

RESOLUTION 2021-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL: PART I: PERSONNEL

WHEREAS, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

WHEREAS, upon review and discussion, the Personnel Committee of the Board of Directors has recommended revisions to Part I of the Policy and Procedures Manual based on advice given by the District's legal counsel and human resources consultant; and

WHEREAS, the Board of Directors has reviewed and considered the said policy revisions and additions to the BCVWD Policy and Procedures Manual Part I attached as Exhibit A, and finds the policies relevant and acceptable, and deems it to be in the best interests of the District that the following actions be taken,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District as follows:

1. The BCVWD Policies and Procedures Manual, Part I Sections:

1000	Definitions
3000	Employee Status
3005	Compensation
3010	Employee Performance Evaluation
3015	Performance Evaluation-General Manager

are hereby replaced in entirety with the policies attached hereto as Exhibit A

2. The BCVWD Policies and Procedures Manual Part I is hereby amended to include new sections:

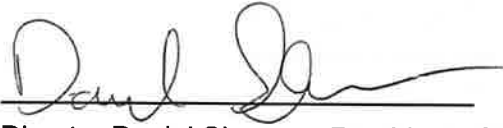
3001	Employee Information and Emergency Data
3002	Employee Groups
3006	Public Works Contractor-Employee Relations

ADOPTED this 13 day of October, 2021, by the following vote:

AYES: Covington, Hoffman, Ramirez, Slawson, Williams
NOES:
ABSTAIN:
ABSENT:

Signatures on next page

ATTEST:



Director Daniel Slawson, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment – Exhibit A

POLICY TITLE: DEFINITIONS
POLICY NUMBER: 1000

1000.1 **District.** The Beaumont-Cherry Valley Water District shall hereinafter be referred to as "District."

1000.2 **Designee(s).** Sections empowering the General Manager as decision-maker will not apply to any other individual, unless the General Manager should designate another management employee or supervisor as vested with such powers.

1000.3 **Employee.** See Policy 3000.

1000.4 **Board of Directors.** The Board of Directors are an elected body and therefore not considered employees of the District. The Board of Directors may be referred to as "the Board" herein. Section 4000 of this Manual defines the roles, responsibilities, and powers of the Board of Directors.

1000.5 **Reclassification.** A position reclassification is the assignment of a new job profile and/or salary schedule to an existing position. Human Resources bases this change on an evaluation of the duties, responsibilities, scope, impact, and minimum qualifications of the position.

POLICY TITLE: EMPLOYEE STATUS
POLICY NUMBER: 3000

3000.1 **At Will.** All employment at the District is “at will.” This means that either the employee or the District may end the employment relationship at any time, with or without advance notice and with or without cause. Provided, however, that discipline, grievance, layoff, and other similar procedures in a Memorandum of Understanding (MOU) or written employment agreement will apply while in force, but are not intended to alter the at-will nature of the employment relationship. The at-will nature of the employment relationship can only be changed by a clear and unambiguous intent to alter the at-will nature of employment made in an MOU or written employment agreement approved by the District Board and signed by or on behalf of the employee involved. Any reference in this Manual to discipline is not intended to change the at-will nature of the employment relationship or to restrict either the employee's or the District's options under the “at-will” employment policy.

3000.2 **Regular Full-Time Employee.** A “Regular” employee is one who has been hired to fill a regular position in any job classification and has completed their introductory period except as otherwise required by law. Full-Time Employment is defined as a 40-hour average workweek. Regular employees are compensated according to the District Salary Schedule as approved by the Board of Directors. Regular, Full-Time Employees will be eligible for benefits in accordance with their classification and employee group.

3000.3 **Introductory Employee.** All newly hired employees serve an introductory period. The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The District uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the District may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice. All new (including rehired) employees work on an introductory basis for the first 6 months after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence. If the District determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended one time for a total of up to 12 months at the discretion of the General Manager or their designee.

3000.4 Upon successful completion of the introductory period, full-time employees enter the “regular” employment classification. Successful completion of the introductory period does not guarantee employment for any specific duration or change the at-will status of regular employment.

3000.5 Current employees who are promoted or transferred to a new classification will serve an introductory period for the first 6 months after their date of appointment. Employees who are reclassified will not serve an introductory period for an updated job title. In the event that a promoted or transferred employee is not able to satisfactorily complete their introductory period in the new role, they may resume their former position if it is vacant. However, the District reserves the right to fill vacant positions, and the option to resume a former position is not guaranteed. If the position is not available, the introductory period may be extended at the discretion of the General Manager or their designee, or the employee may be terminated from employment. Additionally, if the employee is not able to satisfactorily complete their introductory period due to violation(s) of policy, they will not be eligible to

resume their former position, and may experience disciplinary action, up to and including termination of employment.

3000.6 Introductory Evaluation. At the conclusion of the introductory period, employees will receive a performance evaluation to assess whether the introductory period is successfully completed. The introductory period is not eligible for a merit increase. See Policy 3010 Employee Performance Evaluation and Procedure.

3000.7 Temporary Employee. A temporary employee is defined as anyone hired for a period of 6 months or less. Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees. Temporary Employees may not work more than 1,000 hours or 125 days in a CalPERS fiscal year (July 1-June 30). Retired Annuitants from CalPERS may not work in excess of 960 hours in a CalPERS fiscal year.

1. **Part-Time, Temporary Employee.** A temporary employee working less than 40 hours per week on average in a temporary position is a Part-Time, Temporary Employee. Part-Time, Temporary Employees may work in their positions for up to 12 months but may not work in excess of 1,000 hours (960 hours for Retired Annuitants) in a CalPERS fiscal year (July 1-June 30).

3000.8 Part-Time Employee. A "Part-time" employee is one who is hired to work within any job classification, but whose position is not regular in nature. The part-time employee works whenever the District's workload increases to a level that a regular employee cannot accommodate or when other factors make part-time employment advantageous. On average, part-time employees may not work more than 20 hours per week. They may also work standby as discussed in Policy 3055 if required by their job classification.

1. A temporary or part-time employee will not be eligible for fringe benefits including holiday pay, vacation pay, jury duty pay, health insurance coverage, bereavement pay, or items of a similar nature, nor will they accrue seniority or leave of absence rights except where required by law. Temporary or Part-Time employees are eligible for the Employee Assistance Program (EAP), standard life insurance, standard Accidental Death & Dismemberment (AD&D) insurance, and may be eligible to purchase dental and vision insurance or ancillary benefits at their own option and cost.
2. In accordance with the California Labor Code, a temporary or part-time employee will accrue paid sick leave as of the first day of employment at a rate of 1 hour for every 30 hours worked provided that the employee has worked for 30 or more days within a year from the beginning of employment. The temporary or part-time employee will be eligible to take paid sick leave after the 90th day of employment. The employee shall be limited to an annual accrued sick leave limit of 24 hours annually.

POLICY TITLE: EMPLOYEE INFORMATION AND EMERGENCY DATA
POLICY NUMBER: 3001

3001.1 It is the policy of the District to maintain accurate and vital personal contact information for each employee and Director of the District. This information is needed to maintain accurate payroll, benefits, and emergency information for all employees and Directors. All such information shall be maintained as confidential to the extent allowed by law.

3001.2 It is important that employees promptly notify the District of any changes to their personal information, including:

1. Name
2. Home and Mailing Address
3. Home and Cell Phone Telephone Numbers
4. Change of Emergency Contact Information
5. Educational Accomplishments, such as relevant water certifications
6. Marital or Registered Domestic Partner Status, if necessary for benefits purposes
7. Any dependents the employee wishes to include for benefits purposes
8. Driver's License Status
9. Payroll Deductions and Direct Deposit Information
10. Benefit Plan Beneficiary

3001.3 Employees are responsible for notifying the Human Resources Department in the event of a change in vital information as described above or any other District policy or procedure. A Change of Name/Address form may be obtained from Human Resources.

3001.4 Per California Government Code §3100-3109, an employee must file a new loyalty oath, also known as a Disaster Service Worker and Loyalty Oath, with the District within 10 calendar days of a change of name.

3001.5 The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner for a loss of benefits or services by the employee or dependents.

3001.6 Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of their job, as well as any documents showing that education or training relevant to employment has been completed.

3001.7 **Release of Information.**

1. Personnel records are considered confidential and are the property of the District.
2. Except as required by law, no information from an employee's personnel file will be released verbally or in writing other than job title, and dates of employment. Internal inquiries from other

District departments and inquiries from law enforcement agencies are exceptions to this policy.

3. Inquiries from prospective employers should be directed to the Human Resources Department. The only information to be provided will be the employee's job title, employment dates, employment end date (if no longer employed by the District), and total time of employment with the District.
4. An employee may authorize the release of salary information (e.g., for purposes of credit evaluation) by providing specific authorization.
5. Human Resources will notify the employee (if currently employed) if a verification of employment request is received.
6. All subpoenas served to obtain information contained in District personnel files must be directed immediately to the General Manager or their designee for submission to District legal counsel. It is the District's policy to comply fully with a properly issued subpoena including proof of service to the employee and absent written objection by the employee or document (i.e., Motion to Quash) from the employee's attorney.
7. Employees may examine the allowable contents of their own personnel records by contacting Human Resources and providing a Personnel Records Request form, which is obtainable from Human Resources.
 - a. Employees must review their personnel files in the presence of a Human Resources employee, the General Manager, or their designee.
 - b. Employees may not remove from the office any part of the personnel file.
 - c. The employee may request copies of the file or portions of the file. Within reason, Human Resources will provide copies. For extensive copying, the District's regular Public Records Act copying charges will apply.
 - d. In the event an employee wishes to dispute a document in their personnel file, in the presence of Human Resources the employee may write an explanation or clarification and attach it to the disputed document. Under no circumstances will Human Resources or the employee alter the original document.
8. Employees may authorize the release of their own personnel records by executing a written request identifying the records to be released and the person or entity to which they may be released. Ordinarily, no information on past or present employees shall be provided by the District, other than employment dates and job title, unless such requests for information are accompanied by a signed authorization by the employee to release the information requested.

3001.8 For additional information about electronic records see IT Policy 7050 Personally Identifiable Information.

POLICY TITLE: EMPLOYEE GROUPS
POLICY NUMBER: 3002

3002.1 **Preamble.** Pursuant to Government Code section 3500 et seq., known as the Meyers-Milias-Brown Act or MMBA, the District has established procedures, set forth herein, for the administration of employer-employee relations. If the procedures set forth below do not address a particular process or scenario, the District shall follow the process provided for in the MMBA. Nothing in this policy shall restrict or limit the ability of the District to negotiate a Memorandum of Understanding (MOU) with a recognized employee group that establishes different procedures, in which case such procedures shall supersede those set forth in this policy.

3002.2 **Definitions.**

1. Confidential Employee: an employee who, in the course of their duties, has access to confidential information relating to the District's administration of employer-employee relations, including Human Resources classifications and executive management.
2. Management Employee: an exempt (salaried) employee. Management employees may have an employment agreement with the District and are responsible for administering and managing the implementation of District policies and procedures.
3. Executive Management: Classifications which lead a department, such as the Director of Finance & Administration, Director of Operations, etc.
4. Consult/Consultation in Good Faith: to communicate orally or in writing with an Employee Association or Employee organization for the purpose of presenting and obtaining views or advising of intended actions; and, as distinguished from meeting and conferring in good faith regarding matters within the required scope of such meet and confer process, does not involve an exchange of proposals and counterproposals in an endeavor to reach agreement.
5. Chief Negotiator: The General Manager or their designee.
6. Recognized Employee Organization or Recognized Employee Association: an employee organization which has been formally acknowledged by the District as the sole employee organization representing the employees in an appropriate representation unit, having the exclusive right to meet and confer in good faith concerning statutorily required subjects pertaining to unit employees, and thereby assuming the corresponding obligation of representing such employees.
7. Impasse: The Chief Negotiator and a Recognized Employee Organization or Employee Association have reached a point in their meeting and conferring in good faith where their differences on matters within the scope of representation remain so substantial and prolonged that further meeting and conferring would be futile.

3002.3 Representation Proceedings. An employee organization that seeks to be formally acknowledged as a Recognized Employee Organization or a Recognized Employee Association representing the employees in an appropriate unit shall file a petition with the Chief Negotiator. Upon receipt of the petition, the Chief Negotiator will determine whether the petition complies with the requirements of such petition, whether the proposed representation unit is an appropriate unit, and shall give written notice of the determination of the petition.

3002.4 Election Procedure. It is the responsibility of the Recognized Employee Organization or Recognized Employee Association to arrange for a secret ballot election to elect Association or Organization Representatives. The District will permit reasonable time and privacy for the election to take place.

3002.5 Use of District Resources. Access to District work locations and the use of District paid time, facilities, equipment, and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in an MOU and/or administrative procedures, shall be limited to lawful activities consistent with employer-employee relations and shall not interfere with the efficiency, safety, and security of District operations. Pursuant to Government Code Section 3505.3, the District shall allow a reasonable number of employees reasonable time off without loss of compensation or benefits when formally meeting and conferring on matters within the scope of representation.

3002.6 Impasse Procedure. If the meet and confer process has reached impasse as defined earlier in this policy, either party may initiate an impasse by filing with the other party a written request for an impasse meeting, together with a statement of its position on all issues. An impasse meeting shall then be scheduled by the Chief Negotiator. The purpose of such meeting shall be:

1. To review the position of the parties in a final effort to reach agreement on an MOU; and
2. If the impasse is not resolved, the parties shall use the method set forth in the MMBA at Government Code section 3505.2.
3. All mediation proceedings shall be private. The mediator shall make no public recommendation, nor take any public position at any time concerning the issues.
4. If the parties fail to agree to submit the dispute to mediation or fail to agree on the selection of a mediator, the parties may agree to submit the impasse to fact-finding, as set forth in Government Code section 3505.4.
5. If the dispute is not settled within 30 days after the appointment of the factfinding panel, or upon agreement by both parties within a longer period, the parties shall follow the procedure set forth in Government Code section 3505.5 - 3505.7.

3002.7 Nothing in this policy shall be construed to deny to any person, employee, organization, the District, or any authorized officer, body, or other representative of the District, the rights, powers, and authority granted by Federal or State law.

POLICY TITLE: COMPENSATION
POLICY NUMBER: 3005

3005.1 **Compensation at Hiring.** This policy shall apply to all District employees.

3005.2 **New Employees.** All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided in this policy. Changes to the salary schedule must be approved by the Board of Directors. Employees may request a copy of the salary schedule from Human Resources or from their supervisor, and the salary schedule will be available on the District website.

3005.3 The General Manager, or their designee, may authorize a starting rate for a new employee at a higher step within the classification range based on a candidate's experience and eligibility. This action shall be noted in the employment agreement or conditional offer letter, to be maintained in the employee's personnel file.

3005.4 **Advancement within Range.** The General Manager shall authorize advancement within the salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee (see Policy 3010).

3005.5 **Promotion.** When the District has an opening in a classification above the entry level, notice shall be posted in the break room(s), or similar employee notice areas for all work locations, prior to filling the position. The District may elect to recruit internally-only or give preference to internal candidates, if desired. All candidates, whether internal or external, shall be evaluated equally with the most qualified candidate being selected for the position. Regular employees elevated in classification shall serve a minimum 6-month introductory period in their newly acquired position. Regular status will be dependent on the job performance evaluation which will occur at the end of the introductory period (see Policy 3000.3-3000.6).

3005.6 **Performing Work Out of Classification.** Employees required to work a normal shift in a temporary classification higher than their current classification will be paid a shift differential equivalent to 5% of their base pay rate. Should an employee be required to work temporarily in a classification paying less than their established rate, they will be paid at their normal rate. Employees may not perform work out of classification for longer than 6 months.

3005.7 **Step Increases.** Employees below Step 5 in their classification shall be eligible for step increases based on their individual performance evaluation. Individual performance evaluations shall be conducted at 12-month intervals for all employees, based on anniversary date of either hire, transfer, or promotion to their current position. Employees are not eligible for increases after completing a 6-month introductory period.

3005.8 **Overtime.** See Policy 3055.5.

POLICY TITLE: PUBLIC WORKS CONTRACTOR - EMPLOYEE RELATIONS
POLICY NUMBER: 3006

3006.1 **Labor Code Compliance.** Pursuant to the California Labor Code, "Public Works" generally include construction, pre-construction, alteration, demolition, installation, repair work, and maintenance, done under contract by the District. To the extent mandated by the Labor Code, the District requires its public works contractors to pay prevailing wages, register with the California Department of Industrial Relations, maintain certified payroll records, and otherwise comply with all provisions of the Labor Code applicable to public works. (See Labor Code Sections 1720 through 1861).

3006.2 **Equal Opportunity.** The District requires contractors on public works projects to provide documentation of having an Equal Opportunity Employer policy in effect, in order to be awarded a contract.

3006.3 **Harassment.** The District requires contractors on public works projects to conduct regular Sexual Harassment training for all employees in order to be awarded a contract.

POLICY TITLE: EMPLOYEE PERFORMANCE EVALUATION
POLICY NUMBER: 3010

3010.1 **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.

3010.2 **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.

3010.3 **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 as necessary; and will maintain a copy of each evaluation in the employee's official personnel file. Human Resources will provide an annual compliance report to the General Manager by January 31st for the prior calendar year. The General Manager will share the statistical report (overall percentage of compliance) with the Personnel Committee of the Board of Directors.

3010.4 **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.

3010.5 **Preparation of Evaluations.** All employees shall have their job performance evaluated by their immediate supervisor on an annual basis. Interim and/or introductory period evaluations may be completed as necessary to effectively document employee performance. Human Resources shall review the drafted evaluation before it is delivered to the employee in an evaluation conference. In the event that Human Resources and the supervisor cannot come to a consensus, the matter may be referred to the General Manager and/or to legal counsel.

1. **Annual Evaluation.** All employees will have their performance evaluated at the time of their anniversary date (of hire, promotion, or transfer to their most recent position) 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 (Policy 3215). Employees receiving an overall rating of less than Satisfactory are not eligible to receive a merit increase.

2. **Introductory Evaluation.** Introductory evaluations may be completed during the introductory period (Policy 3000). Upon successful completion of the introductory period, employees shall transition to "Regular" status and receive an annual evaluation at the time of the employee's anniversary date. The introductory evaluation is the tool in which the immediate supervisor determines whether the introductory employee has the skills and other qualifications needed to perform satisfactorily. The immediate supervisor shall indicate on the Performance Evaluation Form if the introductory employee is recommended to pass the introductory period, or if an extension of the introductory period is necessary. An extension of the introductory period must be approved by the General Manager or their designee. The extension of the introductory 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, or department to do so. This type of evaluation 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, counselling, 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 if 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, in coordination with Human Resources, are responsible for developing a Performance Improvement Plan (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 performance 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.

3010.6 **The Evaluation Form.** The 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 separate written response within 30 calendar days which will then be filed with the evaluation form.

3010.7 Staff members are required to complete a Self-Evaluation Form prior to the evaluation conference with their supervisor. The Self-Evaluation Form will be provided to Human Resources along with the completed Performance Evaluation Form and maintained in the employee's personnel file.

POLICY TITLE: PERFORMANCE EVALUATION-GENERAL MANAGER
POLICY NUMBER: 3015

3015.1 The General Manager of the District is retained and serves at the will of the Board of Directors. The Board of Directors shall review the performance of the General Manager after the initial 6 months of service after appointment and then annually thereafter, using a process that provides for discussion and encourages feedback in the development of goals and the performance evaluation.

3015.2 **Occurrence.** The performance evaluations should occur in closed session annually during the first Board of Directors meeting of the month in which the evaluation is due, or on another date mutually acceptable to the Board of Directors and the General Manager. Human Resources shall maintain a notification system that tracks the date when the evaluation is due to ensure the Board agenda is properly noticed and to provide adequate advance notice to the Board and the General Manager.

3015.3 **Evaluation Form.** The Board of Directors will agree upon an evaluation format to be utilized by the Board prior to the formal performance review session. The Board of Directors shall be encouraged to prepare input prior to the formal review.

3015.4 **Evaluation.** During the scheduled closed session(s), the Board should meet as a group with the General Manager to discuss the components of the performance evaluation and receive feedback from the General Manager relative to the Board's assessment. If requested by the Board, the District's Legal Counsel may attend the evaluation closed session.

3015.5 **Goals and Objectives.** The Board of Directors and General Manager should jointly develop written goals and objectives for the subsequent evaluation period.

3015.6 **Compensation Award.** Any decision on a compensation award shall be made at a public meeting following the closed session evaluation meeting.