determine what is to be done regarding those accruals.

Member Ramirez asked if the December vacation buyout was mandatory. Mr. Jagers said that historically, the procedure has been if vacation is not used by the end of the year, it must be cashed out. Employees would now have an option to roll over the hours. Employees requested a rollover of 120 hours. Exempt employees are capped starting at 320 hours and increasing with the number of years of service.

Ms. Rodriguez explained that this is intended to avoid large payouts of accrued vacation. Discussion ensued about buy-back opportunities during the year. Chair Covington asked about the additional buy-back during the year. The intent, Jagers explained, is to allow buy-backs two times each year. Member Ramirez indicated he appreciated the inclusion of a minimum of 40 hours on the books before buy back is permitted.

Covington suggested that if the goal is to avoid the liability of large payouts as recommended by the auditor, this does not accomplish that - the caps should be lower. Ramirez noted this is not a top-heavy organization but it is still better to lower the caps. The most significant exposure, Jagers explained, is employees who move up in the organization with resultant salary increases, making the accrued hours more valuable.

Mr. Jagers pointed out that the auditors' concern was lack of a policy; not the current liability. Covington suggested caps at: 1 – 5 years at 200 hours, 6 – 15 years at 240, 16 – 20 years at 300 and 21+ service years at 320, which would reduce the liability "without taking anything away from anybody." Mr. Jagers suggested a multiplier would be more fair. Member Ramirez proposed a compromise of 260, 300, 350, and 380 to allow the cut but still make it an attractive benefits package. Covington pointed out this could still result in a \$30,000 payout and countered with 220, 260, 300 and 340.

Chair Covington directed staff to create a policy to push the liability down without taking away from contract (exempt) employees. He further suggested negotiating with employees with large vacation balances to "get them back on track" over a period of time. Staff suggested investigation of a 401a or similar plan to facilitate rollover of those hours. Ms. Rodriguez will propose Covington's suggested caps to the contract employees.

b. Proposed Sick Leave Donation Program

Mr. Ramirez suggested the maximum donation should be 40 hours per calendar year per employee. Ms. Rodriguez explained that sick leave is not capped. It can be cashed out at half the employee's rate of pay.

Chair Covington pointed to the definition of “catastrophic medical condition,” and suggested more clear definitions. Director Ramirez suggested taking the policy to the HR Consultant and / or to legal counsel for screening.

Chair Covington also said he appreciated the ultimate decision-making authority being that of the General Manager, stressing caution not to violate any HIPAA laws. Chair Covington indicated this is a good and thorough starting point.

6. Review and Update on HR Consulting Project

Director of Finance and Administrative Services Yolanda Rodriguez reported that HR Dynamics and Performance Management has completed the assessment and staff is working toward implementing best practices over a five year process beginning with the most critical items.

At the last Board meeting, a new HR staff position was approved. There is a timeline for the hire, but the delay is due to lack of workspace. Mr. Jagers added there would be an update on office space at the next Board meeting.

Mr. Jagers noted that the amount authorized for the HR Consulting contract has been expended, but there are further items with which the District could use assistance.

7. Topics Requested by Employee Association

Mr. Dahlstrom reported that employee representative positions would be opened up again to give other staff members an opportunity to work with the Committee.

8. Action List for Future Meetings

No new items suggested.

9. Next Meeting Date: *July 22, 2019 at 5:30 p.m.*

ADJOURNMENT: *6:58 p.m.*

Attest:

DRAFT UNTIL APPROVED

John Covington, Chairman
to the Personnel Committee of the
Beaumont-Cherry Valley Water District



STAFF REPORT

TO: Personnel Committee

FROM: Yolanda Rodriguez, Director of Finance and Administrative Services

SUBJECT: Proposed BCVWD Policies and Procedures Manual updates

Staff Recommendation

Consider the proposed revisions and additions to the BCVWD Policies and Procedures Manual and refer policies to the Board of Directors as desired.

- a. Proposed Employee Performance Evaluation Policy and Procedure
- b. Proposed Personnel Action Form (PAF) Policy and Procedure
- c. Proposed Recruitment/Selection and On-Boarding Policy and Procedure
- d. Proposed Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff
- e. Proposed Vacation Policy
- f. Proposed Sick Leave Policy – Revised Final Draft

Background

At meetings of the Personnel Committee, members requested and reviewed various revisions to the District's vacation policy and proposed sick leave donation policy. In addition, the Committee reviewed new policies recommended by consultant HR Dynamics, and an update to Part II of the Policies and Procedures Manual. Based on input from the Committee, staff has prepared the final draft policies for potential recommendation to the Board of Directors.

Fiscal Impact: The fiscal impact cannot be determined at this point.

Attachments

- a. Final Draft – Employee Performance Evaluation Policy and Procedure
- b. Final Draft – Personnel Action Form (PAF) Policy and Procedure
- c. Final Draft – Recruitment/Selection and On-Boarding Policy and Procedure
- d. Final Draft – Proposed Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff
- e. Final Draft – Proposed Vacation Policy
- f. Final Draft – Sick Leave Policy – Revised Final Draft

Staff Report prepared by Lynda Kerney, Administrative Assistant

BEAUMONT-CHERRY VALLEY WATER DISTRICT

SUBJECT: EMPLOYEE PERFORMANCE EVALUATION POLICY AND PROCEDURE

PURPOSE:

To provide a means for discussing, planning and reviewing the performance of an employee. Regular performance evaluations improve communication and employee engagement; help employees clearly define and understand their duties and responsibilities; document accomplishments during the rating period; suggest areas in which employees can improve performance; provide information for career development and training; help set goals and expectations for the next rating period; and provide a basis for awarding merit or step increases.

POLICY:

All full- and part-time regular employees shall have their job performance evaluated on an annual basis. This policy does not preclude the conduct of more frequent evaluations as needed to document significant changes in performance.

RESPONSIBILITIES:

Each manager and supervisor is responsible for the timely assessment of the performance and contribution of their employees. Human Resources will coordinate, track and report on the completion of annual performance evaluations; provide annual training to managers and supervisors on conducting effective performance evaluations; and will maintain a copy of each evaluation in the employee's official personnel file. Human Resources will provide a compliance report to the General Manager by January 31st for the prior calendar year. The General Manager will share the statistical report (over-all percentage of compliance) with the Board of Directors.

STANDARDS:

Each supervisor is responsible for developing a clear description of the duties, responsibilities, goals and expectations for each position to be evaluated. The duties and responsibilities must be consistent with the job description for each position. The goals and expectations should be aligned with the District's strategic goals and mission. The goals and expectations shall be provided to the employee prior to being evaluated against them.

PREPARATION OF EVALUATIONS:

All employees shall have their job performance evaluated by their immediate supervisor on an annual basis. Interim evaluations may be completed as necessary to effectively document employee performance.

1. **Annual Evaluation** – All employees will have their performance evaluated at the time of their anniversary date with the District. The supervisor shall indicate on the Performance Evaluation Form when an eligible employee is recommended for a merit increase, and sign the Personnel Action Form. Employees receiving an overall rating of less than Satisfactory are not eligible to receive a merit increase.

2. **Probationary Evaluation** – Probationary evaluations may be completed during the probationary period. Upon completion of the probationary period, employees shall transition to “Regular” status and receive an annual evaluation at the time of the employee’s anniversary date. The probationary evaluation is the tool in which the immediate supervisor determines whether the probationary employee has the skills and other qualifications needed to perform satisfactorily. The immediate supervisor shall indicate on the Performance Evaluation Form if the probationary employee is recommended to pass probation, or if an extension of the probationary period is necessary. The extension of the probationary period must be accompanied by a Performance Improvement Plan (PIP). The PIP should run concurrently with the extension period. An overall rating of Unsatisfactory may result in termination of employment.
3. **Interim Evaluation** – Interim or supplemental evaluations may be initiated by a supervisor whenever the supervisor believes it to be in the best interest of the employee, supervisor, department to do so. This type of evaluations is usually made whenever an employee’s performance and/or work conduct has markedly changed since a previous evaluation or whenever an employee has failed to improve after a previous less than satisfactory evaluation, counseling or training. The Interim evaluation may include a Performance Improvement Plan (PIP). An overall rating of less than Satisfactory may result in disciplinary action, up to and including termination when improvement is not achieved.
4. **Unsatisfactory Job Performance** – When an employee receives an overall rating of less than Satisfactory, the unsatisfactory performance evaluation must include a specific description of the unsatisfactory performance, behavior, conduct, or actions that are found to be below standard. Departments are responsible for developing a PIP to identify the various ways the employee can improve their performance and be successful in achieving their assigned objectives. A PIP should include an understanding of goals, expectations and performances standards. The performance standards should reference the quantity and quality of work, the manner in which service is rendered, and such characteristics as shall measure the employee’s job performance.

THE EVALUATION FORM:

Beaumont-Cherry Valley Water District utilizes a standardized Performance Evaluation Form. Upon delivery of the evaluation by the supervisor to the employee, the employee shall sign acknowledging receipt, and the supervisor shall provide a copy of the performance evaluation to the employee and submit the original to Human Resources. The original shall be placed in the employee’s official personnel file, and the department may keep a copy in a secured internal file. The employee may provide a written response which will then be filed with the evaluation form.

PROCEDURE/STEPS:

General Manager

1. Emphasizes the important role of conducting regular and timely performance evaluations in providing employees with feedback related to performance; in establishing effective and measurable goals; and in defining development opportunities to include training. General Manager establishes expectations and holds supervisors accountable in achieving organizational compliance in completing evaluations.

Human Resources

2. Maintains a complete and accurate list of employee anniversary dates for annual performance evaluations.
3. Sends reminder notice to the supervisor via email two months prior to due date, including a PAF if a merit increase is due.

Supervisor

4. Prepares draft evaluation and submits to Human Resources for review via email.

Human Resources

5. Reviews draft evaluation and provides feedback to supervisor by phone, or arranged meeting.

Supervisor

6. Amends draft evaluation and forwards final evaluation to the Human Resources via email.

Human Resources

7. Reviews, and submits the final evaluation to the General Manager for review and approval.

- | | |
|-----------------|--|
| General Manager | 8. Signs and approves the evaluation, OR requests further information and/or a meeting with supervisor to discuss further, prior to approval, through the Administrative Services Manager. |
| Human Resources | 9. Coordinates obtaining requested additional information OR schedules meeting to discuss the employee evaluation, to include the supervisor, General Manager, and Human Resources. |
| Supervisor | 10. Makes additional changes to the evaluation, if warranted, consistent with General Manager input, and submits to the Human Resources. |
| Human Resources | 11. Reviews and submits to the General Manager for final approval. |
| General Manager | 12. Returns signed/approved evaluation to Human Resources. |
| Human Resources | 13. Returns signed/approved evaluation to supervisor with direction to proceed with the delivery of the evaluation to the employee. |
| Supervisor | 14. Signs the evaluation and delivers to employee. Delivery consists of a scheduled meeting between employee and supervisor in which feedback is provided by the supervisor to the employee. |
| Employee | 15. Signs the evaluation, acknowledging receipt. |
| Supervisor | 16. Provides employee with a copy of the evaluation upon signing.

17. Provides the original copy of the final signed evaluation to the Human Resources for inclusion in the employee's file. Maintains a copy of the final evaluation in a secured departmental file. |

Human Resources

18. Updates tracking spreadsheet to indicate that employee's evaluation was received.
19. Evaluates tracking spreadsheet monthly to identify past-due evaluations, and provides monthly reminder notices to supervisors via email, with the General Manager copied on email.
20. Prepares the annual compliance report for General Manager showing evaluations completed and past due, and over-all percentage of compliance (e.g. 90%).
21. Evaluates compliance report to determine deficiencies, and reflects non-compliance in supervisor's performance evaluation; failure to correct may also result in disciplinary action, as determined by the General Manager.

General Manager

22. General Manager provides annual report to Personnel Committee sharing the over-all results of the annual compliance report (percentage of compliance by department and/or office/field).

Forms:

Performance Evaluation Form

Revised 9-7-18

Item 3b

BEAUMONT-CHERRY VALLEY WATER DISTRICT

SUBJECT: PERSONNEL ACTION FORM (PAF) POLICY AND PROCEDURE

PURPOSE:

To define procedures for approving Personnel Action Forms (PAFs) and to ensure that all actions are consistent with District policy.

POLICY:

The Personnel Action Form (PAF) is the official form that the District uses to initiate, document, approve and process actions related to an employee's employment history. PAFs are used for the following types of actions:

- a. Appointment
- b. Promotion
- c. Transfer
- d. Merit Increases/Denial of Merit Increases
- e. Leave of Absence
- f. Disciplinary Action Involving Suspension or Reduction in Pay
- g. Status
- h. Separation
- i. Other/Miscellaneous

PAFs shall be prepared by department, and submitted to Human Resources. Department managers shall ensure that all fields are filled out necessary for identifying the proposed changes to an employee's status and/or compensation. It is further the responsibility of the department manager to ensure that proposed actions are consistent with District policy. All proposed actions effecting an employee's status or compensation should first be discussed with Human Resources to ensure that the action is consistent with policy, past practices, and that non-routine items are discussed with the General Manager prior to initiating the action with an employee.

Appointments and Promotions

PAFs involving an Appointment or Promotion shall be as a result of a recruitment/selection process, consistent with the District's Recruitment/Selection and On-Boarding Policy and Procedure. Compensation offers shall be first discussed with Human Resources and approved by the General Manager in advance of initiating the PAF.

Transfers

PAFs involving a Transfer shall be as a result of a recruitment/selection process, or an accommodation as a result of an employee injury following an Interactive Process in accordance with the American's with Disabilities Act. Transfers shall be first discussed with

Human Resources and approved by the General Manager in advance of initiating the PAF.

Merit Increases

PAFs involving a Merit Increase shall be as a result of a satisfactory or higher performance evaluation. The completed performance evaluation shall be submitted along with the PAF. The PAF shall provide for a merit increase in an amount consistent with District policy. A PAF shall be submitted for the denial of a merit increase to make formal record within the employee's employment history of the action.

Leave of Absence

PAFs involving a Leave of Absence shall be as a result of any leave requested by an employee to document the start and end date of such leave. These dates assist with tracking leave entitlements in accordance with policy and various State and Federal laws. Leaves of Absence without pay must be approved in accordance with District policy. Leaves with Pay are most often associated with protected leaves such as Family and Medical Leave and require coordination with Human Resources to ensure that additional leave forms are completed. Other leave types requiring a PAF include Military Leave. Leaves which are of short duration such as Jury Duty or Witness Appearance do not require a PAF.

Disciplinary Action

PAFs involving a disciplinary action shall be as a result of a formal disciplinary process involving a Skelly hearing and post-Skelly determination. The PAF form shall indicate the type of discipline e.g. Reduction in Pay, or Demotion and the length of the action, which can be for an established period of time or indeterminate. PAFs involving disciplinary action must be coordinated with Human Resources.

Status

PAFs involving a status change shall be as a result of a change from temporary to regular status, or a change from part-time to full-time. Such changes should be discussed with, and approved by Human Resources and the General Manager prior to initiating the action.

Other/Miscellaneous

PAFs involving other miscellaneous actions may include the initiation of various pay types such as certificate pay, educational incentive pay, etc. PAFs should be submitted with appropriate documentation to justify the proposed action.

Separation

PAFs involving separation from employment shall be as a result of a voluntary resignation, termination, retirement, or death of an employee. PAFs shall be submitted reflecting the effective date as the last day worked. The PAF should be submitted along with the employee's resignation if the separation is voluntary. Any proposed separation of an employee as a result of discipline must be approved by Human Resources and the General Manager in advance of any action taken, and be the result of a Skelly hearing and post-Skelly determination.

PERSONNEL ACTION FORM PROCESSING PROCEDURE/STEPS:

- | | | |
|-----------------|-----|---|
| Manager | 1. | Coordinates with Human Resources on non-routine PAFs impacting an employee's work history including denial of merit increase, disciplinary action, leave of absence, or transfer. |
| | 2. | Initiates routine PAFs related to an employee's work history including merit increase and promotions following a District recruitment and selection process. |
| Human Resources | 3. | Coordinates with Manager on proposed non-routine PAFs impacting an employee's work history. |
| | 4. | Provides guidance related to District Personnel Rules and Regulations, Memorandum of Understanding, and in consideration of past practices |
| | 5. | Discusses non-routine actions with General Manager; makes recommendation and obtains approval to proceed. |
| | 6. | Communicates with Manager and shares the direction from General Manager. |
| Manager | 7. | Prepares PAF and attaches all additional required documentation; submits to Human Resources for approvals and processing. |
| Human Resources | 8. | Reviews PAF for compliance with District Personnel Rules and Regulations, Memorandum of Understanding, and in consideration of past practices. Approves all routine PAFs for further processing; recommends approval to General Manager for non-routine processing. |
| General Manager | 9. | Approves non-routine PAFs. |
| Human Resources | 10. | Enters data from PAFs into the Personnel/Finance system to effectuate any changes to compensation and to record dates of various actions. |

Finance/Payroll

11. Receives PAF and reviews/verifies data entered into Personnel Finance system; identifies any inconsistencies to be addressed and resolved with Human Resources; processes PAF in accordance with approvals.

Forms:

Personnel Action Form

Revised 9-7-18

BEAUMONT-CHERRY VALLEY WATER DISTRICT

SUBJECT: RECRUITMENT/SELECTION AND ON-BOARDING POLICY AND PROCEDURE

PURPOSE:

To provide a fair and impartial system that will attract a diverse and highly qualified applicant pool for position vacancies, and to ensure that all positions are filled in a fair and equitable manner consistent with merit principles.

POLICY:

1. Recruiting for Personnel

The District is an "Equal Opportunity Employer" and all aspects of the recruitment and selection process shall occur without regard to race, religion, color, national origin, ancestry, age, disability, medical condition, marital status, sex, gender including gender identity, or sexual orientation. Recruitments shall be carried out in accordance with merit principles. The District encourages promotion from within and recommends consideration of internal candidates first. All tests shall be carried out in accordance with merit principles and in compliance with applicable State and Federal laws/regulations.

The District shall make every effort to provide the means by which interested and qualified candidates shall be made aware of employment opportunities. Job opportunities shall be posted on the District's website and shall specify pertinent data such as a brief description of the essential job functions, the minimum and/or special requirements, compensation, and any recruiting deadlines. Completed on-line applications must be received by Human Resources no later than the time and date indicated on the job announcement.

The Hiring Manager shall assist Human Resources by developing and maintaining effective recruitment sources to ensure a successful recruitment outreach approach. Other means of communicating the opening to the public may be used, such as the use of professional or trade journal advertising, local and regional association newsletters, special mailing lists, professional websites, social media websites, online job listings, and/or personalized letters and phone calls as well as on-site recruiting at career fairs and other identified venues. All advertising will be placed by Human Resources with costs funded by the hiring department.

2. Selection

Human Resources shall, after consulting with the Hiring Manager, determine the appropriate means of examining applicants and shall administer and/or coordinate the process. All parts of any testing procedure shall be conducted in accordance with accepted merit principles, EEOC guidelines and employee selection, and applicable Federal and State law, and only as authorized by Human Resources. Human Resources shall determine the content and combinations of test to be used, the weights assigned each test, and the passing point or qualifying score.

Steps in the selection process may include any of the following:

- a. Screening of employment applications for minimum qualifications.
- b. Further screening of applications and/or supplemental questionnaires or documents for "highly desirable" job-related qualifications to further screen down the candidate pool.
- c. Administration of a job related written examination.
- d. Administration of a job related oral examination.
- e. Administration of a job related performance examination.
- f. Interview of candidates.
- g. Coordination of an appropriate medical screening or examination after a job offer has been made.
- h. Investigation of reference checks of individual candidates.
- i. Investigation of criminal background information of individual candidates after a job offer has been made.

Human Resources may call upon subject matter experts from within or outside District employment for assistance in developing and/or administering any of the testing procedures and in serving as raters. Consideration in determining the appropriate selection device shall include cost to the District and candidates, time restraints, legality of the process and practicality.

3. Eligibility

Human Resources shall determine, based upon the results of the selectin process, which candidates shall be placed on the eligibility list. These lists shall also include 1) the names of candidates qualifying for reinstatement rights; and 2) candidates placed on the list by Human Resources for purposes of alternate work due to disability. Eligibility lists may be established for a predetermined period of time; however the Director of Finance and Administrative Services may terminate or extend the list when circumstances dictate. Typically, lists remain active for six (6) months.

4. Certification

Certification of eligible candidates shall be from the top candidates based on a review of rankings from the eligibility list. A screening of the training and experience qualifications of the affected candidates may be conducted by Human Resources to determine the best qualified. The candidates possessing the most suitable job qualifications and characteristics shall be referred. The names of candidates placed on the eligibility list as a result of reinstatement rights, or alternate work due to disability, shall also be certified.

The District encourages promotion from within and recommends consideration of internal candidates first. For internal promotions, the list of candidates shall be a least three (3) who meet minimum qualifications. The Director of Finance and Administrative Services may recommend to the General Manager an exception to this rule, when less than three candidates are eligible.

Candidates shall be ranked on the eligibility list according to examination score. If no test has been administered, the eligibility list will be provided to the Hiring Manager in alphabetical order.

In the event that a Hiring Manager rejects a certification, a formal written request for additional certification must be made and reason provided for the rejection of each certified candidate. Human Resources reserves the right to accept or reject this request.

Names shall be removed from the eligible list after appointment, or at the end of the eligibility period. Names shall be removed from the promotional eligible lists upon termination of the employee's services from District.

Human Resources may remove names of any person who:

- a. Fails to appear without prior notice for any job interview for which they have been appropriately notified.
- b. Has refused to be interviewed twice; has not responded to Human Resources inquiries via email or current address.
- c. Is unable to produce or obtain the required license or related special requirement.
- d. Has falsified their application; or other job related reasons determined appropriate by the Director of Finance and Administrative Services.

5. On-Boarding

Upon completion of the selection process and approval by the General Manager to proceed with the finalist candidate, Human Resources shall prepare the conditional offer letter in coordination with the Hiring Manager. Upon acceptance from the finalist candidate, Human Resources shall schedule the candidate for an appropriate medical exam to include drug screening for safety-sensitive positions; and for a live scan. Human Resources shall coordinate the on-boarding process using the prescribed On-Boarding Checklist and ensure that all documents are received and processed. The Hiring Manager shall completed the departmental orientation/on-boarding process.

RECRUITMENT/SELECTION PROCEDURE/STEPS:

- | | |
|-----------------|--|
| Hiring Manager | 1. Submits a Personnel Requisition Form to Human Resources specifying whether the recruitment will be internal (promotional) or open to both internal and external applicants and specifies any special conditions of employment, consistent with the job description. |
| Human Resources | 2. Checks position control and verifies position vacancy, budgeting and authorization.

3. Obtains approval from the General Manager to proceed with filling the vacancy.

4. Communicates with Hiring Manager upon approval or denial of the requisition. |

Human Resources

5. Determines if a current eligibility list exists for the position requested; contacts the Hiring Manager to review applications from the existing list.

OR

6. Administers and coordinates the recruitment process working closely with the Hiring Manager, if a current eligibility list does not exist.
7. Initiates meeting with Hiring Manager to develop a comprehensive recruitment plan to include the outreach strategy, exam plan to assess competencies, and timeline.

Hiring Manager

8. Maintains and provides recommendations on effective recruitment sources to ensure a successful recruitment outreach approach.

Human Resources

9. Develops the job announcement and advertising; provides to Hiring Manager for review and approval.

Hiring Manager

10. Reviews job announcement and advertising, and provides feedback to Human Resources.

Human Resources

11. Finalizes job announcement and advertising; proceeds with opening the job opportunity and submitting advertising to agreed upon sources, and any other means of outreach.
12. Posts the opportunity on the District's website; announces the employment opportunity internally via email to all employees; posts the announcement on internal bulletin boards for both Office and Field.
13. Receives employment applications, supplemental questionnaires, and related materials from candidates through the

closing date.

- | | | |
|------------------------------------|-----|--|
| Human Resources/
Hiring Manager | 14. | Reviews employment applications to determine whether the applicant meets the minimum qualifications of the position. |
| Human Resources | 15. | Notifies unsuccessful applicants at each step of the pre-certification selection process. |
| Human Resources/
Hiring Manager | 16. | Determines appropriate means of testing candidates and consistent with recruitment plan. |
| Human Resources/
Hiring Manager | 17. | Develops or procures appropriate exams as needed. |
| Hiring Manager | 18. | Assists Human Resources in identifying subject matter experts from other agencies to participate in the testing process, as needed. |
| Human Resources/
Hiring Manager | 19. | Administers and scores exams as needed. |
| Human Resources | 20. | Determines final cut-off scores for examination process. |
| | 21. | Establishes an eligibility list and notifies candidates accordingly. |
| | 22. | Certifies list of most highly qualified candidates to Hiring Manager. |
| | 23. | Coordinates with Hiring Manager in scheduling interviews, and interviewing candidates. |
| Hiring Manager | 24. | Assists Human Resources in identifying subject matter experts from other agencies to participate in the evaluation of candidates in the interview process. |
| | 25. | Recommends final selection and proposed salary placement in writing to the Director of Finance and |

Administrative Services, and General Manager for approval.

Human Resources

26. Obtains General Manager and Director of Finance and Administrative Services approval for the recommended candidate.
27. Communicates approval or denial to the Hiring Manager.

Hiring Manager

28. Conducts reference checking on finalist candidate contacting prior employers to verify employment, length of service, duties, and performance, and using established Reference Checking Form for each employer contacted. Obtains copy of driving record, for driving positions.
29. Obtains copies of educational diplomas, degrees, and/or certificates consistent with the requirements of the position from finalist candidate.
30. Submits all interview materials and Reference Check Forms to the Director of Finance and Administrative Services for the finalist.

Human Resources

31. Notifies candidates not selected.
32. Proceeds with Pre-employment Processing.

ON-BOARDING PROCEDURE/STEPS:

Hiring Manager

1. Coordinates the details of the job offer with Human Resources.

Human Resources

2. Prepares the Offer Letter and sends to the finalist candidate.

Hiring Manager

3. Submits the Personnel Action Form (PAF) along with the Employment Application, Reference Checking Forms, and copies of the driving record (if required), diplomas,

Human Resources

degrees and/or certifications to Human Resources.

4. Contacts the finalist candidate to schedule 1) a Pre-Employment Physical and 2) Criminal Background Check.
5. Receives Medical Clearance and retains in Confidential Medical File; initiates the Interactive Process to determine whether accommodations can be made based upon any limitations found in the medical report.
6. Receives the Criminal Background Check results and evaluates any potential conflicts found in the criminal history with potential employment with the District, and reviews any such conflicts with legal counsel.
7. Contacts the finalist candidate to schedule the On-Boarding Appointment and to advise candidate to bring the following items to the appointment:
 - SS Card or Passport, and Driver's License (Identity for I-9)
 - Bank Account Information/Check with Routing Info for Direct Deposit
 - Beneficiaries Name, Address, Phone # and SS#
 - Primary Physician and Chiropractor Information (Optional) for Pre-designation
 - Dependent Verification e.g. Marriage Certificate, Birth Certificates for Children
 - Work Permit (for minors under age 18)
8. Establishes the start date, in coordination with the finalist candidate and the Hiring Manager.
9. Assembles the On-Boarding packet of materials.
10. Conducts the On-Boarding appointment and provides all mandated forms and policies in accordance with the On-Boarding Checklist.

- | | | |
|------------------------|-----|--|
| | 11. | Provides a copy of the New Hire Checklist to the Hiring Manager to complete the departmental orientation. |
| Hiring Manager | 12. | Conducts the departmental orientation and submits signed On-Boarding Checklist to Human Resources upon completion, within the first two-days of the start date. |
| Human Resources | 13. | Establishes the new employee files to include a General File and Confidential Medical File. |
| Hiring Manager | 14. | Establishes a departmental file to include only copies of documents maintained in the official personnel file maintained by Human Resources. No other documents may be stored in the departmental file that are not maintained by Human Resources. |
| Human Resources | 15. | Enrolls the new employee in all elected and mandatory benefits. |
| Hiring Manager | 16. | Contacts IT to set up the employee's email, computer access, phone accounts, and all other system access and levels. |
| Information Technology | 17. | Sets up the new employee's technology access as defined by the Hiring Manager. |
| Human Resources | 18. | Reports the hiring of a new employee to EDD online (DE 34). |
| | 19. | Performs the initial set-up of the new employee into the District's personnel/payroll system (employee's name to match Social Security card exactly), including enrollment in CalPERS. |
| Hiring Manager | 20. | Issues all supplies, keys, uniforms, technology assets, and documents items issued on the District's approved form. |
| Human Resources | 21. | Schedules the new employee for Sexual Harassment Prevention Training on-line. New supervisory employees shall be scheduled for a minimum of a two-hour session, and non-supervisory employees shall be scheduled for a one-hour session, to be repeated once every two years thereafter. |

- | | | |
|----------------|-----|---|
| | 22. | Enrolls the new employee in the random drug testing program, if hired into a safety sensitive position. |
| | 23. | Enrolls the new employee in the DMV pull notice program. |
| | 24. | Ensures the Form 700- Entry into Office - is completed by the new employee, if new employee is hired into a designated position and submits to Administration for processing. |
| Administration | 25. | Processes the Form 700-Entry into Office. |
| Payroll | 26. | Verifies and processes all payroll and benefit enrollment forms for the new employee and sets up deduction codes, contribution codes, and accruals as required. |

Forms:

- Personnel Requisition (Future Development)
- New Hire On-Boarding Process/Checklist (Included)
- Reference Checking Form (Future Development)
- Offer Letter Template (Future Development)
- Position Analysis for Drug Testing Form (Future Development)
- Personnel Action Form

Revised 1-7-19

**BEAUMONT-CHERRY VALLEY WATER DISTRICT
NEW HIRE ON-BOARDING PROCESS/CHECKLIST**

Employee Name: _____ Date: _____

Job Classification: _____

- At-Will Status
- Probationary/Regular Status

ON-BOARDING CHECKLIST – HUMAN RESOURCES

PERSONNEL DOCUMENTS SUBMITTED BY DEPARTMENT

- Personnel Action Form for New Hire
- Employment Application/Resume
- Copies of Degrees, Diplomas, Certifications
- Reference Checking Documents
- Driving Record (for driving positions)
- Criminal Background Check

PERSONNEL DOCUMENTS

- Pre-Employment Physical
- Loyalty Oath
- Employee Emergency Information Form
- At-Will Acknowledgement Form
- Employment Agreement (for At-Will positions)
- Ethnic & Gender Designation (Voluntary)
- I-9 Documentation
- DMV Authorization for Release (EPN)
- Form 700 (if applicable)
- Work Permit (if a minor)
- Nepotism Disclosure
- HIPPA/Confidentiality Agreement (if applicable)
- ID Badge

PAYROLL DOCUMENTS

- W-4 (Federal)
- DE4 (State)
- Direct Deposit & Electronic Funds Transfer
- Payroll Schedule, Pay Periods, and Pay Days
- Social Security – Windfall Elimination/Government Pension Offset Notice
- Final Payroll Check Beneficiary

BENEFIT DOCUMENTS

- [] Over-all Benefit Summary Sheet
- [] CalPERS Retirement Information Booklet
- [] CalPERS Member Reciprocal Self-Certification Form
- [] CalPERS Notification of Military Service Credit Purchase – A Guide to Your CalPERS Military Service Credit Option
- [] CalPERS AESD-59 Form for Elected Officials (Optional Enrollment)
- [] CalPERS Health Insurance Enrollment Form and Rate Information
- [] Health Insurance Opt Out Option and Waiver
- [] Notice to Employees Re: Covered California (ACA Requirement)
- [] Dental Insurance Enrollment Form, Brochure and Rate Sheet (MetLife and Western Dental)
- [] Life Insurance Enrollment Form, Brochure and Rate Sheet (Standard Life)
- [] AFLAC Supplemental Insurance Enrollment Form, Brochure and Rate Sheet
- [] Employee Assistance Program Brochure
- [] Flexible Benefit Plan Brochure and Enrollment Form
- [] Deferred Compensation Brochure and Enrollment Form
- [] Deferred Compensation Plan Rollover Contribution Form (Optional)
- [] Deferred Compensation Plan Beneficiary Form (Optional)
- [] Workers' Compensation Brochure (Facts about Workers' Compensation)
- [] Workers' Compensation Pre-Designation Form for Personal Physician
- [] Workers' Compensation Pre-Designation Form for Personal Chiropractor or Acupuncturist
- [] EDD State Disability Brochure
- [] EDD State Paid Family Leave Brochure
- [] COBRA Initial Notice
- [] Unemployment Insurance Information (EDD Fact Sheet)
- [] Notice of Sick Leave (Healthy Families Healthy Workplace Act 2014)
- [] Notice to Employees Pursuant to AB 2337 Regarding the Rights of Victims of Domestic Violence, Sexual Assault or Stalking in the Workplace

POLICIES AND PROCEDURES

- [] Policies and Procedures Manual and Signed Acknowledgement
- [] Information Technology Policy and Signed Acknowledgement
- [] Smoking Policy & Government Code Section
- [] Random Drug Testing Policy and Signed Acknowledgement (Safety Sensitive Positions)
- [] Drug Free Workplace Policy and Signed Acknowledgement
- [] Ethics Policy and Signed Acknowledgement
- [] FMLA Policy and Signed Acknowledgement
- [] Fraud Policy and Signed Acknowledgement
- [] Harassment in Employment Policy and Signed Acknowledgement
- [] Injury and Illness Prevention Plan and Signed Acknowledgement
- [] Violence in the Workplace Policy and Signed Acknowledgement
- [] Memorandum of Understanding/Agency Shop Agreement (if applicable)
- [] District Calendar
- [] District Holidays

I verify that all of the above have been discussed with the employee:

Human Resources Representative

Date

I verify that all of the above has been discussed with me, and that the above policies and procedures were received.

Employee

Date

ON-BOARDING CHECKLIST – DEPARTMENTAL

Note: Bold items are mandatory. Mark “N/A” on any non-applicable items.

- Safety Rules/Injury or Accident Reporting**
 - Issuance of Keys, Uniforms, Tools and/or Equipment and Completion of Form
 - ID Badge – (Department to inform IT of access level)
 - Email Address and Systems Access – (Department to inform IT)
 - Hours of work and Overtime
 - Reporting of hours, tardiness, absences, lunch and breaks
 - Uniforms and clothing/dress standards
 - Facilities (restrooms, supplies, lockers, lounges)
 - Fire Evacuation/Disaster Plan**
 - Organization of the District/Department and over-view of functions
 - Employees Job – Class Specification (provide copy to employee and attach copy)
 - Departmental Rules/Regulations
 - Use and care of equipment
 - Department policy regarding personal use of telephones/computers/equipment
 - Confidentiality of department information
 - Other
-
-
-

I verify that all of the above have been discussed with the employee:

Supervisor/Manager

Date

I verify that all of the above has been discussed with me, and that the above policies and procedures were received.

Employee

Date

Please return to Human Resources when completed.

File: Personnel File



STAFF REPORT

TO: Board of Directors

FROM: Yolanda Rodriguez, Director of Finance and Administration

SUBJECT: **Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff**

Staff Recommendation

Review the proposed Revision of District Policies and Procedures Manual: Part II – Applicable to Board of Directors and District Staff and recommend to the Board of Directors for adoption as presented.

or

Direct staff to make additional revisions.

Background

At the July 23, 2018 Personnel Committee meeting, Committee members directed staff to review, revise and update the District's Policies and Procedures. The project is being addressed by staff in sections. Under consideration today is Part II, which pertains to the Board of Directors and staff and sets policies regarding reimbursement, training, meeting dates, and more. It also contains the District's Code of Ethics and Ethics Policy. At the November 26, 2018 Personnel Committee meeting, the Committee members reviewed Part II and directed staff to adjust some of the proposed revisions. Those adjustments are included in the attached document.

Attached is the current Policies and Procedures Manual Part II along with a redlined section showing the proposed revisions.

Summary

Staff consulted a number of sources to update the content and verbiage of Part II, including sample policies from the California Special Districts Association, articles published by the California League of Cities and Institute for Local Government, and recently updated manuals of other special districts.

Staff also incorporated changes related to Board member comments and input and included clarification of previously unclear policy statements.

Substantive changes include:

1. Section 4B – Board President Responsibilities. Responsibilities have been added pursuant to current practices.
2. Section 7C – Board Meeting Conduct. Language regarding decision-making was generalized and a section was added regarding communication.



3. Section 7D – Board Meeting Conduct. Language was added to reflect the same verbiage on the regular meeting agenda – a speaker may not assign their allowed time to another speaker.
4. Section 8A – Board Action. Revisions were made to reflect Board action best practices and were based on sample policies of other districts.
5. Section 8C – Quorum was added to clarify the constitution of a quorum.
6. Section 9B and 9C – Meeting Attendance. Language was added regarding punctuality and absences to assure proper recordkeeping and procedure.
7. Section 12 – Training, Education and Conferences. This section was thoroughly revised to maintain consistency with other policy areas and eliminate areas of question while allowing flexibility.
8. Section 13 – Remuneration. This section was thoroughly revised to clarify the Board's entitlement to per diems. The revisions are based on other sample policies plus comments made by members of the Board, and address situations encountered by Board and staff over the past year.
9. Section 14 – Payment of Expenses incurred on District Business. This section was thoroughly revised to reflect current best practices, eliminate redundancy, and to better clarify terms.
10. Section 19E – Ethics Policy. Minor revisions were made to reflect current law on filing of Statements of Economic Interests.
11. Section 19H – Incompatible Offices. This section was reduced to eliminate redundant references to existing California law, and instead incorporates law by reference.

Fiscal Impact

No fiscal impact to the District.

Attachments

- A. Proposed Beaumont-Cherry Valley Water District Policies and Procedures, Part II Redlined
- B. Beaumont-Cherry Valley Water District Policies and Procedures, Part II current policy

Report prepared by Lynda Kerney, Administrative Assistant

Item 3d

ATTACHMENT A

DRAFT 42 – POLICY UPDATE 3/19/20193/5/2018

Note: This version for **content** only. Formatting will be completed after all verbiage is settled.

1. BASIS OF AUTHORITY

- A. **Authority.** The Board of Directors is the legislative body and unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole. Routine matters concerning the operational aspects of the District are delegated to District staff members.

2. MEMBERS OF THE BOARD OF DIRECTORS

- A. **Information.** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.
- i. Information exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.
 - ii. Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.
- B. **Conduct.** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.
- C. **Comments.** Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
- D. **Pertinence.** Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).
- E. **Conflict of Interest.** Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.
- F. **Information.** Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

3. COMMITTEES OF THE BOARD OF DIRECTORS

- A. **Ad Hoc Committees.** The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or 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.
- B. **Standing Committees.** The following shall be standing committees of the Board:
- i. Personnel Committee; and
 - ii. Finance and Audit Committee.
- C. **Appointment.** 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 ~~December~~January ~~January~~.
- D. **Oversight.** 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. Any recommendations resulting from said review should be submitted to the Board in writing.
- i. All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.
- E. **Personnel.** The Board's standing Personnel Committee shall be concerned with the functions, activities, operations, compensation and welfare of District staff.
- F. **Finance and Audit.** The Board's standing Finance and Audit Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

4. BOARD PRESIDENT

- A. **Rights.** The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- B. **Responsibilities.** Responsibilities of the President include:
- i. Sign all instruments, act, and carry out stated requirements and the will of the Board;
 - ii. Sign the minutes of the Board meeting following their approval;
 - iii. Appoint and disband all committees, subject to Board ratification;
 - iv. Call such meetings of the Board as deemed necessary and giving proper notice;
 - v. Coordinate the preparation of meeting agendas with the General Manager
 - vi. Confer with the General Manager or designee on crucial matters which may

- occur between Board of Directors meetings;
- vii. The orderly conduct of all Board meetings;
- viii. Serve as spokesperson for the Board; and
- A-ix. Perform other duties as authorized by the Board.

~~B.C.~~ **Absence.** In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

5. BOARD MEETINGS

~~A.~~ **Regular Meetings.** Regular meetings of the Board of Directors shall be held on the second Wednesday ~~and fourth Thursday~~ of each calendar month at ~~67~~:00 p.m. in the meeting room at 560 Magnolia Avenue, Beaumont, California, 92223-2258. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board.

~~A.B.~~ **Special Meetings and Workshops.** Special Meetings and Workshops of the Board of Directors may be called by the Board President or by a majority of the Board.

- i. All Directors shall be notified of a Special Board Meeting and/or Workshop and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least twenty-four (24) hours prior to the meeting.

~~B.C.~~ **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in the subparagraph above.

~~C.D.~~ **Annual Organizational Meeting.** The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President, Vice President, ~~and~~ Secretary ~~and~~ ~~and~~ Treasurer from among its members to serve during the coming calendar year, and will appoint a staff member recommended by the General Manager as the Board's Recording Secretary.

~~D.E.~~ **Agenda Order.** The Chairperson of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.

~~E.F.~~ **Public Involvement.** The Chairperson and the General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

6. BOARD MEETING AGENDAS

A. **Agenda.** The General Manager, in cooperation with the Board President ~~and Vice President,~~

shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act.

- B. **Public Requests.** Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:
- i. The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least ~~ten~~^{eight} (~~10~~) business days prior to the date of the meeting;
 - ii. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy; and
 - iii. The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.
- C. **Testimony.** This policy does not prevent the Board from taking public testimony at regular and special meetings of the Board on matters which are within the jurisdiction of the Board but not on the agenda_ which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.
- D. **Notice.** At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. If the District maintains a website, the agenda shall be posted on the website for public information at the same time.
- i. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting.
- ~~E.~~ The deadline for submission of an agenda matter is the Monday two weekseight working days prior to the (second Wednesday) meeting.

7. BOARD MEETING CONDUCT

- A. **Policy.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Section 11 "Rules of Order for Board and Committee Meetings," shall be used as a general guideline for meeting protocol.
- B. **Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.
- C. **Conduct.** The conduct of meetings shall, to the fullest possible extent, enable Directors to:
- i. Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problemsexercise sound judgment in the business efforts of the District; and,

ii. Receive, consider and take any needed action with respect to reports of accomplishment of District operations; and-

~~iii.~~ Deal always in an ethical, honest, straightforward, open and above board manner with the community, the General Manager, and District staff.

D. Public Comment. Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:

i. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter. Attendees may not assign their allowed time to another speaker.

ii. No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Chairperson, of that person's privilege of address.

E. Disruption. Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is in fact willful disruption of any meeting of the Board, he/she may order the disrupting parties out of the room and subsequently conduct the Board's business without them present.

After clearing the room of disruptive individuals, the President may permit those persons who, in his/her opinion, were not responsible for the willful disruption to remain in the meeting room.

8. BOARD ACTIONS AND DECISIONS

A. **Actions.** Actions by the Board of Directors include but are not limited to the following:

i. Adoption or rejection of regulations or policies;

ii. Adoption or rejection of a resolution;

iii. Adoption or rejection of an ordinance;

iv. Approval or rejection of any contract or expenditure;

v. Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of ~~personnel~~ the General Manager, and the classification and compensation plan; and,

vi. Approval or disapproval of matters that require or may require the District or its employees to take action and / or provide services; and

~~vi.~~ Act collectively and not individually become involved in the day-to-day operation of the District.-

B. Majority. Action can only be taken by the vote of the majority of the Board of Directors.
B-C.i. Quorum. Three (3) Directors represent a quorum for the conduct of business.

i. **ii.** Abstention. A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.

a. **Example.** If three (3) of five (5) Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one (1) Director abstains on a particular action and the other two (2) cast “aye” votes, no action is taken because a majority of the Board” did not vote in favor of the action.

b. **Example.** If an action is proposed requiring a two-thirds (2/3) vote and two (2) Directors abstain, the proposed action cannot be approved because four (4) of the five (5) Directors would have to vote in favor of the action.

c. **Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three (3) Directors must vote in favor of the appointment for it to be approved. If two (2) of the three (3) Directors present abstain, the appointment is not approved.

C-D. Directions. The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board’s directives and instructions to the General Manager.

- i. The President shall determine by consensus a Board directive and shall state it for clarification. Should any two (2) Directors challenge the statement of the President, a voice vote may be requested.
- ii. A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).
- iii. Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda.

9. ATTENDANCE AT MEETINGS

A. Attendance. Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

B. Punctuality. Each member shall be in his or her respective seat at the hour set for each regular meeting and at the time set for any special or adjourned meeting. Any member not present within 10 minutes of the ~~when the Board is called~~ to order shall be designated in the minutes as absent. If a member arrives after a meeting convenes, the recording secretary shall note his or her arrival in the minutes.

A-C. Absences. If any member of the Board is unable to attend a meeting, the Board member shall, if possible, notify the Board President or the Board Secretary prior to the meeting.

10. MINUTES OF BOARD MEETINGS

- A. **Minutes.** Staff acting in his/her capacity as "Recording Secretary" shall keep minutes of all regular and special meetings of the Board.
- i. Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept on archival paper in a fire resistant room.
 - ii. Unless directed otherwise, an audio ~~tape~~ recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept indefinitely for a minimum of 10030 days in electronic format, or in a fireproof vault or in fire-resistant room or locked cabinet. Members of the public may inspect recordings of Board meetings without charge on a playback ~~machine device~~ that will be made available by the District.
 - iii. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed and individual votes will be recorded ~~unless the action was unanimous~~. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:
 - a. Date, place and type of each meeting;
 - b. Directors present and absent by name;
 - c. Administrative staff present by name;
 - d. Call to order;
 - e. Time and name of late arriving Directors;
 - f. Time and name of early departing Directors;
 - g. Names of Directors absent during any agenda item upon which action was taken;
 - h. Summary record of staff reports;
 - i. Summary record of public comment regarding matters not on the agenda, including names of commentators;
 - j. Approval of the minutes or modified minutes of preceding meetings;
 - k. Approval of financial reports;
 - ~~l.~~ l. Record by number (a sequential range is acceptable) of all warrants approved for payment;
 - ~~m.~~ m. Complete information as to each subject of the Board's deliberation;
 - ~~n.~~ n. Record of the vote of each Director on every action item for which the vote was not unanimous;
 - ~~o.~~ o. Resolutions and ordinances described as to their substantive content and sequential numbering;
 - ~~p.~~ p. Record of all contracts and agreements, and their amendment, approved by the Board;
 - ~~q.~~ q. Approval of the annual budget;
 - ~~r.~~ r. Approval of all polices, rules and/or regulations;
 - ~~s.~~ s. Approval of all dispositions of District assets;

- ~~t.s.~~ Approval of all purchases of District assets; and
- ~~u.t.~~ Time of meeting's adjournment.

11. RULES OF ORDER FOR BOARD AND COMMITTEE MEETINGS

- A. **Policy.** Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules -Robert's Rules of Order.
- B. **Point of Order.** If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.
- C. **Obtaining the Floor.** Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.
- D. **Motions.** Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:
 - i. A Director makes a motion; another Director seconds the motion; and the President states the motion.
 - ii. Once the motion has been stated by the President, it is open to discussion and debate. After the public in attendance has had an opportunity to comment, and after the matter has been fully debated, the President will call for the vote.
 - iii. Any Director may move to immediately bring the question being debated to a vote (following public input), thus suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.
- E. **Secondary Motions.** Ordinarily, only one (1) motion can be considered at a time and a motion must be disposed of before any other motions or business is considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.
 - i. **Motion to Amend.** A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.
 - ii. **Motion to Table.** A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.
 - iii. **Motion to Postpone.** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

- iv. **Motion to Refer to Committee.** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.
- v. **Motion to Close Debate and Vote Immediately.** As provided above, any Director may move to close debate and immediately vote on a main motion.
- vi. **Motion to Adjourn.** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

F. Decorum.

- i. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings.
- ii. The President may also declare a short recess during any meeting.

G. Amendment of Rules of Order. By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:

- a. Temporarily suspend these rules in whole or in part;
- iii. Amend these rules in whole or in part; or,
- iii. Both.

12. TRAINING, EDUCATION AND CONFERENCES

A. Policy. [The Beaumont-Cherry Valley Water District takes its stewardship over the use of limited public resources seriously. Public resources should only be used when there is a substantial benefit to the District.](#)

i. Educational conferences and professional meetings are considered to provide substantial benefit. Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. [Such benefits](#) ~~benefits~~ include:

- a. The opportunity to discuss the community's concerns with state and federal officials;
- b. Participating~~Participating~~ [in regional, state and national organizations whose activities affect the District;](#)
- c. Attending educational seminars designed to improve officials' skill and information levels;
- A-d. Promoting public service and morale by recognizing such service.

~~i-ii.~~ "Junkets" (a tour or journey for pleasure at public expense), however, will not

be permitted.

- B. Expenses. It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. ~~Cash advances or use by Directors of District credit cards for these purposes is not permitted unless approved by Article 14E.~~

~~i.~~ Staff as assigned by the General Manager is responsible for making arrangements for Directors for conference and registration expenses, ~~and may help as requested for per diem. Per diem, when appropriate,~~

~~ii.~~ Reimbursement shall include ~~reimbursement of~~ expenses for meals, lodging, ~~authorized incidentals (see section 14.G00.G)~~ and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the assigned staff member within 30 days of the incurred expense on a District-supplied Expense Form, together with ~~validated original, valid~~ receipts in accordance with State law.

~~iii.~~ Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.

~~iv.~~ Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth, if any, by the event sponsor and by:

- a. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or using other less expensive nearby lodging.
- b. Directors traveling together whenever feasible and economically beneficial.
- c. Requesting reservations sufficiently in advance, when possible, to obtain discounted air-fares and hotel rates.

- C. Notice. A Director shall not attend a conference or training event for which there is an expense to the District, if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.

C.

- D. Reimbursement. Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District

office to be included in the District library for the future use of other Directors and staff.

13. REMUNERATION / DIRECTOR PER DIEM FEES

A. Remuneration. Members of the Board of Directors shall be ~~entitled~~ eligible to receive a “per diem” for each day of service rendered as an officer of the Board. to the District. The “per diem” amount shall be established by the Board and be consistent with applicable state law.

B. Limit. Per diem compensation is limited to no more than 10 days per month.

C. Attendance. For purposes of this section, attendance includes:

- i. Physical presence at the majority of a meeting, event, conference or occurrence listed in subdivision D (below), unless presence for a lesser period is authorized by the Board President, or, for a committee meeting, by the committee chair;
- ii. Participation by teleconference at the majority of a meeting pursuant to California Government Code 54953;
- iii. Participation in an approved home study or online Ethics course to meet the requirements of Government Code Sections 53234-53235.5 when participation has been authorized by the Board President.

D. Eligibility. Matters of District Business eligible for per diem shall include, but not be limited to:

1. General Board Member Preapproved Activities/Events

The following activities/events are preapproved for all Board members:

a. Board and Committee Meetings

All regular and special board meetings and committee meetings for appointed members

b. Conferences

(1) ACWA and ACWA-JPA ~~c~~Conferences, trainings and webinars and ACWA Region 9 meetings

(2) CSDA Conferences, trainings and webinars

c. Other Agencies

(1) San Geronio Pass Water Agency Board or Committee meetings ~~if there is an item on the agenda pertaining to the District.~~ The Board may appoint one of its members as liaison to attend any such meetings on a regular basis, ~~subject to a limitation of two such meetings per month.~~

(2) San Timoteo Watershed Management Authority

STWMA, Project Committee No. 1 – all meetings

STWMA Board Meetings and Standing Committee Meetings, if there is an

~~item on the agenda pertaining to the District~~

(3) Beaumont Basin Watermaster

(4) City of Beaumont

Any official city meeting, ~~if there is an item on the agenda pertaining to the District.~~

(5) City of Banning

Any official city meeting, ~~if there is an item on the agenda pertaining to the District.~~

i. (6) LAFCO meetings in which District business is discussed or affected as part of the LAFCO agenda,

d. Training Seminars

(1) ~~(1)~~ State mandated ethics training

a. The entire two-hour course counts as ONE day of service, even if the coursework is completed over more than one 24-hour period.

(2) State mandated sexual harassment training

a. The entire course counts as ONE day of service, even if the coursework is completed over more than one 24-hour period.

(32) Brown Act training

2. Specific Board Member Authorization

The following activities/events are preapproved for Board members designated to represent the District by the Board President.

a. ACWA Committees

b. Meetings of a legislative body of another government agency, or an official event sponsored by another government agency, when attendance has been authorized by the President,

c. Meetings with members of the legislative executive or judicial branch of the state or federal government when attendance is directed by the President,

d. Meetings with the General Manager, District Counsel, or Board President on matters of District business

b. Other meetings or events for Board members appointed by the ~~Chairman~~President to attend such meeting or event on behalf of the District

3. Other Activities/Events, Authorization

Board members may seek authorization to attend other functions that constitute the

performance of official duties, including, but not limited to, tours of Beaumont-Cherry Valley Water District facilities, tours of other agency facilities, dedication ceremonies, open houses, groundbreaking ceremonies, receptions for officials, retirement celebrations for other agency officials, anniversary celebrations, ribbon-cutting ceremonies, legislative roundtables, public hearings, project update meetings, meetings of ACWA Regions 1 through 10, and association dinners and lunches. Board members desiring to attend events of this nature should obtain approval from the Board in order to receive a per diem and expense reimbursement

4. New Board Members Orientation

New Board members may receive one (1) per diem and expense reimbursement for an orientation program that meets the following criteria:

- a. Is part of a planned orientation schedule
- b. The orientation meeting is at least two (2) hours in duration
- c. The per diems for this purpose must be claimed during the first two (2) ~~six (6)~~ months of service on the Board
- d. New Board members may also attend a formal harassment awareness training seminar for District employees

E. Non-authorized Activities/Events

The following activities/events are not eligible for per diem or expense claims:

- a. Attending other districts' Board meetings other than listed under Eligible Matters of District Business above, unless authorized by the Board
- b. Retirement receptions for Beaumont-Cherry Valley Water District employees/Board members
- c. Beaumont-Cherry Valley Water District picnics or other social functions
- d. Harassment awareness training for Beaumont-Cherry Valley Water District employees (except the first training for new Board members)
- e. Chamber of Commerce meetings or mixers.
- F. **Travel.** Per diem shall include travel days to and from business meetings as appropriate. Board members shall not count travel to meetings within the Counties of Riverside or San Bernardino as a reimbursable per diem travel day.
- G. **Requests.** In the event that circumstances prevent the per diem request from being considered in the manner described herein, a Director may submit a request to the Board for a per diem for having attended a meeting or conference with the understanding that the Board may or may not approve the request.
- H. **Reports.** A Director who requests compensation ("per diem") for attendance at a meeting other than a regular, special, or committee meeting of the Board shall provide a brief report of the meeting to the Board at a regular meeting of the Board of Directors following

the meeting that was attended. If multiple Board members attended, a joint report may be made.

I. **Review.** Directors' per diem fees shall be reviewed by the Board annually in October of each year with said increase (if any) to be effective January 1 of the next calendar year.

A.

14. PAYMENT OF EXPENSES INCURRED ON DISTRICT BUSINESS

A. **General.** Directors may be allowed actual and necessary travel, meals, lodging and other actual and necessary incidental expenses incurred in the performance of official business of the District as approved by the Board.

Whenever a Director or employee is attending anySuch business may include: a meeting at which the interest of the District is the major purpose of the meeting, or attending a conference of an organization as authorized in this Manual, or by Board action, or otherwise representing the District at an approved civic or community function., the eExpenses incurred by reason of attendance at such meeting, conference, or other function shall may be reimbursed by the District in accordance with the rules set forth in this Section. In the event that circumstances prevent an expense reimbursement request from being considered in the manner described herein, a Director or employee may submit an expense reimbursement request to the Board for having attended a meeting or conference with the understanding that the Board may or may not approve the request.

B. **Non-reimbursables.** The following expenses are not reimbursable: alcoholic beverages, tips greater than 15 percent, parking or traffic violation fines, in-room movies, laundry service, and personal telephone calls. Rental car expenses are not reimbursable unless use of a rental car is authorized prior to travel.

A.

C. **Cost Control.** To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are uncured which exceed these guidelines, the cost borne or reimbursed by the District will be limited to the costs that fall within the guidelines.

D. **Spousal Expenses.** Under no circumstances shall the District prepay or reimburse expenses for a spouse.

E. **Transportation.** If the distance to the function is five hundred (500) miles or less, air or automotive travel may be used, at the option of the traveler. The most economical mode of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route.

i. **Automobile.** If travel is by automobile, a District vehicle shall be used if available. If the General Manager determines that a District vehicle is not available, the rate of reimbursement for mileage shall be the Internal Revenue Service standard mileage rate permitted at the time by the Internal Revenue Service in computing a deduction for business mileage. Parking, bridge and road tolls are also reimbursable. If the distance to the function is greater than five hundred (500) miles, air travel shall be used, unless accepted due to physical or other reason approved by the General Manager, and by the Board

~~of Directors.~~ If automobile travel is used in lieu of air travel, the transportation expense to be paid by the District will be limited to the total related costs, for duration of travel and ground transportation at the destination, that would have resulted had air travel been used, including, but not limited to, air-fare, transportation to and from airports, and airport parking.

- ii. Rental car. Charges for rental vehicles may be reimbursed if ~~of~~ more than one District official is attending an out of county conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such a determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined costs of such other transportation. Government and group rates must be used when available. Only receipted fuel expenses for rental cars will be reimbursed.
- iii. Taxis / shuttles. Taxi or shuttle fares may be reimbursed, including a 15 percent gratuity per fare, when such transportation is required for time efficiency.
- iv. Airfare. Airfares that are equal or less than those available through the State of California Department of General Services statewide travel program are presumed to be the most economical and reasonable for purposes of reimbursement under this policy.

B.F. Lodging. When traveling outside of Riverside or San Bernardino County~~county~~, and ~~ever required to spend the night away from home~~ an overnight stay is reasonably required, District personnel shall engage a room at a good commercial hotel or motel. Government rates should be requested. Lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable. If accompanied on the trip by another person who is not District personnel, and the room is shared, the District shall be charged only for that portion of the room charge, which would have been made for single occupancy. A receipted bill stating occupants and length of stay shall be submitted with the claim for expense reimbursement. If a room is occupied by more than one person, the rate for single occupancy shall be noted on the receipted statement.

Meals. Reimbursable meal expenses and associated gratuities (not-to-exceed 15 percent) will not exceed Sixty Dollars (\$60.00) per day, including a limit of Forty Dollars (\$40.00) for the dinner meal, with the remainder reimbursable for other meals during the same day will be prepaid or reimbursed when traveling at District expense for conferences, seminars and/or business meetings.

G. ~~and~~ Incidental Expenses. Expense allowance while attending authorized functions shall include, in addition to transportation, ~~and~~ lodging, ~~and~~ meals; tips at 15 percent, business telephone expense, stenographic expense, auto parking, ~~taxi~~ internet access, baggage fees, and other disbursements on behalf of the District. No reimbursement shall be made of expenditures for personal services or needs. ~~District shall not pay for any alcohol expenses incurred.~~ If an automobile is used for transportation when air transportation would be is required, expenditures for meals and incidental expenses chargeable to the District shall be those which would have resulted had air transportation been used.

G.H. Lodging payment. If desired, lodging for employees or Board members may be reserved and paid in advance by Finance Department staff using a District credit card, or alternatively a check request may be submitted for prepayment to the hotel. If lodging is charged to an employee's or director's personal credit card, the expense shall be

reimbursed upon submission of an approved expense report form (See Section 12 B) which shall include itemized original receipts and a copy of the applicable credit card statement.

~~D.I.~~ **Travel Advance.** A travel advance, equal to the estimated expenditures chargeable to the District, may be made upon a written detailed estimate of the amount needed, submitted to and approved by the General Manager and by the Board of Directors.

J. Use of District Credit Cards.

The District does not make credit cards available to Board members. Payment for Board expenses will be made through departmental credit cards, purchase orders, checks, or reimbursement through accounts payable or payroll.

~~E.~~ District credit cards are issued to certain District employees for use in connection with District related business. The following rules shall apply to the use of District credit cards:

- i. District credit cards will be used only for actual and necessary expenses incurred in the performance of work-related duties and District business. Under no circumstances may a District credit card be used for personal expenses. Any personal charges must be immediately reimbursed to the District. The charge of personal expenses to a District credit card will result in revocation of card privileges, and disciplinary action up to and including termination.
- ii. District credit cards will be used only by duly authorized District employees.
- iii. Purchases and expenditures will be charged and reconciled to the proper account on each monthly statement.
- ~~iv.~~ Detailed-Itemized original receipts must be presented to the District business office for each expenditure made by credit card. Each expenditure must document the purpose of said expenditure, the person(s) involved and the business conducted.
- ~~iv-v.~~ If an employee or officer loses a District-issued credit card or has a District-issued card stolen, the employee or officer must report the loss or theft to the Finance Department immediately.

~~F. District Expenditures for the Convenience of Others.~~ On occasion, the District may make expenditure or incur a charge in connection with District business, for the convenience of persons other than District personnel. Such expenditures or charges are made with the understanding that the District shall be credited against reimbursable expenses, or

~~reimbursed directly as a balance owing the District on the "Report of Expenses", as provided in the next section.~~

~~G.K. Report of Expenses for Reimbursement.~~ District ~~directors and~~ personnel shall submit ~~aa~~ District-provided form, "Record of Expenses / Claim for Reimbursement (Conferences, Meetings, Travels) which must include ~~"Report of Expenses"~~ of all expenses incurred by ~~them~~ while acting in the interest of the District, to which will be attached the associated vouchers and/ or ~~original itemized~~ receipts. ~~The form shall be submitted within fifteen~~ (15~~10~~) days of the conclusion of the transaction. Each expenditure item shall include a detailed description of the function and the nature of the District business conducted. The statement shall also indicate the travel advance, if any, credits for expenses apportioned to personal needs, services, or expenses incurred to the District. Balances- owing the District shall be paid on submission of the expenses statement. Amounts due to District personnel shall be paid after the expense statement is reviewed ~~and approved~~ by the General Manager ~~and approved by the Board of Directors.~~

15. EXPENDITURE REIMBURSEMENT

- A. **Purpose.** The purpose of this policy is to prescribe the manner in which District employees and directors may be reimbursed for expenditures related to District business.
- B. **Scope.** This policy applies to all employees and members of the Board of Directors and is intended to result in no personal gain or loss to an employee or director.
- C. **Implementation.** Whenever District employees or directors desire to be reimbursed for out-of-pocket expenses for item(s) or service(s) appropriately relating to District business, they shall submit their requests on a reimbursement form approved by the General Manager and the Board of Directors ~~respectively~~. Included on the reimbursement form will be an explanation of the District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.
- i. The Treasurer and/or the General Manager will review and approve reimbursement requests. Reimbursement requests by the Treasurer and General Manager will be reviewed and approved by the Finance and Audit Committee and/or the Board of Directors.
 - ii. All expenses must be reasonable and necessary, and employees and directors are encouraged to exercise prudence in all expenditures.
 - iii. The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Reimbursement for use of personal vehicles will be at the applicable IRS-approved rate.
 - iv. Expenditures for food and lodging will be moderate and reasonable.

~~16.~~ **PAYMENT OF DIRECTORS' FEES**

- ~~A. **Availability.** Directors shall be eligible to collect per diem fees as provided by the resolutions and ordinances of the District, and in accordance with State law for attendance to Board business. Board business eligible for per diem shall include, but not be limited to, Board meetings, Board Committee meetings, LAFCO meetings in which District business is discussed or affected as part of the LAFCO agenda, meetings of associations of which the District is a member, special meetings concerning District matters and those organizations for which attendance is authorized for meetings and conferences as listed. Per diem shall include travel days to and from business meetings as appropriate. Board members shall not count travel to meetings within the County as a reimbursable per diem travel day. In the event that circumstances prevent the per diem request from being considered in the manner described herein, a Director may submit a request to the Board for a per diem for having attended a meeting or conference with the understanding that the Board may or may not approve the request.~~
- ~~B. **Review.** Directors' per diem fees shall be reviewed by the Board annually in October of each year with said increase (if any) to be effective January 1 of the next calendar year.~~

~~17.~~16. **MEMBERSHIP IN ASSOCIATIONS**

- A. **Policy.** The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training.

~~18.~~17. **ETHICS TRAINING**

- A. **Policy.** All directors and designated executive staff of the District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within ~~one~~ **six (6) months** of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.
- B. **Application.** This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- C. **Provider.** All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.
- D. **Participation.** Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

- i. **Records.** District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.
- E. **Training Information.** District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.
- F. **Training Options.** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.
- G. **Requirements.** Any director of the District that serves on the board of another agency is only required to take the training once every two (2) years.

19.18. CODE OF ETHICS

- A. **Policy.** The Board of Directors of the District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State laws including AB 1234 (Salinas) ~~approved in 2006 (copy attached as reference).~~

In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed:

- i. The dignity, style, values and opinions of each Director shall be respected.
- ii. Responsiveness and attentive listening in communication is encouraged.
- ~~iii.~~ iii. The needs of the District's constituents should be the priority of the Board of Directors. Directors are accountable to the ratepayers who use the District's services.
- ~~iii.~~ iv. Directors should learn and recognize the various economic interests from which conflict can arise. When a Director believes he/she may have a conflict of interest, the District's legal counsel shall be requested to make a determination if one exists or not.
- ~~iv.~~ v. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- ~~v.~~ vi. Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- ~~vi.~~ vii. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

~~vii.~~viii. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

~~viii.~~ix. Directors should practice the following procedures:

- a. In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- b. In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- c. In presenting items for discussion at Board meetings, See Board Meeting Agenda.
- d. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager and/or the District's legal counsel.

~~ix.~~x. If approached by District personnel concerning specific District policy, Directors should direct inquiries to the ~~appropriate staff supervisor or~~ General Manager. The chain of command should be followed.

B. Team Effort. The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

- i. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.
- ii. Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.
- iii. Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- iv. Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

20-19. ETHICS POLICY

The policy of the Beaumont-Cherry Valley Water District/Agency is to maintain the highest ethical standards for its Directors and staff. The proper operation of the District requires that

decisions and policy be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Directors and staff remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the District that Directors and District staff will maintain the highest standard of personal honesty and fairness in carrying out their duties.

This policy sets forth the basic ethical standards to be followed by the Board of Directors of the Beaumont-Cherry Valley Water District. The objectives of this policy are to (i) provide guidance for dealing with ethical issues, (ii) heighten awareness of ethics and values as critical elements in Directors' conduct, and (iii) improve ethical decision-making and values-based management.

- A. **Responsibilities of Public Office.** Directors are obligated to uphold the Constitution of the United States and the Constitution of the State of California. Directors will comply with applicable laws regulating their conduct, including conflict of interest, financial disclosure and open government laws. Directors will strive to work in cooperation with other public officials unless prohibited from so doing by law or officially recognized confidentiality of their work. (Cal. Const., art. XX, § 3; Gov. Code, § 1360.)

- B. **Fair and Equal Treatment.** Directors, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Director will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances.

- C. **Proper Use and Safeguarding of District Property and Resources.** Except as specifically authorized, the California Constitution prohibits a Director from making a "gift of public funds" by utilizing or permitting the use of District -owned vehicles, equipment, telephones, materials or property for his or her personal benefit or profit of third parties. A Director will not ask or require a District employee to perform services for the personal benefit or profit of a Director. Each Director must protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form. Directors will safeguard District property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. (Cal. Const., art. XVI, § 6; Gov. Code, §§ 8314 and 53234 et seq.; Pen. Code, § 424; see *People v. Battin* (1978) 77 Cal.App.3d 635.)

- D. **Use of Confidential Information.** A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information to a person not authorized to receive it. Under applicable provisions of law, information qualifies as confidential if it
 - i. Has been received for, or during, a closed session meeting of the Board,

 - ii. Is protected from disclosure under the attorney/client or other evidentiary privilege, or

- iii. Is not required to be disclosed under the California Public Records

Act. This Section does not prohibit a Director from taking any of the following actions:

- i. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District, an elected official or employee,
- ii. Expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action, or
- iii. Disclosing information acquired during a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (i) or (ii), above, however, a Director will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

E. Conflict of Interest.

i The Political Reform Act, Government Code Section 81000, et. seq., requires local government agencies to adopt a Conflict of Interest Code which is hereby incorporated by reference.

ii Statement of Economic Interests (Form 700) – (See District’s Conflict of Interest Policy, a separate document, incorporated herein by reference). A Director will file an annual Statement of Economic Interests as required by the ~~FPPC~~Fair Political Practices Commission (FPPC). A new Director will file an Assuming Office Statement of Economic Interests, and an outgoing Director will file a Leaving Office Statement of Economic Interests before the deadline as set by the FPPC.

E.i. A Director will not have a financial interest in a contract with the District/Agency, or be a purchaser at a sale by the District or a vendor ~~of a~~ a purchase made by the District, unless the Director’s participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law. A Director will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000 et seq., relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission [FPPC] regulations found at Cal. Code Regs., tit. 2, §§ 18100 et seq.) that is distinguishable from the effect on the public generally on:

i.a. A business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations;

- ~~ii~~.b. Real property in which the Director has a direct or indirect investment interest, with a value in the amount specified in FPPC regulations;
- ~~iii~~.c. A source of income for the Director in the amount specified in FPPC regulations, within twelve (12) months before the Board decision;
- ~~iv~~.d. _____ A source of gifts to the Director in an amount specified in FPPC regulations within twelve (12) months before the Board decision; or
- ~~v~~.e. A business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

An “indirect interest” means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director, or the Director’s spouse, dependent child or agent, owns directly, indirectly or beneficially a ten percent (10%) interest or greater.

An elected official will not accept honoraria or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Directors will report all gifts, campaign contributions, income and financial information as required under the District’s Conflict of Interest Code and the provisions of the Fair Political Practices Act and FPPC regulations. (Gov. Code, §§ 87100 et seq.)

If a member of the Board believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- i. If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the District’s General Manager and the District’s legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
- ii. If it is not possible for the Director to discuss the potential conflict with the General Manager and the District’s legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and
- iii. Upon a determination that there is a disqualifying conflict of interest, the Director
 - a. Will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and
 - b. Will leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters or the Director has been advised

that specific FPPC exemption applies.

- F. **Nepotism.** A Director will not recommend the employment of a relative by the District. A Director will not recommend the employment of a relative to any person known by the Director to be bidding for or negotiating a contract with the District.
- G. **Soliciting Political Contributions.** Directors are prohibited from soliciting political funds or contributions at District facilities, or from District employees. A Director will not accept, solicit or direct a political contribution from (a) District employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the District. A Director will not use the District's seal, trademark, stationery or other indicia of the District's identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law. (Gov. Code, § 3205.)

~~G.—**Incompatible Offices.** Directors are Another aspect of prohibited conflicts of interest isfrom simultaneous holding of two incompatible public offices, unless simultaneous holding of the offices is compelled or expressly authorized by law, per Government Code Section 1099.—When public offices are incompatible, the public officer forfeits the first office upon taking the second.~~

~~Government Code section 1099 codifies the common law rule against holding incompatible public offices. Under section 1099, offices are incompatible under any of the following circumstances unless the simultaneous holding of the office is compelled or expressly authorized by law:~~

~~v. — Either office may audit, overrule, remove members of, dismiss employees of, or supervise the other office or body;~~

~~vii. — Based on the powers and jurisdictions of the offices, there is a possibility of a significant clash of duties or loyalties between the offices;~~

~~ix.i. — Public policy considerations make it improper for one person to hold both offices. The doctrine of incompatible offices does not apply to positions on government bodies that are solely advisory, or to positions of employment. (Gov. Code, § 1099; 83 Ops.Cal.Atty.Gen 153 (2000); 58 Ops.Cal.Atty.Gen. 109 (1975).) However, the Attorney General has repeatedly held that certain positions, such as general manager of a water district and city manager, are public offices. (E.g., 82 Ops.Cal.Atty.Gen. 201 (1999); 67 Ops.Cal.Atty.Gen 409 (1984).) Government Code section 53227 prohibits an employee of a special district from taking office as an elected or appointed member of the Board of the same special district unless he or she resigns as an employee.~~

H. **Director-General Manager Financial Officer Relationship.**

General Manager. The Board sets the policy for the District. The General Manager is an employee of the District and is the administrative head under the direction of the Board. The General Manager:

- i. Has charge and control of the construction, maintenance and operation of the water system and other facilities of the District upon approval of the Board of Directors,
- ii. Has power and authority to employ and discharge employees and assistants, consistent with District policy and other provisions of law,
- iii. Prescribes the duties of employees and assistants, consistent with District policy, and
- iv. Fixes and alters the compensation of employees and assistants, subject to approval by the Board.

The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager, and not through other District employees, except as it pertains to the functions of the Financial Officer. Members of the Board will refrain from making requests directly to District employees (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding District operations from District employees.

General Manager Duty. The General Manager has primary responsibility for:

- i. Ensuring compliance with the District's Personnel Manual, and ensuring that District employees do not engage in improper activities,
- ii. Investigating allegations of improper activities, and
- iii. Taking appropriate corrective and disciplinary actions.

Board Duty. The Board has a duty to ensure that the General Manager is operating the District according to law and the policies approved by the Board. Directors are encouraged to fulfill their obligation to the public and the District by disclosing to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Directors will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines that the General Manager is not properly carrying out these responsibilities.

Financial Officer. The Financial Officer will report to the General Manager and will be available to respond to financial questions concerning the District when called upon by board members.

The Financial office will install and maintain a system of auditing and accounting that will completely and at all times show the financial condition of the District in accordance with generally accepted accounting principles and legal requirements. The Board will retain and

periodically review the work of an auditor as an independent contractor of the District (other than the Financial Officer), who will report to the Board, to conduct an annual audit of the District's books, records and financial affairs.

**Item 3d
ATTACHMENT B
Current Policy**

BEAUMONT-CHERRY VALLEY WATER DISTRICT

PART II

APPLICABLE TO BOARD OF DIRECTORS AND DISTRICT STAFF
POLICIES & PROCEDURES MANUAL

Adopted on March 18, 2009 by Resolution 2009-05
Amended April 28, 2011 by Resolution 2011-04
Amended May 8, 2013 by Resolution 2013-02

RESERVATION OF RIGHTS

As circumstances change, the District may revise, supplement, or rescind any policies or portion of this Manual. Employees will be notified in writing of such changes as they occur. Only written changes adopted by the Board of Directors are recognized or binding.

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1. BASIS OF AUTHORITY

- A. **Authority.** The Board of Directors is the unit of authority within the District. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

Directors do not represent any fractional segment of the community, but are, rather, a part of the body that represents and acts for the community as a whole.

2. MEMBERS OF THE BOARD OF DIRECTORS

- A. **Information.** Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.
 - i. Information exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.
 - ii. Copies of information exchanged before meetings shall be available at the meeting for members of the public in attendance, and shall also be provided to anyone not present upon their request.
- B. **Conduct.** Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.
- C. **Comments.** Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
- D. **Pertinence.** Directors may request for inclusion into minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).
- E. **Conflict of Interest.** Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.
- F. **Information.** Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

3. COMMITTEES OF THE BOARD OF DIRECTORS

- A. **Ad Hoc Committees.** The Board President shall appoint such ad hoc committees as may be deemed necessary or advisable by himself/herself and/or 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.

- B. **Standing Committees.** The following shall be standing committees of the Board:
 - i. Personnel Committee; and
 - ii. Finance Committee.
- C. **Appointment.** 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 December.
- D. **Oversight.** 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. Any recommendations resulting from said review should be submitted to the Board in writing.
 - i. All meetings of standing committees shall conform to all open meeting laws (e.g., "Brown Act") that pertain to regular meetings of the Board of Directors.
- E. **Personnel.** The Board's standing Personnel Committee shall be concerned with the functions, activities, operations, compensation and welfare of District staff.
- F. **Finance.** The Board's standing Finance and Audit Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

4. BOARD PRESIDENT

- A. **Rights.** The President of the Board of Directors shall serve as chairperson at all Board meetings. He/she shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions.
- B. **Absence.** In the absence of the President, the Vice President of the Board of Directors shall serve as chairperson over all meetings of the Board. If the President and Vice President of the Board are both absent, the remaining members present shall select one of themselves to act as chairperson of the meeting.

5. BOARD MEETINGS

- A. **Regular Meetings.** Regular meetings of the Board of Directors shall be held on the second Wednesday of each calendar month at 7:00 p.m. in the meeting room at 560 Magnolia

Avenue, Beaumont, California, 92223-2258. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board.

- B. **Special Meetings and Workshops.** Special Meetings and Workshops of the Board of Directors may be called by the Board President or by a majority of the Board.
 - i. All Directors shall be notified of a Special Board Meeting and/or Workshop and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least twenty-four (24) hours prior to the meeting.
- C. **Adjourned Meetings.** A majority vote by the Board of Directors may terminate any Board meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place, and he/she shall cause a written notice of adjournment to be given to those specified in the subparagraph above.
- D. **Annual Organizational Meeting.** The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President, Vice President, Secretary and Treasurer from among its members to serve during the coming calendar year, and will appoint a staff member recommended by the General Manager as the Board's Recording Secretary.
- E. **Agenda Order.** The Chairperson of the meetings described herein shall determine the order in which agenda items shall be considered for discussion and/or action by the Board.
- F. **Public Involvement.** The Chairperson and the General Manager shall ensure that appropriate information is available for the audience at meetings of the Board of Directors, and that physical facilities for said meetings are functional and appropriate.

6. BOARD MEETING AGENDAS

- A. **Agenda.** The General Manager, in cooperation with the Board President and Vice President, shall prepare an agenda for each regular and special meeting of the Board of Directors in accordance with the Ralph M. Brown Act.
- B. **Public Requests.** Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:
 - i. The request must be in writing and be submitted to the General Manager together with supporting documents and information, if any, at least ten (10) business days prior to the date of the meeting;
 - ii. No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy; and

- iii. The Board of Directors may place limitations on the total time to be devoted to a public request issue at any meeting, and may limit the time allowed for any one person to speak on the issue at the meeting.
- C. **Testimony.** This policy does not prevent the Board from taking testimony at regular and special meetings of the Board on matters which are not on the agenda which a member of the public may wish to bring before the Board. However, the Board shall not discuss or take action on such matters at that meeting.
- D. **Notice.** At least seventy-two (72) hours prior to the time of all regular meetings, an agenda, which includes but is not limited to all matters on which there may be discussion and/or action by the Board, shall be posted conspicuously for public review at the District office. If the District maintains a website, the agenda shall be posted on the website for public information at the same time.
 - i. The agenda for a special meeting shall be posted at least twenty-four (24) hours before the meeting.

7. BOARD MEETING CONDUCT

- A. **Policy.** Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Section 11 “Rules of Order for Board and Committee Meetings”, shall be used as a general guideline for meeting protocol.
- B. **Timing.** All Board meetings shall commence at the time stated on the agenda and shall be guided by same.
- C. **Conduct.** The conduct of meetings shall, to the fullest possible extent, enable Directors to:
 - i. Consider problems to be solved, weigh evidence related thereto, and make wise decisions intended to solve the problems; and,
 - ii. Receive, consider and take any needed action with respect to reports of accomplishment of District operations.
- D. **Public Comment.** Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular meeting on any subject that lies within the jurisdiction of the Board of Directors, shall be as follows:
 - i. Three (3) minutes may be allotted to each speaker and a maximum of twenty (20) minutes to each subject matter.
 - ii. No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Chairperson, of that person’s privilege of address.

- E. Disruption. Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is in fact willful disruption of any meeting of the Board, he/she may order the disrupting parties out of the room and subsequently conduct the Board's business without them present.

After clearing the room of disruptive individuals, the President may permit those persons who, in his/her opinion, were not responsible for the willful disruption to remain in the meeting room.

8. BOARD ACTIONS AND DECISIONS

- A. **Actions.** Actions by the Board of Directors include but are not limited to the following:

- i. Adoption or rejection of regulations or policies;
- ii. Adoption or rejection of a resolution;
- iii. Adoption or rejection of an ordinance;
- iv. Approval or rejection of any contract or expenditure;
- v. Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,
- vi. Approval or disapproval of matters that require or may require the District or its employees to take action and / or provide services.

- B. **Majority.** Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.

- i. Abstention. A member abstaining in a vote is considered as absent for that vote. A member abstaining due to a conflict of interest does not count towards a quorum.
 - a. **Example.** If three (3) of five (5) Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one (1) Director abstains on a particular action and the other two (2) cast "aye" votes, no action is taken because a majority of the Board" did not vote in favor of the action.
 - b. **Example.** If an action is proposed requiring a two-thirds (2/3) vote and two (2) Directors abstain, the proposed action cannot be approved because four (4) of the five (5) Directors would have to vote in favor of the action.
 - c. **Example.** If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three (3) Directors must vote in favor of the appointment for it to be approved. If two (2) of the three (3) Directors present abstain, the appointment is not approved.

C. **Directions.** The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

- i. The President shall determine by consensus a Board directive and shall state it for clarification. Should any two (2) Directors challenge the statement of the President, a voice vote may be requested.
- ii. A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).
- iii. Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda.

9. ATTENDANCE AT MEETINGS

A. **Attendance.** Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

10. MINUTES OF BOARD MEETINGS

A. **Minutes.** Staff acting in his/her capacity as "Recording Secretary" shall keep minutes of all regular and special meetings of the Board.

- i. Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fire resistant room.
- ii. Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept indefinitely in a fireproof vault or in fire-resistant room or locked cabinet. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.
- iii. Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year. In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:
 - a. Date, place and type of each meeting;
 - b. Directors present and absent by name;

- c. Administrative staff present by name;
- d. Call to order;
- e. Time and name of late arriving Directors;
- f. Time and name of early departing Directors;
- g. Names of Directors absent during any agenda item upon which action was taken;
- h. Summary record of staff reports;
- i. Summary record of public comment regarding matters not on the agenda, including names of commentators;
- j. Approval of the minutes or modified minutes of preceding meetings;
- k. Approval of financial reports;
- l. Record by number (a sequential range is acceptable) of all warrants approved for payment;
- m. Complete information as to each subject of the Board's deliberation;
- n. Record of the vote of each Director on every action item for which the vote was not unanimous;
- o. Resolutions and ordinances described as to their substantive content and sequential numbering;
- p. Record of all contracts and agreements, and their amendment, approved by the Board;
- q. Approval of the annual budget;
- r. Approval of all polices, rules and/or regulations;
- s. Approval of all dispositions of District assets;
- t. Approval of all purchases of District assets; and
- u. Time of meeting's adjournment.

11. RULES OF ORDER FOR BOARD AND COMMITTEE MEETINGS

- A. **Policy.** Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules -Robert's Rules of Order.
- B. **Point of Order.** If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.
- C. **Obtaining the Floor.** Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.
- D. **Motions.** Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:
 - i. A Director makes a motion; another Director seconds the motion; and the President states the motion.

- ii. Once the motion has been stated by the President, it is open to discussion and debate. After the public in attendance has had an opportunity to comment, and after the matter has been fully debated, the President will call for the vote.
 - iii. Any Director may move to immediately bring the question being debated to a vote (following public input), thus suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.
- E. **Secondary Motions.** Ordinarily, only one (1) motion can be considered at a time and a motion must be disposed of before any other motions or business is considered. There are a few exceptions to this general rule, though, where a secondary motion concerning the main motion may be made and considered before voting on the main motion.
- i. **Motion to Amend.** A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.
 - ii. **Motion to Table.** A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.
 - iii. **Motion to Postpone.** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.
 - iv. **Motion to Refer to Committee.** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.
 - v. **Motion to Close Debate and Vote Immediately.** As provided above, any Director may move to close debate and immediately vote on a main motion.
 - vi. **Motion to Adjourn.** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.
- F. **Decorum.**
- i. The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings.
 - ii. The President may also declare a short recess during any meeting.
- G. **Amendment of Rules of Order.** By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting:
- a. Temporarily suspend these rules in whole or in part;

- iii. Amend these rules in whole or in part; or,
- iii. Both.

12. TRAINING, EDUCATION AND CONFERENCES

- A. **Policy.** Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.
 - i. "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.
- B. **Expenses.** It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use by Directors of District credit cards for these purposes is not permitted unless approved by Article 14E.
 - i. Staff as assigned by the General Manager is responsible for making arrangements for Directors for conference and registration expenses, and may help as requested for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the assigned staff member, together with validated receipts in accordance with State law.
 - ii. Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to incurring any reimbursable costs.
 - iii. Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth, if any, by the event sponsor and by:
 - a. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or using other less expensive nearby lodging.
 - b. Directors traveling together whenever feasible and economically beneficial.

- c. Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.
- C. Notice. A Director shall not attend a conference or training event for which there is an expense to the District, if it occurs after the Director has announced his/her pending resignation, or if it occurs after an election in which it has been determined that the Director will not retain his/her seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.
- D. Reimbursement. Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

13. REMUNERATION

- A. Remuneration. Members of the Board of Directors shall be entitled to receive a “per diem” for each day of service to the District. The “per diem” amount shall be established by the Board and be consistent with applicable state law.

14. PAYMENT OF EXPENSES INCURRED ON DISTRICT BUSINESS

- A. **General.** Whenever a Director or employee is attending any meeting at which the interest of the District is the major purpose of the meeting, or attending a conference of an organization as authorized in this Manual, or by Board action, or otherwise representing the District at an approved civic or community function, the expenses incurred by reason of attendance at such meeting, conference, or other function shall be reimbursed by the District in accordance with the rules set forth in this Section. In the event that circumstances prevent an expense reimbursement request from being considered in the manner described herein, a Director or employee may submit an expense reimbursement request to the Board for having attended a meeting or conference with the understanding that the Board may or may not approve the request.
- B. **Transportation.** If the distance to the function is five-hundred (500) miles or less, air or automotive travel may be used, at the option of the traveler. If travel is by automobile, a District vehicle shall be used if available. If the General Manager determines that a District vehicle is not available, the rate of reimbursement for mileage shall be the standard mileage rate permitted at the time by the Internal Revenue Service in computing a deduction for business mileage.

If the distance to the function is greater than five-hundred (500) miles, air travel shall be used, unless accepted due to physical or other reason approved by the General Manager, and by the Board of Directors. If automobile travel is used, the transportation expense to be paid by the District will be limited to the total related costs, for duration of travel and ground transportation at the destination, that would have resulted had air travel been used, including, but not limited to, air fare, transportation to and from airports, and airport parking.

- C. **Lodging.** Whenever required to spend the night away from home, District personnel shall engage a room at a good commercial hotel or motel. If accompanied on the trip by another person who is not District personnel, and the room is shared, the District shall be charged only for that portion of the room charge, which would have been made for single occupancy. A receipted bill stating occupants and length of stay shall be submitted with the claim for expense reimbursement. If a room is occupied by more than one person, the rate for single occupancy shall be noted on the receipted statement.
- D. **Meals and Incidental Expenses.** Expense allowance while attending authorized functions shall include, in addition to transportation and lodging, all meals, tips, telephone expense, stenographic expense, auto parking, taxi and other disbursements on behalf of the District. No reimbursement shall be made of expenditures for personal services or needs. District shall not pay for any alcohol expenses incurred. If an automobile is used for transportation when air transportation is required, expenditures for meals and incidental expenses chargeable to the District shall be those which would have resulted had air transportation been used.
- E. **Travel Advance.** A travel advance, equal to the estimated expenditures chargeable to the District, may be made upon a written detailed estimate of the amount needed, submitted to and approved by the General Manager and by the Board of Directors.
- F. **Use of District Credit Cards.** District credit cards are issued to certain District employees for use in connection with District related business. The following rules shall apply to the use of District credit cards:
 - i. District credit cards will be used only for District business.
 - ii. District credit cards will be used only by duly authorized District employees.
 - iii. Purchases and expenditures will be charged and reconciled to the proper account on each monthly statement.
 - iv. Detailed receipts must be presented to the District business office for each expenditure made by credit card. Each expenditure must document the purpose of said expenditure, the person(s) involved and the business conducted.
- G. **District Expenditures for the Convenience of Others.** On occasion, the District may make expenditure or incur a charge in connection with District business, for the convenience of persons other than District personnel. Such expenditures or charges are made with the understanding that the District shall be credited against reimbursable expenses, or

reimbursed directly as a balance owing the District on the "Report of Expenses", as provided in the next section.

- H. **Report of Expenses for Reimbursement.** District personnel shall submit a "Report of Expenses" of all expenses incurred by them while acting in the interest of the District, to which will be attached the associated vouchers and/ or receipts. Each expenditure item shall include a detailed description of the function and the nature of the District business conducted. The statement shall also indicate the travel advance, if any, credits for expenses apportioned to personal needs, services, or expenses incurred to the District. Balances owing the District shall be paid on submission of the expenses statement. Amounts due to District personnel shall be paid after the expense statement is reviewed by the General Manager and approved by the Board of Directors.

15. EXPENDITURE REIMBURSEMENT

- A. **Purpose.** The purpose of this policy is to prescribe the manner in which District employees and directors may be reimbursed for expenditures related to District business.
- B. **Scope.** This policy applies to all employees and members of the Board of Directors and is intended to result in no personal gain or loss to an employee or director.
- C. **Implementation.** Whenever District employees or directors desire to be reimbursed for out-of-pocket expenses for item(s) or service(s) appropriately relating to District business, they shall submit their requests on a reimbursement form approved by the General Manager and the Board of Directors. Included on the reimbursement form will be an explanation of the District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.
 - i. The Treasurer and/or the General Manager will review and approve reimbursement requests. Reimbursement requests by the Treasurer and General Manager will be reviewed and approved by the Finance and Audit Committee and/or the Board of Directors.
 - ii. All expenses must be reasonable and necessary, and employees and directors are encouraged to exercise prudence in all expenditures.
 - iii. The most economical mode and class of transportation reasonably consistent with scheduling requirements will be used. In the event a more expensive class of transportation is used, the reimbursable amount will be limited to the cost of the most economical class of transportation available. Reimbursement for use of personal vehicles will be at the applicable IRS-approved rate.
 - iv. Expenditures for food and lodging will be moderate and reasonable.

16. PAYMENT OF DIRECTORS' FEES

- A. **Availability.** Directors shall be eligible to collect per diem fees as provided by the resolutions and ordinances of the District, and in accordance with State law for attendance to Board business. Board business eligible for per diem shall include, but not be limited to, Board meetings, Board Committee meetings, LAFCO meetings in which District business is discussed or affected as part of the LAFCO agenda, meetings of associations of which the District is a member, special meetings concerning District matters and those organizations for which attendance is authorized for meetings and conferences as listed. Per diem shall include travel days to and from business meetings as appropriate. Board members shall not count travel to meetings within the County as a reimbursable per diem travel day. In the event that circumstances prevent the per diem request from being considered in the manner described herein, a Director may submit a request to the Board for a per diem for having attended a meeting or conference with the understanding that the Board may or may not approve the request.
- B. **Review.** Directors' per diem fees shall be reviewed by the Board annually in October of each year with said increase (if any) to be effective January 1 of the next calendar year.

17. MEMBERSHIP IN ASSOCIATIONS

- A. **Policy.** The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training.

18. ETHICS TRAINING

- A. **Policy.** All directors and designated executive staff of the District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 through 53235.2.
- B. **Application.** This policy shall also apply to all staff members that the board of directors designates and to members of all commissions, committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.
- C. **Provider.** All ethics training shall be provided by entities whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.
- D. **Participation.** Directors shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training will be reimbursed by the District.

- i. **Records.** District staff shall maintain records indicating both the dates that directors completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after directors receive the training, and are public records subject to disclosure under the California Public Records Act.
- E. **Training Information.** District staff shall provide the board of directors with information on available training that meets the requirements of this policy at least once every year.
- F. **Training Options.** Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person or online.
- G. **Requirements.** Any director of the District that serves on the board of another agency is only required to take the training once every two (2) years.

19. CODE OF ETHICS

- A. **Policy.** The Board of Directors of the District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State laws including AB 1234 (Salinas) approved in 2006 (copy attached as reference).

In order to assist in the governance of the behavior between and among members of the Board of Directors and District staff, the following rules shall be observed:

- i. The dignity, style, values and opinions of each Director shall be respected.
- ii. Responsiveness and attentive listening in communication is encouraged.
- iii. The needs of the District's constituents should be the priority of the Board of Directors. When a Director believes he/she may have a conflict of interest, the District's legal counsel shall be requested to make a determination if one exists or not.
- iv. The primary responsibility of the Board of Directors is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to professional staff members of the District.
- v. Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- vi. Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocks based on personalities rather than issues should be avoided.

vii. Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should commit to supporting said action and not to create barriers to the implementation of said action.

viii. Directors should practice the following procedures:

- a. In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- b. In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- c. In presenting items for discussion at Board meetings, See Board Meeting Agenda.
- d. In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager and/or the District's legal counsel.

ix. If approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor or General Manager. The chain of command should be followed.

B. Team Effort. The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.

- i. When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.
- ii. Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.
- iii. Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- iv. Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.

20. ETHICS POLICY

The policy of the Beaumont-Cherry Valley Water District/Agency is to maintain the highest ethical standards for its Directors and staff. The proper operation of the District requires that

decisions and policy be made within the proper channels of governmental structure, that public office not be used for personal gain, and that Directors and staff remain objective and responsive to the needs of the public they serve. Accordingly, it is the policy of the District that Directors and District staff will maintain the highest standard of personal honesty and fairness in carrying out their duties.

This policy sets forth the basic ethical standards to be followed by the Board of Directors of the Beaumont-Cherry Valley Water District. The objectives of this policy are to (i) provide guidance for dealing with ethical issues, (ii) heighten awareness of ethics and values as critical elements in Directors' conduct, and (iii) improve ethical decision-making and values-based management.

- A. **Responsibilities of Public Office.** Directors are obligated to uphold the Constitution of the United States and the Constitution of the State of California. Directors will comply with applicable laws regulating their conduct, including conflict of interest, financial disclosure and open government laws. Directors will strive to work in cooperation with other public officials unless prohibited from so doing by law or officially recognized confidentiality of their work. (Cal. Const., art. XX, § 3; Gov. Code, § 1360.)

- B. **Fair and Equal Treatment.** Directors, in the performance of their official duties and responsibilities, will not discriminate against or harass any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual orientation, medical condition or disability. A Director will not grant any special consideration, treatment or advantage to any person or group beyond that which is available to every other person or group in similar circumstances.

- C. **Proper Use and Safeguarding of District Property and Resources.** Except as specifically authorized, the California Constitution prohibits a Director from making a "gift of public funds" by utilizing or permitting the use of District -owned vehicles, equipment, telephones, materials or property for his or her personal benefit or profit of third parties. A Director will not ask or require a District employee to perform services for the personal benefit or profit of a Director. Each Director must protect and properly use any District asset within his or her control, including information recorded on paper or in electronic form. Directors will safeguard District property, equipment, moneys, and assets against unauthorized use or removal, as well as from loss due to criminal act or breach of trust. (Cal. Const., art. XVI, § 6; Gov. Code, §§ 8314 and 53234 et seq.; Pen. Code, § 424; see *People v. Battin* (1978) 77 Cal.App.3d 635.)

- D. **Use of Confidential Information.** A Director is not authorized, without approval of the Board of Directors, to disclose information that qualifies as confidential information to a person not authorized to receive it. Under applicable provisions of law, information qualifies as confidential if it
 - i. Has been received for, or during, a closed session meeting of the Board,

 - ii. Is protected from disclosure under the attorney/client or other evidentiary privilege, or

- iii. Is not required to be disclosed under the California Public Records Act.

This Section does not prohibit a Director from taking any of the following actions:

- i. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the alleged illegality of an action taken by the District, an elected official or employee,
- ii. Expressing an opinion concerning the propriety or legality of actions taken by the District in closed session, including disclosure of the nature and extent of the allegedly illegal action, or
- iii. Disclosing information acquired during a closed session that is not confidential information. Prior to disclosing confidential information pursuant to (i) or (ii), above, however, a Director will first bring the matter to the attention of either the President of the Board or the full Board, to provide the Board an opportunity to cure an alleged violation.

E. **Conflict of Interest.** A Director will not have a financial interest in a contract with the District/Agency, or be a purchaser at a sale by the District or a vendor at a purchase made by the District, unless the Director's participation was authorized under Government Code sections 1091 or 1091.5, or other provisions of law. A Director will not participate in the discussion, deliberation or vote on a matter before the Board of Directors, or in any way attempt to use his or her official position to influence a decision of the Board, if he or she has a prohibited interest with respect to the matter, as defined in the Political Reform Act, Government Code sections 81000 et seq., relating to conflicts of interest. Generally, a Director has a financial interest in a matter if it is reasonably foreseeable that the Board decision would have a material financial effect (as defined by Fair Political Practices Commission [FPPC] regulations found at Cal. Code Regs., tit. 2, §§ 18100 et seq.) that is distinguishable from the effect on the public generally on

- i. A business entity in which the Director has a direct or indirect investment in the amount specified in FPPC regulations;
- ii. Real property in which the Director has a direct or indirect investment interest, with a value in the amount specified in FPPC regulations;
- iii. A source of income for the Director in the amount specified in FPPC regulations, within twelve (12) months before the Board decision;
- iv. A source of gifts to the Director in an amount specified in FPPC regulations within twelve (12) months before the Board decision; or
- v. A business entity in which the Director holds a position as a director, trustee, officer, partner, manager or employee.

An “indirect interest” means any investment or interest owned by the spouse or dependent child of the Director, by an agent on behalf of the Director, or by a business entity or trust in which the Director, or the Director’s spouse, dependent child or agent, owns directly, indirectly or beneficially a ten percent (10%) interest or greater. An elected official will not accept honoraria or gifts that exceed the limitations specified in the Fair Political Practices Act or FPPC regulations. Directors will report all gifts, campaign contributions, income and financial information as required under the District’s Conflict of Interest Code and the provisions of the Fair Political Practices Act and FPPC regulations. (Gov. Code, §§ 87100 et seq.)

If a member of the Board believes that he or she may be disqualified from participation in the discussion, deliberations or vote on a particular matter due to a conflict of interest, the following procedure will be followed:

- i. If the Director becomes aware of the potential conflict of interest before the Board meeting at which the matter will be discussed or acted on, the Director will notify the District’s General Manager and the District’s legal counsel of the potential conflict of interest, so that a determination can be made whether it is a disqualifying conflict of interest;
 - ii. If it is not possible for the Director to discuss the potential conflict with the General Manager and the District’s legal counsel before the meeting, or if the Director does not become aware of the potential conflict until during the meeting, the Director will immediately disclose the potential conflict during the Board meeting, so that there can be a determination whether it is a disqualifying conflict of interest; and
 - iii. Upon a determination that there is a disqualifying conflict of interest, the Director
 - a. Will not participate in the discussion, deliberation or vote on the matter for which a conflict of interest exists, which will be so noted in the Board minutes, and
 - b. Will leave the room until after the discussion, vote and any other disposition of the matter is concluded, unless the matter has been placed on the portion of the agenda reserved for uncontested matters or the Director has been advised that specific FPPC exemption applies.
- F. **Nepotism.** A Director will not recommend the employment of a relative by the District. A Director will not recommend the employment of a relative to any person known by the Director to be bidding for or negotiating a contract with the District.
- G. **Soliciting Political Contributions.** Directors are prohibited from soliciting political funds or contributions at District facilities, or from District employees. A Director will not accept, solicit or direct a political contribution from (a) District employees, officers, consultants or contractors, or (b) vendors or consultants who have a material financial interest in a contract or other matter while that contract or other matter is pending before the District. A Director will not use the District’s seal, trademark, stationery or other indicia of the District’s identity, or facsimile thereof, in any solicitation for political contributions contrary to state or federal law. (Gov. Code, § 3205.)

- H. **Incompatible Offices.** Another aspect of prohibited conflicts of interest is simultaneous holding of two incompatible public offices, unless simultaneous holding of the offices is compelled or expressly authorized by law. When public offices are incompatible, the public officer forfeits the first office upon taking the second.

Government Code section 1099 codifies the common law rule against holding incompatible public offices. Under section 1099, offices are incompatible under any of the following circumstances unless the simultaneous holding of the office is compelled or expressly authorized by law:

- i. Either office may audit, overrule, remove members of, dismiss employees of, or supervise the other office or body;
- ii. Based on the powers and jurisdictions of the offices, there is a possibility of a significant clash of duties or loyalties between the offices;
- iii. Public policy considerations make it improper for one person to hold both offices. The doctrine of incompatible offices does not apply to positions on government bodies that are solely advisory, or to positions of employment. (Gov. Code, § 1099; 83 Ops.Cal.Atty.Gen 153 (2000); 58 Ops.Cal.Atty.Gen. 109 (1975).) However, the Attorney General has repeatedly held that certain positions, such as general manager of a water district and city manager, are public offices. (E.g., 82 Ops.Cal.Atty.Gen. 201 (1999); 67 Ops.Cal.Atty.Gen 409 (1984).) Government Code section 53227 prohibits an employee of a special district from taking office as an elected or appointed member of the Board of the same special district unless he or she resigns as an employee.

I. **Director-General Manager Financial Officer Relationship.**

General Manager. The Board sets the policy for the District. The General Manager:

- i. Has charge and control of the construction, maintenance and operation of the water system and other facilities of the District upon approval of the Board of Directors,
- ii. Has power and authority to employ and discharge employees and assistants, consistent with District policy and other provisions of law,
- iii. Prescribes the duties of employees and assistants, consistent with District policy, and
- iv. Fixes and alters the compensation of employees and assistants, subject to approval by the Board.

The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instructions to the General Manager on matters within the authority of the Board by majority vote of the Board during duly convened Board and Board committee meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager,

and not through other District employees, except as it pertains to the functions of the Financial Officer. Members of the Board will refrain from making requests directly to District employees (rather than to the General Manager) to undertake analyses, perform other work assignments or change the priority of work assignments. Members of the Board may request non-confidential, factual information regarding District operations from District employees.

General Manager Duty. The General Manager has primary responsibility for:

- i. Ensuring compliance with the District's Personnel Manual, and ensuring that District employees do not engage in improper activities,
- ii. Investigating allegations of improper activities, and
- iii. Taking appropriate corrective and disciplinary actions.

Board Duty. The Board has a duty to ensure that the General Manager is operating the District according to law and the policies approved by the Board. Directors are encouraged to fulfill their obligation to the public and the District by disclosing to the General Manager, to the extent not expressly prohibited by law, improper activities within their knowledge. Directors will not interfere with the General Manager's responsibilities in identifying, investigating and correcting improper activities, unless the Board determines that the General Manager is not properly carrying out these responsibilities.

Financial Officer. The Financial Officer will report to the General Manager and will be available to respond to financial questions concerning the District when called upon by board members.

The Financial office will install and maintain a system of auditing and accounting that will completely and at all times show the financial condition of the District in accordance with generally accepted accounting principles and legal requirements. The Board will retain and periodically review the work of an auditor as an independent contractor of the District (other than the Financial Officer), who will report to the Board, to conduct an annual audit of the District's books, records and financial affairs.



STAFF REPORT

TO: Personnel Committee

FROM: Yolanda Rodriguez, Director of Finance and Administrative Services

SUBJECT: **Proposed Vacation Policy**

Staff Recommendation

Review the draft of the proposed Vacation Policy, and determine desired recommendation to the Board of Directors.

Background

At the meeting of the Personnel Committee on November 26, 2018, members requested revisions to the District’s vacation policy to reflect a cap on accrued vacation time. This recommendation was initiated by the District’s auditors as a best practice to keep the District’s vacation accrual liability under control. The Personnel Committee reviewed a first draft of the policy at its meeting on January 28, 2019, made recommendations based on policy options presented, and directed staff to prepare a final draft for potential recommendation to the Board of Directors. Upon presentation of the final draft at the March 25, 2019 Personnel Committee meeting, members directed staff to make further revisions.

Summary

Committee discussion at the March 25, 2019 meeting resulted in suggestions for lowering or altering the methodology for the vacation cap applied to exempt employees (Section D, ii, b). The staff recommendation and alternatives (Option 1) are summarized below in Table A, and Option 2, as suggested by General Manager Jagggers, is explained below for committee members to select and make a final recommendation to the full Board:

Option 1 - Table A – Maximum Vacation Hours Accrual (Cap)

Years of Service	Staff Recommendation	Chair Covington suggestion 1	Member Ramirez suggestion	Chair Covington compromise suggestion
1 – 5	320 hours	200	260	220
6 – 15	360	240	300	260
16 – 20	400	300	350	300
21+	440	320	380	340

Option 2 – Multiplier

Some agencies surveyed use a multiplier to determine the maximum accrual rate. For management employees, the rate varied from two to three times the employee’s annual accrual rate, and for other classifications it averaged 1.5. For example, if an exempt management employee with six years of service to the District accrues 120 hours of vacation per year, the maximum accrual would be 240 hours (2x the accrual rate) or 360 hours (3x the accrual rate).



Fiscal Impact:

The fiscal impact cannot be determined at this point.

Attachments

- A. Draft – Proposed BCWVD Personnel Policies and Procedures Manual, Part I - Section 22 – Vacation Policy – Redline
- B. Draft – Proposed BCWVD Personnel Policies and Procedures Manual, Part I - Section 22 – Vacation Policy
- C. Nov. 26, 2018 Staff Report – Best Practices Related to Leave Accrual Caps
- D. Jan. 28, 2019 Staff Report – Vacation Accrual Cap Options
- E. Mar. 25, 2019 Staff Report – Proposed Vacation Policy

Staff Report prepared by Lynda Kerney, Administrative Assistant

Item 3e

ATTACHMENT A

~~DRAFT 1 – POLICY UPDATE~~ PROPOSED VACATION POLICY

22. VACATION

- A. **Application.** This policy shall apply to regular and introductory employees in all classifications.
- B. **Accrual.** Vacation shall be earned from date of hire. Paid vacations shall be accrued according to the following schedule on an annual basis:
- i. One (1) through four (4) years of service, ~~ten (10) days~~ eighty (80) hours;
 - ii. Five (5) through fourteen (14) years of service, ~~fifteen (15) days~~ one hundred twenty (120) hours; ~~or~~
 - iii. Fifteen (15) years and more, ~~twenty (20) days~~ one hundred sixty (160) hours.
- C. **First Year.** An employee with less than five years seniority would receive ~~10 days~~ 80 hours vacation per year. The first year shall be prorated and accrued ~~at a rate of 5/6 of a day~~ per month commencing with the first full month of employment, and awarded after January 1 of the following year.
- D. ~~Non-accumulation~~ Use of Vacation. Employee shall be eligible to use vacation after it is accrued. If there is sufficient time in the remainder of the calendar year to take or reschedule a vacation, and an employee elects not to take or schedule his/her vacation, the District shall have the option of requiring the employee to take a vacation or purchase unused vacation at an employee's regular hourly rate of compensation. An employee is allowed to accrue vacation hours up to the maximum allowed explained below. Vacation buy-backs are scheduled on the first pay period in the month of December. Employees are allowed one (1) additional buy-back during the calendar year. Request is submitted to Payroll and will be reviewed and prepared by Human Resource. The purchase shall occur at the first pay period in the month of December.
- i. Upon termination, employee shall be compensated for accrued unused vacation at their current pay rate.
 - ii. The District will not allow for accrual of vacation in excess of:
 - a. Non-Exempt Employees: one hundred twenty (120).
The General Manger reserves the right to allow overages in special circumstances.
 - b. Exempt Employees:

<u>(1) 1 – 5 service years</u>	<u>320 hrs.</u>
<u>(2) 6 – 15 service year</u>	<u>360 hrs.</u>
<u>(3) 16 – 20 service years</u>	<u>400 hrs.</u>
<u>(4) 21 + service years</u>	<u>440 hrs.</u>
- E. Vacation Buy-Back. For the additional buy-back during the year, employees who have been employed with the District for a minimum of one (1) year may elect to buy-back accrued, but unused, vacation hours. An employee may request to buy-

back a minimum of ten (10) hours. To purchase vacation hours, an employee must have a minimum remaining balance of forty (40) hours of vacation leave accrual after the purchase of said vacation hours for the calendar year. The employee will be compensated for such purchased vacation hours at the salary rate in effect for that employee at the time the hours are paid.

- i. Vacation accruals for which the employee receives compensation will be deducted from the employee's accumulated total.
 - ii. All additional vacation buy-back requests during the year will be processed in the payroll cycle following the date the requests was approved.
- ~~D.~~

~~E.F.~~ **Sick Leave.** The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used. The District will not consider granting a leave of absence for medical reasons until all accumulated sick leave and vacation time have been used.

~~F.~~ **G. Scheduling.** Employee shall request use of vacation in a reasonable time in advance, preferably thirty (30) days, of the proposed vacation. Same day requests are discouraged, and will be considered on a case-by-case basis provided that District operations are not interrupted, and in emergency situations. Vacations shall be scheduled prior to March 15 and approved by April 1, or scheduled and approved thirty (30) days in advance of desired time provided that District operations are not interrupted, vacation will be scheduled in a first come first serve basis.

Item 3e

ATTACHMENT B

PROPOSED VACATION POLICY

22. VACATION

- A. **Application.** This policy shall apply to regular and introductory employees in all classifications.
- B. **Accrual.** Vacation shall be earned from date of hire. Paid vacations shall be accrued according to the following schedule on an annual basis:
- i. One (1) through four (4) years of service, eighty (80) hours
 - ii. Five (5) through fourteen (14) years of service, one hundred twenty (120) hours
 - iii. Fifteen (15) years and more, one hundred sixty (160) hours.
- C. **First Year.** An employee with less than five years seniority would receive 80 hours vacation per year. The first year shall be prorated and accrued per month commencing with the first full month of employment, and awarded after January 1 of the following year.
- D. **Use of Vacation.** Employee shall be eligible to use vacation after it is accrued. If there is sufficient time in the remainder of the calendar year to take or reschedule a vacation, and an employee elects not to take or schedule his/her vacation, the District shall have the option of requiring the employee to take a vacation or purchase unused vacation at an employee's regular hourly rate of compensation. An employee is allowed to accrue vacation hours up to the maximum allowed explained below. Vacation buy-backs are scheduled on the first pay period in the month of December. Employees are allowed one (1) additional buy-back during the calendar year. Request is submitted to Payroll and will be reviewed and prepared by Human Resource.
- i. Upon termination, employee shall be compensated for accrued unused vacation at their current pay rate.
 - ii. The District will not allow for accrual of vacation in excess of:
 - a. Non-Exempt Employees: one hundred twenty (120).
The General Manger reserves the right to allow overages in special circumstances.
 - b. Exempt Employees:

(1) 1 – 5 service years	320 hrs.
(2) 6 – 15 service year	360 hrs.
(3) 16 – 20 service years	400 hrs.
(4) 21 + service years	440 hrs.
- E. **Vacation Buy-Back.** For the additional buy-back during the year, employees who have been employed with the District for a minimum of one (1) year may elect to buy-back accrued, but unused, vacation hours. An employee may request to buy-back a minimum of ten (10) hours. To purchase vacation hours, an employee must have a minimum remaining balance of forty (40) hours of vacation leave accrual

after the purchase of said vacation hours for the calendar year. The employee will be compensated for such purchased vacation hours at the salary rate in effect for that employee at the time the hours are paid.

- i. Vacation accruals for which the employee receives compensation will be deducted from the employee's accumulated total.
 - ii. All additional vacation buy-back requests during the year will be processed in the payroll cycle following the date the requests was approved.
- F. **Sick Leave.** The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used. The District will not consider granting a leave of absence for medical reasons until all accumulated sick leave and vacation time have been used.
- G. **Scheduling.** Employee shall request use of vacation in a reasonable time in advance, preferably thirty (30) days, of the proposed vacation. Same day requests are discouraged, and will be considered on a case-by-case basis provided that District operations are not interrupted, and in emergency situations.



Item 3e ATTACHMENT C

STAFF REPORT

TO: Personnel Committee

FROM: Yolanda Rodriguez, Director of Finance and Administrative Services

SUBJECT: **Best Practices Related to Leave Accrual Caps**

Staff Recommendation

No recommendation. Direct staff as desired.

Summary

In its Management Letter dated June 8, 2018, the District's external audit firm made a recommendation to improve the District's operating effectiveness. As a result of the audit procedures, the auditor recommended that the District calculate and implement a cap to the amount of hours allowed to be accrued and paid out to employees (EE) for vacation, administrative leave, and sick leave.

Under California law, vacation time is earned and payable. Sick leave is governed by District policy and the recently adopted Healthy Workplaces, Healthy Families Act. Administrative leave is offered to exempt employees. The District is in compliance with all laws. Under current District policy:

BCVWD Current Policy for Sick Leave Decreases:

	Situation	Description	Rate (% of EE regular hourly rate)
1	EE use of sick leave	Normal use of leave	100%
2	Buy Back by EE (annual)	An employee who has not used any sick leave for 12 consecutive months may opt to "buy back" a year's accrual of sick leave (120 hours)	50%
3	EE Retirement or death	Paid out to EE or beneficiary	50%
4	Separation from employment	Voluntary or not voluntary. No sick leave paid out.	0%

BCVWD Current Policy for Vacation or Administrative Leave Decreases:

	Situation	Description	Rate (% of EE regular hourly rate)
1	EE use of Vacation or Admin Leave	Normal use of leave	100%
2	Buy Back by EE (annual)	In December EE has the option to buy back any vacation hours banked	100%
3	Separation from employment	All hours earned are due and payable	100%

District staff reached out to local agencies such as cities, counties, and other special districts. The attached schedule details several strategies employed by other governmental agencies. Staff



found that among nine comparator agencies¹, three consolidated all time off into a Paid Time Off scenario, leaving six comparable scenarios:

Sick Leave

Five agencies do not cap sick leave.

Excess sick leave is disposed in several different ways, two of which are highlighted below:

1. Cash out at retirement in various percentages based on number of years of employment,
2. Conversion to Cal PERS service credit at 100% of the EE's current rate of pay

The option to cash out sick leave on an annual basis also varied in rate from 30% of EE's rate to 100%. Some of these strategies are negotiated benefits.

Vacation and Administrative Leave

Vacation is earned as part of EE compensation and is due and payable to the EE whether taken in the form of time off or cash out. As recommended by the BCVWD auditors, four of the five responding comparator agencies cap vacation accrual, but at significantly varying numbers of hours, sometimes based on number of years of employment.

Administrative Leave is offered to BCVWD exempt employees and currently rolls over at the end of each year. Some agencies do not roll over unused Admin Leave, and require EEs to "use it or lose it" before the end of each year.

If desired, the Personnel Committee may recommend to the Board of Directors a change in District policy regarding vacation, administrative leave and sick leave accrual by implementing any of the strategies noted above or any other strategy it may choose. An addendum to the current employee group 2018-2021 Memorandum of Understanding dated 12/13/2017 would be required, and the Board would adopt the changes via a resolution amending the District Policies and Procedures Manual.

Fiscal Impact

The District's current liability balances owed for sick and vacation time at December 31, 2017 were \$111,017 and \$158,513, respectively. Implementing caps on accruals of vacation, administrative leave, and sick leave will result in savings to the District by reducing liability for such expenses.

Attachments

Schedule of Comparator Agencies Vacation and Sick Leave Cap Strategies

Management Letter from Rogers, Anderson, Malody & Scott, LLP dated June 8, 2018

¹ A comparator agency is a neighboring district with similar functions, number of employees, number of service connections, and annual budget

Schedule of Comparator Agencies and Others Vacation and Sick Leave Cap Strategies

November 2018

Considerations

Upon separation from employment:

- Vacation time is considered earned time and must be paid out.
- Sick leave is not required to be paid out. Depends on MOU / District policy.

	Sick time		Vacation Time
BCVWD	No Cap. Incentive Plan A: EE not using any sick leave for 12 consecutive months may convert their annual accrued leave to cash at a rate of half of their hourly pay. Incentive Plan B: Upon retirement or death, EE (or beneficiary) will receive 50% of all accumulated sick leave not compensated per Plan A (above).		No Cap. District has option of requiring EE to take vacation or to purchase unused vacation at EE's regular rate. Purchase shall occur at first pay period in December.
Comparator Agency	Sick time		Vacation Time
Hi-Desert WD	PTO only (consolidated leave). Caps based on years of service: 1 – 5 years = 448 hours max 6 – 10 years = 528 11 – 15 years = 608 16 + years = 672	When PTO accrual reaches the maximum, additional PTO does not accrue until use (or cash out) brings it below the maximum. (Use or Lose) At any time during the year, an EE can cash out PTO at full pay, however the EE must have taken a minimum of 5 consecutive days off during the prior year and the EE cannot request fewer than 20 hours each time they elect compensation in lieu of PTO. EEs must leave a minimum of 80 hours in the bank. A max. of 2 cash outs are allowed per year.	
Rainbow Municipal Water District	PTO only (consolidated leave). Caps based on years of service: Up to 4 years = 400 hours max 4 – up to 9 years = 480 9+ years = 560	EE may cash out a minimum of 40 and maximum of 280 hours of PTO each January. EE must have taken at least 80 hours of cumulative PTO by Nov. 30 of the current year. Upon separation, District pays 100% of accumulated PTO at EE's regular rate.	
Desert Water Agency	PTO only (consolidated leave). No Cap.	Any hours over 80 may be cashed out at year end.	

Comparator Agency	Sick time		Vacation Time	
Cucamonga Valley WD	No Cap.	50% of accumulated leave is paid to EE upon retirement.	No additional information provided	
East Valley WD	No Cap.	EEs may cash out up to 40 hours in December but must maintain a minimum of 156 hours. Retirees may apply all toward PERS service credit, or cash out at varying % according to years of employment	Cap: 240 hours	Vacation may be cashed out at EE's regular rate (100%) up to 40 hours per year provided EE has taken at least 10 days of vacation time in the preceding year.
Lake Hemet Municipal WD	Cap: 96 hours.	Bank A: 60% of the hours in excess of the cap shall be automatically paid out at a rate of 65% on December 5. Any hours remaining shall be transferred to a separate sick leave bank, B. Upon retirement, EEs may cash out up to 60% of Bank A hours. Bank B hours may be cashed out at any time or upon retirement, or may be converted to Cal PERS.	Cap: Maximum 20 days carry over each year.	EEs may sell back accrued vacation time down to 80 hours in December at EE's regular rate (100%).
West Valley WD	No Cap.	Upon retirement, EE may cash out sick leave at 30-60% of regular pay rate. OR, may apply balance to Cal PERS at rate of 100%. EE may cash out up to 40 hours annually at regular pay rate (100%)	Cap: 0 – 1 years = 120 hours 4 – 9 years = 180 hours 10 – 14 years = 240 hours 14+ years = 300 hours	EEs may cash out 2x per year to a max of 80 hours, keeping a minimum of 80 hours, and must have used 40 hours in the previous 12-month period.
Yucaipa Valley Water District	No Cap	Cash out only at retirement, at what rate is based on number of years of service	Cap: 240 hours	No cash outs. Hours are paid in full upon EE separation from employment.
Mission Springs Water District	No Cap	Upon retirement, EE may cash out sick leave at 50-100% of regular pay rate. OR, may apply balance to Cal PERS at rate of 100%. EE may cash out up to 40 hours annually at regular pay rate (100%)	No cap.	

Other Agencies	Sick time		Vacation Time	
San Joaquin County Mosquito & Vector	No Cap	No additional information provided	Cap: Double the annual accrual amount.	No additional information provided
Amador Water Agency	No Cap.	Can be applied as Cal PERS service credit upon retirement.	Cap: Mgmt: 2x annual Other: 1.5 annual accrual	No additional information provided
Fresno Irrigation District	No Cap.	No additional information provided	Cap: 240 hours	No additional information provided
Indian Wells Valley Water District	Cap: 400 hours	No additional information provided	Cap: 960 hours	No additional information provided
Desert Recreation District	Cap: 240 hours	No sick time buy back. Cash out at time of separation.	Cap: 160 hours	Vacation "buy-back" once a year
Truckee-Tahoe Airport District	No Cap.	EEs separated from employment in good standing will be paid accrued sick leave up to 240 hours. If the EE retires from the District within 90 days of date of separation, may elect to have up to 240 hours of sick leave paid converted to CalPERS service credit.	Cap: Non-exempt: 240 hours Exempt: 360 hours	Accrued vacation paid out upon separation
Nevada County Fire	No Cap	No additional information provided	Cap: Shift EEs 0 – 5 years = 200 hours 6 – 10 years = 250 hours 11 + Years = 300 hours	Cap: 40-hour EEs 0 – 5 years = 120 hours 6 – 10 years = 160 hours 11 + Years = 200 hours
West Valley Sanitation District	No Cap.	Sick leave conversion to PERS credit at retirement available upon retirement	Cap: 1 – 9 years = 32 days 10 – 14 years = 36 days 15 – 19 years = 40 days 20+ years = 44 days Cap for Exec Mgmt = 3x accrual rate.	No additional information provided

City / Town	Sick time		Vacation Time	
Carmel Valley	No Cap	No additional information provided	Equivalent to 2 years of accruals	Payout in excess of cap at end of year
Dinuba	No Cap	No additional information provided	Police = 120 hours Misc. = 120 hours Fire = 244 hours Mgmt = 240 hours	No additional information provided
Eastvale	450 hours	Cash out anything in excess of 450 hours. EEs can voluntarily cash out sick time each Jan.	300 hours max.	EEs will be cashed out anything in excess of 300. EEs may cash out vacation time 2x per year.
Hemet	No Cap	No additional information provided	Equivalent to 2 years of accruals	No additional information provided
Highland	1250 hours	No additional information provided	400 hours	No additional information provided
Indio	No Cap	No additional information provided	3x annual accrual, max. 600 hours	No additional information provided
La Mirada	No Cap	No additional information provided	350%	No additional information provided
Mission Viejo	PTO (Comprehensive Leave). Cap is 3x annual accrual rate.			
Pinole	No Cap.	No additional information provided	Dept Managers = No Cap Others = 2x annual accrual	No additional information provided
Reedley	No Cap	No additional information provided	240 hours Cap	No additional information provided
San Juan Capistrano	No Cap	No additional information provided	Mgmt = No Cap Other = 300 hours	No additional information provided
Santa Maria	No Cap	Paid out at 50% beyond 240 hours to a max of 960 hours when an EE leaves on regular retirement	Cap: 336 hours	No additional information provided
Thousand Oaks	Regular EE – No Cap Mgmt – 1040 hours of PTO	No additional information provided	Cap: Regular EEs = 650 hours	No additional information provided
Victorville	No Cap	No additional information provided	No additional information provided	
Colma	1040 hours	No additional information provided	No additional information provided	
Yountville	No Cap	No additional information provided	360 hours	
County	Sick time		Vacation Time	
Humbolt	No Cap	Can apply sick leave to service credits	2x annual accrual	No additional information provided
Mariposa	No Cap	No additional information provided	Cap: 360 hours	No additional information provided



Item 3e ATTACHMENT D

STAFF REPORT

TO: Personnel Committee
FROM: Yolanda Rodriguez, Director of Finance and Administrative Services
SUBJECT: Vacation Accrual Cap Options

Staff Recommendation

No recommendation. Direct staff as desired.

Background

At the meeting of the Personnel Committee on November 26, 2018, the Committee requested revisions to the District’s vacation policy to reflect a cap on accrued vacation time. This recommendation was initiated by the District’s auditors as a best practice to keep District’s vacation accrual liability under control.

In California, paid vacation is a form of wages and is earned as labor is performed. Once vacation is earned, it cannot be forfeited for any reason, even upon termination. (*Suastez v. Plastic Dress Up* (1982) 31 C3d 774). Per California Labor Code Section 227.3, if an employer policy provides for paid vacations, and an employee is terminated with available vacation time, all vacation shall be paid at the employee’s final rate in accordance with such policy with respect to time served.

Currently the District participates in the deferred CalPERS Supplemental Income 457 Plan (CalPERS 457 Plan), which provides employees a low-cost, convenient way to save for retirement through a payroll deduction. This is a voluntary program and there is no cost to the District. 2019 limit contribution is \$19,000 annually for employees under fifty (50) years of age and \$25,000 annually for employees fifty (50) and over. Employees are allowed to rollover accrued vacation hours to said program.

Summary

Below are two tables regarding Current Non-Exempt Employees. The table on the left shows the District’s current policy related to accrued vacation caps for hourly (non-exempt) employees. The table on the right shows staff’s proposed amount of hours to be capped:

Hourly Employees

BCVWD Current Non-Exempt Employees Accrued Vacation Per MOU 2018-2021		
Yrs. Of Service	Vacation Earned	Vacation Cap
1 - 4	80 hrs.	zero
5 - 14	120 hrs.	
15 +	160 hrs.	
Any vacation balance is cash out annually. Vacation is awarded on the 1st of the following calendar year for previous year accrued.		

BCVWD Recommended Non-Exempt Employees		
Yrs. Of Service	Vacation Earned	Vacation Cap
1 - 4	80 hrs.	80 hrs.
5 - 14	120 hrs.	
15 +	160 hrs.	
Option to cash out or leave a maximum of 80 hours to roll over to next year. Cap is 80 accrued hours annually.		



Currently the District does not have a cap on vacation accruals for exempt employees. Below is a table showing four potential options related to accrued vacation caps:

BCVWD Exempt Employees (Contracted)

Option A		Option B	
Yrs. Of Service	Vacation Cap	Yrs. Of Service	Vacation Cap
Other Exempt*	Max 1.5 annual Accrual	0 +	240 hrs. for all
Mgmt.			employees
Exempt**	Max 2x Annual Accrual		
		<i>(East Valley Water/Yucaipa Valley Water/Fresno Irrigation)</i>	
<i>(Amador Water Agency)</i>			
Option C		Option D	
Yrs. Of Service	Vacation Cap	Yrs. Of Service	Vacation Cap
Other Exempt*:			
1 - 9	320 hrs. /8 wks.	0 - 1	120 hrs. /3 wks.
10 - 14	360 hrs. /9 wks.	2 - 9	180 hrs. /4.5 wks.
15 - 19	400 hrs. /10 wks.	10 - 14	240 hrs. /6 wks.
20 +	440 hrs. /11 wks.	14 +	300 hrs. /7.5 wks.
Exec Mgt**	3x Annual Accrual	<i>unclear if exempt or non-exempt</i>	
<i>(West Valley Sanitation District)</i>		<i>(West Valley Water District)</i>	

*Other Exempt: Non-Management Salary Employees
BCVWD current approximate 100 – 160 hrs. annual vacation accrual hrs. based on years of service.

**Executive Management: Management Salary Employees
BCVWD current approximate 150 – 200 hrs. annual vacation accrual hrs. based on years of service.

Fiscal Impact

The fiscal impact cannot be determined at this point.

Attachments

Schedule of Comparator Agencies Vacation and Sick Leave Cap Strategies



**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
March 25, 2019**

**Item 3e
ATTACHMENT E**

STAFF REPORT

TO: Personnel Committee
FROM: Yolanda Rodriguez, Director of Finance and Administrative Services
SUBJECT: **Proposed Vacation Policy**

Staff Recommendation

Review the final draft of the proposed Vacation Policy and, if desired, direct staff to prepare a recommendation to the Board of Directors.

Background

At the meeting of the Personnel Committee on November 26, 2018, members requested revisions to the District's vacation policy to reflect a cap on accrued vacation time. This recommendation was initiated by the District's auditors as a best practice to keep the District's vacation accrual liability under control. The Personnel Committee reviewed a first draft of the policy at its meeting on January 28, 2019, made recommendations based on policy options presented, and directed staff to prepare a final draft for potential recommendation to the Board of Directors.

Summary

The proposed Vacation Policy was revised to reflect direction of the Personnel Committee given at the January 28 meeting:

1. Sections B and C – Accrual rates were converted to equivalent increments of hours rather than days.
2. Section D – Revisions were made to reflect the options favored by the Personnel Committee: Non-exempt employees may accrue up to 120 hours of vacation time. After 120 hours, accrual of vacation time ceases. Exempt employees may accrue additional vacation hours up to the maximums indicated based on years of service.
3. Section E – Additional flexibility was incorporated into the vacation buy-back policy.
4. Section G – A more flexible policy is suggested for scheduling of vacation time.

Vacation time accrual is addressed in the 2017-2021 BCVWD Employee Group Memorandum of Understanding (approved December 17, 2017). The proposed revisions to the Policy and Procedures Manual do not change accrual amounts, and actually allow more flexibility for buy-back than shown in the MOU. The MOU does not address accrual maximums or carryover, therefore the MOU will not require amendment along with this policy revision.

Fiscal Impact: The fiscal impact cannot be determined at this point.

Attachments

Final Draft – Proposed BCWVD Personnel Policies and Procedures Manual, Part I - Section 22 – Vacation Policy

Staff Report prepared by Lynda Kerney, Administrative Assistant



STAFF REPORT

TO: Personnel Committee

FROM: Yolanda Rodriguez, Director of Finance and Administrative Services

SUBJECT: **Proposed Sick Leave Donation Program – Revised Final Draft**

Staff Recommendation

Review the revised final draft of the proposed Sick Leave Donation Policy and, if desired, direct staff to prepare a recommendation to the Board of Directors.

Background

Many public agencies offer a leave-sharing program to give employees the ability to assist co-workers who face extended leaves without pay due to a catastrophic health crisis. Participation in such a program is entirely voluntary. At its November 26, 2018 meeting, the Personnel Committee directed staff to prepare a draft policy for consideration.

At its January 28, 2019 meeting, the Personnel Committee reviewed the draft Sick Leave Donation Program and concurred with the proposed options and directed staff to confer with the BCVWD Employee Group to finalize. At that time, Employee Group representatives indicated the Group felt this policy is viewed as an added benefit. No further comments were received.

At its March 25, 2019 meeting, the Personnel Committee directed staff to consult HR Dynamics to review the proposed policy.

Summary

Upon review, the HR Dynamics consultant made several substantive revisions to the proposed policy. The policy was revised to reference and to better align with the provisions of the Family and Medical Leave Act (FMLA), the California Pregnancy Disability Leave Act (CPDL), and the California Family Rights Act (CFRA). An employee and specified family members who are qualified for FMLA would automatically qualify for the Leave Donation Program.

The revision also addressed concerns regarding potential HIPAA issues by eliminating the committee function and requiring only a doctor's certification. At the same time, the revision eliminated some of the checks and balances, however the consultant assures that abuse of such policies is usually curtailed by employees failing to donate time.

The final draft policy is attached for consideration. Staff requests further direction or recommendation of the policy for consideration by the full Board of Directors.

Fiscal Impact

The fiscal impact is unknown at this time, though it can be reasonably expected to be very minor.

Attachments

- A. HR Dynamics Revised Proposed Sick Leave Donation Policy
- B. Previous Version of Proposed Policy

Report prepared by Lynda Kerney, Administrative Assistant

BEAUMONT-CHERRY VALLEY WATER DISTRICT

SUBJECT: EMPLOYEE LEAVE DONATION PROGRAM AND POLICY

PURPOSE:

To establish a program to assist Beaumont-Cherry Valley Water District (“District”) employees who have exhausted all earned paid time off caused by a catastrophic illness or injury, and a procedure in which employees may donate their own accrued sick and vacation leave to an eligible employee in need.

POLICY:

A. Eligibility

1. Leave Donation Program hours are available to a full time, regular employee (working 30 or more hours per week) who has experienced a personal (or eligible family member) “catastrophic medical condition, illness or injury”, which totally incapacitates the employee from work, and forces the employee to exhaust all leave time earned by that employee, resulting in a loss of compensation from the District and financial hardship for that employee.
2. “Eligible Family” members as defined by the Healthy Workplaces, Healthy Families Act of 2014 (HWHFA):
 - a. Child. A child, which means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 - b. Parent. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 - c. Spouse. The term “spouse” is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.
 - d. Registered domestic partner. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
3. Determination of a “catastrophic medical condition” shall be consistent with eligibility for leave under the Family and Medical Leave Act (FMLA), California Family Rights Act (CFRA) and the California Pregnancy Disability Leave Act (CPDL). Conditions that are short-term in nature including, but not limited to, common illnesses such as influenza, measles, common injuries, broken bones, strained ligaments, uncomplicated pregnancy, and the like are not catastrophic. Chronic illnesses or injuries such as cancer, major surgery, unresponsive syndromes and the like, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods may be considered catastrophic.
4. Recipient Employee must be on an approved Family, Medical and/or Pregnancy Disability leave including a medical certification from the treating medical provider that the catastrophic medical condition, illness or injury exists.

5. Recipient Employee must have exhausted all earned paid leave including sick leave, vacation, and other available accrued time banks, before the employee may accept leave donations.
6. Recipient Employee must have passed his/her probationary period.
7. Before an employee is eligible to receive donated leave after having received donated leave from a previous occasion, he or she must have returned to work with the District and have worked a minimum of 12 consecutive months and minimum of a 1250 hours during the months preceding the request.

B. Requesting Leave Donations

1. An eligible employee, meeting the requirements stated above, must submit a request in writing using the form provided by the District.
2. Recipient employee shall agree to accept the donated leave under the terms of this policy.

C. Authorization

1. Upon verification that the employee meets the eligibility requirements as set forth in this policy, the Director of Finance and Administrative Services shall recommend that the request for Leave Donation be approved; similarly requests that are found to not meet eligibility requirements shall be recommended for denial.
2. The General Manager shall serve as the final decision-making authority.
3. A decision on approval or denial of the Leave Donation request shall be made within eight (8) working days of receipt of a complete request.
4. The Recipient Employee shall be notified in writing of approval. If the Leave Donation request is denied, Recipient Employee shall also be notified in writing including the reason for denial.

D. Notice to Recipient Employee

1. Upon approval of the Leave Donation request, a notice to all District employees shall be prepared by the Director of Finance and Administrative Services, or designee, using the District's prescribed form, and distributed via email and on District bulletin boards using the District's standardized form for this purpose.
2. Personal medical information shall not be disclosed including the requesting Recipient Employee's condition, diagnosis, and/or prognosis. The notice shall include the employee's name, department, and the process in which to donate.

E. Donations to Recipient Employee

1. Once a Leave Donation request has been approved, the Director of Finance and Administrative Services, or designee, shall establish a leave donation account for Recipient Employee and tracking system for the receipt and usage of donations.

2. All employee donations made to the Recipient Employee shall remain confidential.
3. Employees shall solely determine whether to voluntarily participate in making leave donations, without influence from the District, or its employees, supervisors or managers on whether or not to participate.
4. Donations may be made in increments of one (1) hour.
5. Employees who wish to donate to Recipient Employee may choose to donate time from their sick leave or vacation leave bank, and must maintain a minimum balance of 40 hours in the leave bank(s) selected.
6. Employees are limited to donating a maximum of 40 hours per calendar year per Recipient Employee, and may donate to more than one Recipient Employee in the same calendar year, provided that the donating employee retains the minimum required leave balance as stated above.
7. The value of donated leave time shall be determined based on the donor's regular pay rate, and then converted to the Recipient Employee's regular pay rate to the nearest half (0.5) hour to determine the number of leave hours donated.

Example: Paul earns \$40 per hour and wants to donate 8 hours of sick time to Jane, who earns \$20 per hour. The value of Paul's 8 hours is \$320, which would equate to 16 hours of sick leave donation for Jane. Similarly, if Jane donated to Paul, the value of her 8 hours is \$160, which would equate to 4 hours of sick leave donation for Paul.

F. Use of Sick Leave Donation

1. Only the approved Recipient Employee may receive donated hours, and such donated hours may not be transferred by Recipient Employee or by donors to other employees.
2. The Recipient Employee's account shall be administered so that hours will be used only as needed and in the order donated. Donated hours shall reflect as a negative adjustment to the donor's accrual balance during the pay period in which they are utilized and not immediately upon submittal of the leave donation form.
3. Recipient Employee must follow all District required Family and Medical Leave procedures including keeping the District informed of any changes in medical status and/or limitations consistent with District Policy and FMLA/CFRA/CPDL regulations.
4. Recipient Employee must apply for any paid leave or benefit programs for which he/she is eligible, including State Disability Insurance (SDI), Paid Family Leave (PFL) and/or other benefit programs, and then the employee's access to the Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by such programs. Recipient Employee shall present official documentation of such compensation received to the Director of Finance and Administrative Services, or designee, during the catastrophic illness, and while receiving donated leave.

5. In the instance where a catastrophic illness or injury qualifies or may qualify an employee for State Workers' Compensation, the employee shall first make an application for Workers' Compensation benefits and then the employee's access to the Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by the State Workers' Compensation benefits.
6. Recipient Employee is limited to a maximum total Life-time donation of 680 hours.
7. As with all sick leave, abuse and misuse of donated sick leave is grounds for disciplinary action, up to and including discharge.

G. Residual Leave Donations

1. The donation of leave is not intended to result in the Recipient Employee having a residual leave balance after the catastrophic event is over.
2. Any leave donations not used by the Recipient Employee shall be returned to the donor(s) based on the order in which the hours were donated and used. This includes leave credits that are later determined to be unnecessary because a Workers' Compensation claim was approved for the employee. Donors shall be notified that the time they pledged was not needed by the Recipient Employee and is being credited back to their own leave bank.
3. Donated and unused leave has no cash value.
4. If the Recipient Employee separates from District employment due to termination, retirement, disability, etc. any remaining donated leave shall be returned to the donor.

H. Benefits

1. Health Insurance: Employees on leave who were previously covered by the District's health benefits shall continue to be covered at the level and under the condition that the coverage would have been provided if the employee were continuing to work, consistent with FMLA/CFRA, and CPDL and existing benefits and leave policy.
2. Sick and Vacation Accruals: Sick leave, vacation time, and other time off benefits do not accrue during the use of leave donated under the Employee Leave Donation program, or Family and Medical Leave.

I. Return to Work

1. Employee's return to work may require a physician's release and shall follow District policy and procedures related to Family and Medical leave.

PROCEDURE/STEPS:

Requesting Employee

1. Initiates a request for Leave Donation using the District's prescribed form and submits to the Director of Finance and Administrative Services.

Director of Finance and Administrative Services

2. Verifies eligibility of the requesting employee, and makes recommendation to the General Manager.

General Manager

3. Renders a decision within eight (8) working days of receipt of request.

Director of Finance and Administrative Services, or Designee

4. Informs requesting employee of decision and if approved, prepares and distributes a notice to District employees informing of the opportunity for employees to donate leave.

5. Establishes a leave donation account for Recipient Employee; tracks donations and usage.

Donor Employee

6. Completes a leave donation form and submits to the Director of Finance and Administrative Services, or designee.

Director of Finance and Administrative Services, or Designee

7. Manages leave donations, converts hours, and allocates donations to Recipient Employee in the order received.

8. Deducts leave donations from donor employee accounts at the time of use, and in the order received.

Recipient Employee

9. Adheres to all provisions of the policy in order to become and remain eligible to receive leave donations, including the District's Family and Medical Leave procedures, and keeping the District informed of leave status.

10. Applies for any State (or other) paid leave programs for which he/she is eligible and provides documentation to the District.

11. Submits Workers' Compensation claim, if the catastrophic injury or illness is perceived to be work related.

12. Coordinates return to work with the District.

Director of Finance and
Administrative Services, or Designee

13. Returns residual donations to donors.

Forms:

1. Employee Request for Leave Donation
2. Authorization to Donate Leave
3. Physician's Certification (Employee to use District's FMLA/CFRA Medical Certification Form)

May 2, 2019

**BEAUMONT-CHERRY VALLEY WATER DISTRICT
EMPLOYEE REQUEST FOR LEAVE DONATIONS**

Employee (Recipient) Name: _____

Position: _____ Department: _____

I, _____, request that Beaumont-Cherry Valley Water District ("District") establish a leave donation account on my behalf. I acknowledge and authorize the District to release my name and department in the process of informing employees of the opportunity to provide donations.

I further certify, by my signature below, that I have met all eligibility requirements of the District's Employee Leave Donation Program and Policy, and further state that I have exhausted all earned vacation leave, sick leave, personal leave, and compensatory time, which has accrued to my benefit. I also state that this request is made due to a catastrophic injury or illness affecting my health or one of my immediate family members, which will require medical care for an extended period of time, and a physician's statement is attached certifying thereto.

Employee's (Recipient's) Signature: _____ Date: _____

(Please attached supporting Medical Certification from medical provider. Note: Current Medical Certification obtained for Family and Medical Leave may submitted)

Recommendation of Director of Finance and Administrative Services:

Approve Deny

General Manager Determination:

Approve Deny

Copy of approval/denial to be sent to requesting employee.

**BEAUMONT-CHERRY VALLEY WATER DISTRICT
REQUEST FOR LEAVE DONATIONS**

Date: _____

Beaumont-Cherry Valley Water District ("District") has established a Leave Donation Account on behalf of _____ ("Recipient Employee") of the _____ Department.

The employee is requesting that you consider donating vacation, or sick leave hours to assist the employee with a catastrophic illness or injury for the employee or the employee's family member, to avoid a financial hardship.

Please fill out the form below and return the form to Payroll. All donations will remain anonymous.

AUTHORIZATION TO DONATE LEAVE TO AN EMPLOYEE

Donating Employee Name: _____

Position: _____ Department: _____

I, _____, authorize the District to transfer leave hours (1 hour minimum, and in 1 hour increments), from my own accrued leave balance in the following amounts for the Recipient Employee named above:

_____ Hours from my Vacation Balance

_____ Hours from my Sick Leave Balance

I understand that the decision to donate may not be withdrawn after it is submitted. Donated vacation leave, or sick leave will be utilized in order of the date donated. The above donated hours shall be used in the order received, and only deducted at the time of use. Unused leave donations shall be returned to the donor.

I hereby make this voluntary donation of accrued leave from my leave balance(s) of my own free will.

Employee (Donor) Signature: _____ Date: _____

Item 3f - Attachment B: PREVIOUS VERSION OF PROPOSED POLICY

1. Sick Leave Donation Program

The intent of a Sick Leave Donation Program is to allow employees to voluntarily assist co-workers who are in critical need of time off due to a catastrophic medical condition, illness or injury, which incapacitates the employee and creates a financial hardship due to the exhaustion of sick leave and/or other paid time off.

A. Definitions.

- i. "Catastrophic medical condition, illness or injury"
A physician-certified death eminent case or a medical condition, illness, or injury which is of an extraordinary or severe nature, which requires a physician's ongoing care, and which has caused, or is likely to cause, the employee to: (i) be incapacitated and unable to work in excess of five working days; or (ii) otherwise be required to terminate District employment due solely to the absence of any available leave. Pregnancy is not considered catastrophic.
- ii. Regular employee: An employee working more than 30 hours per week who is eligible to receive and use Sick Leave as defined in Personnel Policies and Procedures Manual Section 24.
- iii. Qualified Family Member: Includes the following qualified family members as defined by the Healthy Workplaces, Healthy Families Act of 2014 (HWHFA):
 - a. Child. A child, which for purposes of this article means a biological, adopted, or foster child, stepchild, legal ward, or a child to whom the employee stands in loco parentis. This definition of a child is applicable regardless of age or dependency status.
 - b. Parent. A biological, adoptive, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
 - c. Spouse. The term "spouse" is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.
 - d. Registered domestic partner. A registered domestic partnership shall be established in California when both persons file a Declaration of Domestic Partnership and are registered with the Secretary of State.
- iv. Family and Medical Leave Act of 1993: The FMLA was intended "to balance the demands of the workplace with the needs of families."¹²¹ The Act allows eligible employees to take up to 12 workweeks of unpaid leave during any 12-month period to attend to the serious health condition of the employee. In order to be eligible for FMLA leave, an employee must have been at the place of employment at least 12 months, and worked at least 1,250 hours over the past 12 months. The FMLA covers both public- and private-sector employees, but certain categories of employees are excluded, including elected officials and their personal staff members." (Wikipedia)

B. Eligibility.

- i. Sick Leave Donation Program hours are available to a full time, regular employee who has experienced an FMLA qualifying personal (or family) "catastrophic medical condition, illness or injury" that is expected to last a minimum of two (2) weeks (80 hours) and would not be fully covered by the employee's available sick leave and/or other vacation/paid time off.

- ii. The recipient employee must have exhausted all paid leave before the employee may accept donations.
 - iii. Recipient employee must have passed his / her introductory period.
 - iv. At the time of request, there is no monitoring or disciplinary action for sick leave abuse.
 - v. Recipient employee must be on approved FMLA leave including written verification that the catastrophic medical condition, illness or injury exists.
 - vi. Pregnancy is not considered a “catastrophic medical condition, illness or injury” and is not covered under this Sick Leave Donation Program.
 - vii. Sick Leave Donation will not be approved if, based on the physician's certification and consideration of the employee's condition, the employee is not expected to return to District employment.
- C. Authorization.
- i. In the event that an eligible employee may require the use of more sick leave than the sum of his/her accumulated sick leave and vacation time combined, thereby entering into a “no pay” status because of the extended illness or injury, then the General Manager is authorized to accept and consider a Request for Sick Leave Donation.
 - ii. The General Manager may appoint a committee of three (3) members to evaluate the request for Sick Leave Donation, but retains final decision-making authority.
 - iii. The following may be considered when determining whether to approve a catastrophic time bank request:
 - a. The nature of the medical condition, illness or injury;
 - b. Any history of excessive use of sick leave by the employee requesting leave or a pattern of abuse of sick leave;
 - c. The likelihood that the employee will be medically able to return to work.
 - d. Such other factors as may be relevant to evaluation of the request.
 - iv. As with all sick leave, abuse and misuse of donated sick leave is grounds for disciplinary action, up to and including discharge. The employee is required to keep the employer informed of any changes in medical status and/or limitations. The employer has the right at any time to require the employee to provide certification from a physician attesting to such medical condition, illness or injury.
 - v. A decision on approval or denial of the Sick Leave Donation request will be made within eight (8) working days of receipt of a complete request.
- D. Value. All donations will be based on the hourly dollar value of the donation. This will be based on the hourly pay rate of the employee donating. Example:
- i. Paul earns \$40 per hour and wants to donate 8 hours of sick time to Jane, who earns \$20 per hour. The value of Paul’s 8 hours is \$320, which would equate to 16 hours of sick leave donation for Jane. Similarly, if Jane donated to Paul, the value of her 8 hours is \$160, which would equate to 4 hours of sick leave donation for Paul.
- E. State Worker’s Compensation / Sick Leave
 In the instance where an illness or injury qualifies or may qualify an employee for State Workers' Compensation, the employee shall first make an application for Workers' Compensation benefits and then the employee's access to the Sick Leave Donation Program shall only be for the difference between the employee's straight time base hourly wage and the amount paid the employee by the State Workers' Compensation benefits.
- F. Use of Sick Leave Donation
- i. Recipient Employee must follow all District required FMLA procedures.

- ii. Recipient Employee must apply for any paid leave or benefit programs for which he/she is eligible.
 - iii. Recipient Employee must keep the Human Resources Coordinator regularly informed including written certification from a physician.
 - iv. The maximum total lifetime donation of sick leave is the greater of 680 hours or 68 sick days).
 - v. If the Recipient Employee separates from BCVWD employment due to termination, retirement, disability, etc. any remaining donated sick leave will be returned to the donor per the policy outlined below.
- G. Requesting time donations.
- i. Eligible employees must submit a request in writing using the form provided by the District.
 - ii. NOTE: If an employee's request for catastrophic time is approved, the notice announcing such approval shall not identify the medical condition necessitating the need for the time. Examples of acceptable statements include: "The employee is scheduled for surgery and will be absent from work approximately...", "The employee is undergoing medical treatments which are anticipated to last approximately... ", "The employee has been excused from work for medical reasons and is anticipated to be absent for ..."
 - iii. Examples of **unacceptable** statements include but are not limited to: "The employee was diagnosed with cancer and is undergoing treatments...", "The employee is suffering from kidney disease/ heart disease and will be absent...", "The employee is scheduled for gall bladder surgery, for prostate surgery," etc.
 - iv. No employee may solicit donation of sick leave or vacation time from co-workers.
 - v. Recipient employee agrees to accept the donated leave under the terms of this policy.
- H. Notice. Upon approval of the Sick Leave Donation Request, a notice to all District employees will be promulgated via email and on District bulletin boards.
- i. A Catastrophic Time Bank (CTB) notice must contain the following information:
 - a. Employee name and classification.
 - b. A general statement regarding the need for leave donations.
 - i. Examples of acceptable statements include: "The employee is scheduled for surgery and will be absent from work approximately...", "The employee is undergoing medical treatments which are anticipated to last approximately... ", "The employee has been excused from work for medical reasons and is anticipated to be absent for ..."
 - ii. Examples of **unacceptable** statements include but are not limited to: "The employee was diagnosed with cancer and is undergoing treatments...", "The employee is suffering from kidney disease/ heart disease and will be absent...", "The employee is scheduled for gall bladder surgery, for prostate surgery," etc.
 - c. Dates of absence and date when leave credits will be exhausted.
 - d. Anticipated length of absence.
 - e. From whom the Recipient Employee can receive leave credits.
 - f. Brief description regarding how to donate leave credits, e.g. what form to use and where it can be found; where to send the form.
 - g. Name of the staff person to receive all donation forms.
 - h. Name and phone number of person employees may contact for questions.

- i. The following statement: *The approval of the Sick Leave Donation Request is in no way to be construed as departmental acceptance or agreement that the illness/injury is work related.*
- I. Denial.
 - i. If the reviewing authority denies the Sick Leave Donation Request, the employee must be notified of such denial in writing. The denial notification must include the reason for denial.
 - ii. Denial cannot be appealed or grieved.
- J. Donations to the impacted employee:
 - i. Once a Sick Leave Donation Request has been approved, the Director of Finance and Administrative Services shall take action to begin the donation process and ensure individual employee decisions to donate or not to donate to the program are kept confidential and employees are not pressured to participate.
 - ii. The donation program will be established on behalf of the Recipient Employee and will be administered through the Payroll Department.
 - iii. Donations may be made in increments of one (1) hour.
 - iv. Employees who wish to donate must maintain a minimum balance of 40 hours in their own sick leave bank.
 - v. The maximum donation is 40 hours per calendar year, per employee.
 - vi. Donations may be made of sick leave or vacation hours.
- K. Residual Sick Leave Credits

The donation of Sick Leave is not intended to result in the recipient employee having residual leave credits after the catastrophic event is over.

 - i. Any leave donations not credited to the Recipient Employee's leave record will be returned to the donor(s) based on the order in which the hours were donated and used.
 - ii. This includes leave credits that are later determined to be unnecessary because a workers' compensation claim was approved for the employee.
 - iii. In such cases, all leave credits restored because of the approved workers' compensation claim are to be returned to the donor(s) based on the order in which they were donated and used.
 - iv. Donors will be notified that the time they pledged was not needed by the employee and is being credited back to their own leave balance record.
 - v. Donated sick leave has no cash value.
- L. Benefits.
 - i. Health Insurance: Employees on leave who were previously covered by the District's health benefits shall continue to be covered at the level and under the condition that the coverage would have been provided if the employee were continuing to work, consistent with FMLA and existing benefits and leave policy..
 - ii. Sick and Vacation Accrual: Sick leave, vacation time, and other time off benefits do not accrue during the use of Catastrophic Leave or FMLA Leave.
- M. Return to Work.
 - i. Employee's return to work may require a physician's release.
 - ii. Upon recipient employee's return to work, all unused donated time will be returned to the donor(s) based on the order in which the hours were donated and used.