

RESOLUTION 2022-16

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
AMENDING THE DISTRICT'S POLICIES AND
PROCEDURES MANUAL**

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 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 Sections:

3025	Pay Periods
3030	Gift Acceptance Guidelines
3035	Outside Employment
3205	Substance Abuse (In Conformance with Department of Transportation Guidelines)

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

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

3206	FMCSA Clearinghouse Registration
5100	Press Relations and Social Media

attached hereto as Exhibits B and C

ADOPTED this 11 day of May, 2022, by the following vote:

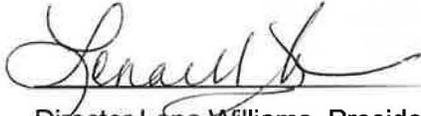
AYES: Hoffman, Covington, Stawson, Ramirez, Williams

NOES:

ABSTAIN:

ABSENT:

ATTEST:



Director Lona Williams, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



Director David Hoffman, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachments – Exhibit A: Policies 3025, 3030, 3035 and 3205
Exhibit B: Policy 3206
Exhibit C: Policy 5100

POLICY TITLE: PAY PERIODS
POLICY NUMBER: 3025

3025.1 The pay period shall commence on Sunday at 12:00 A.M. and continue until 11:59 P.M. the second Saturday following. Payday shall occur on the Thursday following the end of the pay period.

3025.2 The work week shall consist of 168 consecutive hours beginning on Sunday at 12:00 A.M. and ending the following Saturday at 11:59 P.M.

POLICY TITLE: GIFT ACCEPTANCE GUIDELINES**POLICY NUMBER: 3030**

3030.1 An employee or his or her immediate family may not accept from, or provide to, individuals of companies seeking to do business with the District, gifts, entertainment, services, or benefits unless the transaction meets all of the following guidelines:

1. Is customary and does not give the appearance of impropriety,
2. Does not impose any sense of obligation on either the giver or the receiver,
3. Does not result in any kind of special or favored treatment,
4. Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense, and
5. Is given and received with no effort to conceal the full facts by either the giver or receiver.

3030.2 A gift is considered anything that confers a personal benefit, including a rebate or discount not given to the public, for which an employee does not provide payment or services of equal or greater value. An employee or his/her immediate family (as defined in Fair Political Practices Commission (FPPC) Regulation 18943) may not accept from, or provide to, individuals or companies doing or seeking to do business with the District, gifts, entertainment, services, or benefits from any single source totaling more than the calendar year maximum published by the FPPC.

3030.3 Employees of the District who are designated in the District's conflict of interest code (and therefore are required to file a Statement of Economic Interests Form 700 annually), may not accept gifts from any single source totaling more than the calendar year maximum published by the FPPC in a calendar year (Gov. Code §89503(c)).

3030.4 Gift Exceptions. The following are exceptions to the definition of gift and are not considered gifts or income under this policy.

1. Return or Reimbursement of Gift. Items that are returned unused or reimbursed to the donor within 30 days of receipt.
2. Donation of Gift to Nonprofit Group. Items that are donated unused to a non-profit, tax-exempt organization or a government agency within 30 days of receipt, without a tax deduction claim.
3. Gifts from Family. Gifts from the public official or employee's spouse, child, parent, grandparent, grandchild, brother, sister, current or former parent-in-law, brother-in-law, sister-in-law, aunt, uncle, niece, nephew, or first cousin or the spouse of any such person, great grandparents, great uncles and aunts, great-nieces and nephews, and first cousins once removed.
4. Informational Material. Informational material provided to assist the public official or employee in the performance of their duties, including books, reports, pamphlets, calendars, periodicals, videotapes, or free admission or discounts to informational conferences or seminars.
5. Inheritance.
6. Plaques. Personalized plaques and trophies with an individual value of less than \$250 (Gov. Code §82028(b)(6); Regulation 18942(a)(6)).
7. Items Provided to District. Items provided to the District and used by employees for District business, such as a vendor sample or demonstration.
8. Ceremonial Role. Free admission to a ticketed event for the public official or employee and one guest, where the public official or employee performs a ceremonial role.
9. Event Where Official Makes a Speech. Free admission, food, and nominal items available to all attendees, at an event where the public official or employee makes a speech.
10. Attending Wedding Reception. Benefits received as a guest to a wedding reception where the benefits are the same as those received by the other guests.

11. Bereavement Offerings. Bereavement offerings received in memory of a close family member.
12. Acts of Neighborliness. Benefits received as an act of neighborliness.
13. Campaign or Nonprofit Fundraiser. Two tickets for admission to attend a fundraiser for a campaign committee, candidate, or nonprofit organization.
14. Unused Passes or Tickets. Passes or tickets that are unused and not given to another person.
15. Emergency Leave Credits. Leave credits (e.g., sick leave or vacation credits) received under the District's Employee Leave Donation Program (Policy 3225).
16. Disaster Relief. Benefits received from a disaster relief program available to the general public.
17. Agency Raffle. Items awarded in a raffle received by the District from an employee who is not acting as an intermediary for another donor. Alternatively, when the District holds an employee raffle and the item awarded in the raffle has been obtained with District funds.
18. Employee Gift Exchange. Items received by an employee during an employee gift exchange.

3030.5 District employees are required to follow all regulations of the California Fair Political Practices Commission (FPPC). Information and advice regarding the regulations can be found at fppc.ca.gov. Failure to comply with the laws related to gifts, honoraria, loans, and travel payments may, depending on the violation, result in criminal prosecution and substantial fines, or in administrative or civil monetary penalties for as much as \$5,000 per violation or three times the amount illegally obtained. (See Gov. Code §§ 83116, 89520, 89521, 91000, 91004 and 91005.5.)

POLICY TITLE: OUTSIDE EMPLOYMENT
POLICY NUMBER: 3035

3035.1 No District employee shall be permitted to accept employment in addition to or outside of District service if:

1. The additional or outside employment leads to a conflict or potential conflict of interest for said employee;
2. The nature of the additional or outside employment is such that it will reflect unfavorably on the District;
3. The duties to be performed in the additional or outside employment conflict with the duties involved in District service; or
4. The additional or outside employment adversely affects the employee's performance of his or her job for the District, including by causing absenteeism, tardiness, or less attention paid to District-related responsibilities.

3035.2 **District Resources.** An employee who does have additional or outside employment shall not be permitted to use District assets including records, materials, equipment, facilities, vehicles, technology, electronic resources such as e-mail or District servers, or other District resources in connection with said employment.

3035.3 **Disclosure.** Employees are ~~required~~^{encouraged} to disclose outside employment to his or her immediate supervisor to prevent a potential conflict of interest. The supervisor shall notify Human Resources. The determination of a conflict of interest may be appealed to the General Manager or their designee. A conflict of interest will be determined based on the following non-exclusive criteria:

1. The other employer is a current vendor, contractor, or consultant of the District.
2. The other employer is a partner agency.
3. The other employment does not meet the requirements of section 3035.1 above.

POLICY TITLE: SUBSTANCE ABUSE (IN CONFORMANCE WITH DEPARTMENT OF TRANSPORTATION GUIDELINES)**POLICY NUMBER: 3205**

3205.1 **Purpose.** The purpose of this policy is to ensure worker fitness for duty and to protect District employees and the public from risks posed by the use of alcohol and other prohibited substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) has enacted 49 CFR Part 382 that mandates urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which is applicable to certain employees, requiring the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. This policy incorporates those requirements of safety-sensitive employees and others when so noted.

3205.2 The District recognizes that the use of alcohol and/or other prohibited substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy, and productive work environment for all employees, it is the objective of the District to have a workforce that is free from the influence of drugs and alcohol.

3205.3 Any terms or procedures not defined within the District's policy shall be defined by the Department of Transportation regulations, which are incorporated by reference herein, and as follows: 49 CFR Part 382, 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," and 49 CFR Part 40.

3205.4 **Applicability.** This policy applies to all employees when present on District property, including in a District vehicle, or when performing any District-related business. This policy applies to all tasks that involve the operation of heavy equipment, use of hand tools, and any function in which the employee's performance, reflexes, and/or judgment impact the safety of the employee or others. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when an employee is scheduled to return to work. Any employee who may be required to complete the "return-to-duty" process with a Substance Abuse Professional (SAP) shall not be compensated for time off and shall pay all costs associated with the "return-to-duty" process. A safety-sensitive employee is generally any employee who, in the normal course of business, is required to operate District vehicles or heavy equipment, or performs any function in which the employee's performance, reflexes, and/or judgment impact the safety of him- or herself or others. Additionally, a safety-sensitive employee is:

1. One in any classification requiring the use of a Class "A" or Class "B" commercial driver's license, as listed in Appendix A;
2. One who desires in the future to voluntarily drive a District vehicle requiring a commercial license, or may be required to operate a District vehicle requiring a commercial license on an emergency basis; or,
3. One who performs safety-sensitive functions as specified in Appendix A. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

3205.5 **Prohibited Substances.** "Prohibited Substances" addressed by this policy include, but are not limited to, the following:

1. **Drugs.** Marijuana, amphetamines, opiates, phencyclidine (PCP), cocaine, and all other substances that are illegal under state or federal law.
2. **Alcohol.** The use of beverages or substances, including any medication, containing alcohol, such that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform, or immediately available to perform, any District business is prohibited. "Alcohol" is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.
3. **Controlled Substances.** The Drug Enforcement Agency (DEA) has classified certain medications as controlled substances. While certain controlled substances may be legal if taken in accordance with a medical doctor's prescription and instructions for proper use, any misuse or abuse of controlled substances is prohibited under the District's policy. Additionally, if proper use of a controlled substance impacts an employee's ability to perform his or her job, the employee is required to inform a supervisor. The District will comply with all state and federal laws.
4. **Legal Medications.** Using or being under the influence of any legally prescribed medication(s), or non-prescription medication(s) while performing district business or while on District property is prohibited to the extent that such use of influence affects job safety or effective and efficient job performance. An employee who feels his/her performance of work-related duties may be impaired by the use of any legal substance which carries a warning label that indicates that mental functioning, motor skills, and/or judgment may be adversely affected shall report it to his/her supervisor, and medical advice shall be sought before performing work-related duties.
5. **Medical Marijuana.** The District, as well as the DOT, views marijuana as a Schedule I controlled substance and prohibits employees from having any detectable level in his or her system while working for the District, despite an employee's possession of a "Medical Marijuana" card or prescription from a physician, which causes marijuana to be detected in a urine sample. The operation of a motor vehicle is prohibited while using marijuana.
6. **CBD Oil.** The labeling of many CBD Oil, or Cannabidiol, products may be misleading because the products could contain higher levels of THC, or Tetrahydrocannabinol, than the product label states. The Food and Drug Administration (FDA) does not currently certify the levels of THC in CBD products, so there is no federal oversight to ensure that the labels are accurate. The DOT's Drug and Alcohol Testing Regulation, Part 40, does not authorize the use of Schedule I drugs, including marijuana, for any reason. Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, Medical Review Officers will verify a drug test confirmed at the appropriate cutoffs as positive, even if the employee claims he or she only used a CBD product.

3205.6 **Prohibited Conduct.** Engaging in unlawful possession or use of a prohibited substance or alcohol on District premises, in a District vehicle, or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a certified Substance Abuse Professional (SAP) and may result in discipline, up to and including termination of employment.

1. **Manufacture, Trafficking, Possession, and Use.** Engaging in unlawful manufacture, distribution, or dispensing of a prohibited substance or alcohol on District premises, in a District vehicle, or while

conducting District business off premises is strictly prohibited. Violation may result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected.

2. **Impaired/Not Fit for Duty.** Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion prohibited substance or alcohol test. Employees failing to pass this reasonable suspicion prohibited substance or alcohol test shall remain off duty and be referred to an SAP. A prohibited substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the DOT guidelines (49 CFR Part 40).
3. **Alcohol Use.** No employee may report for duty or remain on duty when his/her ability to perform assigned functions are adversely affected by alcohol.. No employee shall use alcohol during working hours.. Violations of this provision are prohibited and will subject the employee to disciplinary action, up to and including termination, and may include removal from safety-sensitive duty and referral to an SAP.
4. **Compliance with Testing Requirements.** All safety-sensitive employees are subject to randomized prohibited substance testing and breath alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test, or who attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breath sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior, or physical absence resulting in the inability to conduct the test.
5. **Treatment/Rehabilitation Program.** An employee who tests positive for a prohibited substance and/or alcohol will be afforded an opportunity for treatment in accordance with the following provisions:
 - a. **Positive Substance and/or Alcohol Test.** The option to attend a Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent prohibited substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation, and completion of the rehabilitation program, is mandatory. Failure of an employee to attend and complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than 1 year or longer than 5 years.
 - b. **Voluntary Admittance.** All employees who feel he or she requires treatment for use of prohibited substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to Human Resources for review. Program costs and subsequent prohibited substance and/or alcohol testing costs will be paid by the employee. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty prohibited substance and/or alcohol test and be subject to unannounced follow-up testing for 36 months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests may result in discipline up to and including termination of employment. The District will comply with its obligations under state and federal law.

6. **Leave Time.** Participants in the rehabilitation program may use accumulated sick leave, vacation, and floating holidays, if any. If no time is available, any leave granted will be unpaid, and participants will not accumulate vacation or sick time while on leave, and will not be paid for District Holidays, under any circumstance.

3205.7 **Notifying the District of Criminal Drug Conviction.** Pursuant to the "Drug-Free Workplace Act of 1988," any employee subject to the Act who fails to immediately notify the District of any criminal drug or alcohol statute conviction shall be subject to disciplinary action, up to and including termination of employment.

3205.8 Safety-sensitive employees who are convicted of driving under the influence of or while impaired by drugs or alcohol, or otherwise have his or her driving license suspended and are unable to perform his or her regular essential duties, will be removed from duty and placed on unpaid leave until the employee is able to perform his or her regular essential duties. Employees who are unable to return to his or her regular essential duties under this section due to permanent loss of license, or refusal to complete requirements to return to work, shall be subject to disciplinary action, up to and including termination of employment.

3205.9 **Proper Application of the Policy.** The District is dedicated to ensuring the fair and equitable application of this Substance Abuse Policy. Therefore, supervisors and management personnel are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor, manager, or human resources employee who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates, shall be subject to disciplinary action, up to and including termination of employment.

3205.10 **Testing for Prohibited Substances.** Analytical urine prohibited substance testing and breath testing for alcohol will be conducted as required under DOT guidelines. All employees shall be subject to testing prior to a final offer of employment and for reasonable suspicion, and in some instances, following an accident or near-miss to which the employee might have contributed. All safety-sensitive employees shall be subject to testing randomly following an accident, as defined in the DOT guidelines. An accident is defined as an event leading to a fatality, a citation issued by a law enforcement official to the driver, bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or one or more vehicles incurs disabling damage as a result of the accident that renders the vehicle unable to be legally driven or requires the vehicle to be transported away from the scene by a tow truck or another vehicle. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a prohibited substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to 5 years, as determined by an SAP. Safety-sensitive employees who perform safety-sensitive functions as defined in Appendix A and in the DOT guidelines (49 CFR Part 40) shall also be subject to testing on a randomly selected and unannounced basis.

3205.11 Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities that have been approved by the Department of Health and Human Services (DHHS), including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines.

3205.12 An initial prohibited substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the prohibited substance levels present are above the minimum thresholds established in the DOT guidelines.

3205.13 Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device

(EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04, will be removed from his/her position under the provisions of Section 3205.14 below, unless a retest within 15-20 minutes results in an alcohol concentration of less than 0.02. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

3205.14 Any employee who has a confirmed positive prohibited substance or alcohol test as defined in Section 3205.13 will be removed from his/her position, placed on unpaid leave, informed of educational and rehabilitation programs available, and must obtain and submit an evaluation by an SAP. Employees with a confirmed positive prohibited substance or alcohol test may be subject to disciplinary action, up to and including termination. The District affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. However, the District may be obligated under certain circumstances to divulge information to authorized recipients, and complete confidentiality is not guaranteed.

3205.15 Circumstances Under Which Employees May be Tested.

1. **Pre-Employment Testing.** All job applicants who have been offered District employment requiring the regular performance of safety-sensitive tasks, as well as current employees who promote, demote, or transfer to safety-sensitive positions, shall undergo urine prohibited substance testing prior to employment. Receipt of satisfactory test results is required prior to his or her employment and failure of a prohibited substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote, or transfer to safety-sensitive positions shall be required to test negative prior to his or her assignment. The District will obtain records from previous employers of new employees to conform to DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide "clean" records from previous employers, will fail to complete the District's probationary period.
2. **Reasonable Suspicion Testing.** All employees will be subject to urine and/or breath testing when there is a reason to believe that the employee is under the influence of prohibited substances or alcohol while performing his or her job duties or on District property. A reasonable suspicion referral for testing will be made on the basis of documented, objective facts and circumstances which are consistent with the effects of substance abuse.
3. Reasonable suspicion determinations will be made by a supervisor or other designated individual who is trained to detect the signs and symptoms of prohibited substance and alcohol use and reasonably concludes that an employee may be using a prohibited substance while performing his or her job duties or on District property. Examples of reasonable suspicion include, but are not limited to, the following:
 - a. Adequate documentation of unsatisfactory work performance or on-the-job behavior that indicates the use of prohibited substances.
 - b. Physical signs and symptoms, including appearance, behavior, speech, or body odors, consistent with prohibited substance use.
 - c. Occurrence of a serious or potentially serious (near-miss) accident that appears to have been caused by a lapse in judgment or reflexes by the employee, or that otherwise appears to have been caused by the use of a prohibited substance by the employee.

- d. Fights (i.e., physical contact), assaults, and flagrant disregard or violations of established safety, security, or other operational procedures.
4. **Post-Accident Testing.** All employees, whether or not in a position classified as safety-sensitive, will be required to undergo prohibited substance and/or breath alcohol testing if he or she is involved in an accident while operating or assisting in the operation of a motor vehicle for District business that results in a fatality, injury to any person requiring transport to a medical facility, or damage to a vehicle requiring towage from the site. In addition, if the employee is operating a commercial motor vehicle for District business and receives a citation for a moving traffic violation arising from the incident, the employee will be required to undergo testing, regardless of the nature of the incident. An employee may also be required to undergo prohibited substance and/or breath alcohol testing if he or she is involved in a "near miss" accident which leads to a Reasonable Suspicion determination (see Section 3205.14.3) or if he or she is involved in multiple "near-miss" accidents within a short duration.
5. Following an accident in which testing is required, all employees whose performance could have contributed to the accident will be tested for prohibited substances as soon as possible, preferably within 2 hours of the incident. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to prohibited substance and alcohol testing will be considered to have refused the test and be subject to termination of employment. Post-accident testing covers not only the operation personnel but any other employees whose performance could have contributed to the accident.
6. **Random Testing.** Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested during working hours and will be paid for the time taken to test. All testing will be paid by the District.
7. When safety-sensitive employees are off work due to long-term layoffs, illness, injury, or vacation, the employee's name will be placed back into the pool and another employee's name selected.
8. The number of safety-sensitive employees selected for random testing will be the amount required by DOT guidelines. Currently, 10% of the employee pool is tested for alcohol and 25% for substance abuse. The employee pool will either be all District safety-sensitive employees, or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.
9. **Return-to-Duty Testing.** All employees who previously tested positive for a prohibited substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up prohibited substance and/or alcohol breath testing following returning to duty. The SAP will determine the duration and frequency. However, it shall not be less than six tests during the first 12 months, nor longer than 60 months in total, following return to duty.
10. **Employee Requested Testing.** Any employee who questions the result of a required prohibited substance or alcohol test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS-certified

laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidates the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The employee's request for a retest must be made to his or her supervisor or to Human Resources within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

11. **Records Retention.** The District shall maintain complete records of alcohol and/or prohibited substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available only to the DOT or any government or law enforcement agency authorized by law to access the records. Records will be kept for a minimum of 5 years regarding the following: driver alcohol tests; positive prohibited substance tests; documentation on refusals to take alcohol or prohibited substance tests; and, employee evaluations and referrals. Records will be kept for a minimum of 2 years regarding the alcohol and prohibited substance collection process. Documentation of the random selection process will be kept for a minimum of 1 year.

3205.16 **Employee Assessment.** Any employee who tests positive for the presence of prohibited substances or whose breath alcohol concentration is above the minimum thresholds set forth in the DOT guidelines will be assessed by an SAP. An SAP is a District selected licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of drug and alcohol-related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance or alcohol abuse or misuse. If an employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-to-Duty Agreement, pass a return-to-duty prohibited substance and/or alcohol test and be subject to unannounced follow-up tests for a period of 1 to 5 years, as determined by the SAP. The cost of any rehabilitation and subsequent prohibited substance and/or alcohol testing is borne by the employee and is on a one-time basis only. Subject to applicable state and federal laws, an employee may be terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

3205.17 **Test Related Time-Off Work Provisions.** Any employee who is relieved from duty due to a positive alcohol or prohibited substance test must use accumulated compensated leave (i.e., vacation, sick leave, and administrative leave) during the regularly scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or prohibited substance test, such time shall be without pay. Leave taken to participate in the prescribed rehabilitation program is not eligible for the Employee Leave Donation Program (Policy 3225). In the event there is a false positive test the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.

3205.18 **Contact Person.** Any questions regarding this policy should be directed to Human Resources or to the General Manager.

3205.19 **FMCSA Clearinghouse.** The District is prohibited from allowing any driver with a Class "A" or Class "B" Commercial Driver's License that has committed a testing violation and has not completed the return-to-duty process as outlined in this policy to perform safety-sensitive functions. Drivers will be notified by the Federal Motor Carrier Safety Administration (FMCSA) when the District obtains information from the

Clearinghouse regarding the violation, or when information concerning the commercial driver is added, revised, or removed (Policy 3206).

1. The following violations or milestones will be reported to the Clearinghouse for any drivers who are subject to the Clearinghouse rules. The District, its service providers, its Medical Review Officer(s), and/or its Substance Abuse Professional(s) (SAPs) are required by FMCSA directed to report:
 - a. Any verified positive, adulterated, or substituted DOT drug test
 - b. Any validated DOT alcohol test of 0.04 or higher
 - c. Any refusal to submit to a DOT required drug or alcohol test
 - d. Any confirmed and recorded "actual knowledge" that the driver violated the DOT drug or alcohol rules, including:
 1. Any on-duty alcohol use, including any citation for during under the influence of alcohol (DUI/DWI) while driving a commercial motor vehicle
 2. Any alcohol use within 4 hours before going on duty
 3. Any alcohol use within 8 hours of an accident or before a post-accident test is complete (whichever is first)
 4. Any prohibited drug use while on duty
 - e. Successful completion of the return to duty process following treatment
 - f. Any negative DOT return-to-duty test
 - g. Successful completion of follow-up testing
2. Commercial Drivers must grant consent for the District to purchase Clearinghouse reports:
 - a. Prior to employment with the District, all commercial drivers must create a Clearinghouse account and log in to permit the District consent to acquire a "full" query report.
 - b. Commercial drivers must sign a separate Consent "for Limited Queries" form allowing the District access to "limited" queries each year.
 - c. The District will notify the commercial driver that he or she must immediately log in to the Clearinghouse to provide permission so that the District may obtain the driver's full Clearinghouse record if a limited query exposes information about the driver.
 - d. A commercial driver who refuses to grant the consent described above will not be allowed to perform any safety-sensitive duties as defined in §382.107. The commercial driver will not be allowed to resume the safety-sensitive duties until the driver has granted the mandatory consent, the District then obtains the report, and the Clearinghouse query shows that the driver is eligible to carry out safety-sensitive duties. If the commercial driver is not allowed to perform any safety-sensitive duties as a result of refusal to grant consent as described, the employee may be eligible for disciplinary action, up to and including termination of employment.
3. Notice of Violations. Commercial drivers are required to notify the District in writing if he or she has violated the drug and/or alcohol prohibitions of 49 CFR Parts 40 or 382 while employed with the District. The statement must be received before the end of the business day the day after the commercial driver received notification of the violation or prior to performing any safety-sensitive duties, whichever comes first.
4. Use of Information. The District will only use the information obtained from the Clearinghouse to determine if the commercial driver is prohibited from performing safety-sensitive duties. The District will not divulge, nor permit any other person to divulge, any driver-specific information from the Clearinghouse to any person or entity not directly involved in making such determination.

PROCEDURES**3205.21 Reasonable Suspicion Testing.**

1. An employee who displays objective signs indicating he or she may be under the influence of alcohol and/or prohibited substances, according to a supervisor trained to detect such signs, or other designated, trained individual (for convenience, referred to hereinafter as "supervisor"), shall be subject to reasonable suspicion testing.

Any employee may identify someone suspected of alcohol and/or prohibited substance abuse to any supervisor. The supervisor must witness first-hand the employee's signs and symptoms. Note: Employees should consider that it is against District policy to make false or malicious statements about other employees and that doing so can result in disciplinary action.

2. The supervisor is then obligated to ensure that the matter is immediately investigated. An incident report is written and signed by the supervisor and submitted to Human Resources.
3. When the supervisor(s) reasonably suspect and believe that the employee may be under the influence of alcohol and/or prohibited substances, the employee is then immediately suspended from duty (with pay) and driven by a designated District employee (or others designated) to the District's specified collection site. Testing facilities require the employee in question to show proof of identification, such as a driver's license photo or state-issued photo identification card.

Whenever practical, Human Resources and the General Manager (or his/her designee) should be notified in advance of the employee being taken to the collection site.

4. At the collection site, the employee will be required to submit a urine sample in the event that prohibited substances are suspected, or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
5. The District will take precautions to prevent the employee being tested from going back to work and driving his or her own car home if any of the tests are positive. Instead, the employee will be taken home from the collection by a District employee (or others designated).
6. The employee whose test results are negative (0.02 alcohol concentration or less, and no indication of prohibited substances) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater, the presence of any illegal substance, or the presence of any legal, controlled substance (medication) for which there is no valid medical explanation provided in writing by a medical doctor¹, will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted

¹ In the event that an employee is found to be using a legally prescribed medication, the justification for which is provided in writing by a medical doctor, the District will evaluate whether the use of the legal controlled substance impairs the employee's ability to safely perform his or her job, and reserves the right to reassign, suspend, or terminate the employee, if appropriate, in accordance with applicable state and federal laws.

by the District, must be followed by the employee. In the case of a reported negative dilute result, the District will accept this result as a verified negative. No second collection will be required unless specifically requested by the Medical Review Officer. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

7. The employee whose prohibited substance test results are verified negative will be reinstated immediately. The employee whose prohibited substance test is verified positive by the Medical Review Officer² will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

3205.22 **Random Testing.**

1. The compliance company or consortium notifies Human Resources, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or prohibited substance testing.
2. The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or prohibited substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that prohibited substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
4. The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less and no indication of prohibited substances) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater, the presence of any illegal substance, or the presence of any legal, controlled substance (medication) for which there is no valid medical explanation provided in writing by a medical doctor³, will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. In the case of a reported negative dilute result, the District will accept this result as a verified negative. No second collection will be required unless specifically requested by the Medical Review Officer. Failure to follow the accepted

² A Medical Review Officer is a licensed physician responsible for analyzing laboratory results generated by the District's substance abuse policy testing program.

³ See footnote 1.

recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

5. The safety-sensitive employee whose prohibited substance test results are verified negative will then be released to return to work. The safety-sensitive employee whose prohibited substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. In the case of a reported negative dilute result, the District will accept this result as a verified negative. No second collection will be required unless specifically requested by the Medical Review Officer. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3205.23 Post Accident.

1. The employee performing a safety-sensitive function, including operating a motor vehicle, notifies a supervisor that an accident or a near-miss has occurred.
2. The supervisor determines that the circumstances of the accident or near-miss warrant a post-accident test in accordance with DOT guidelines. The supervisor may confer with Human Resources and/or the General Manager to determine whether a post-accident test is warranted. Then, the supervisor drives the employee or designates someone to drive the employee immediately to the collection site for alcohol and prohibited substance testing. The testing facility requires the employee in question to have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. An incident report is written and signed by the supervisor and submitted to Human Resources.
4. At the collection site, the employee will be required to submit a urine sample for prohibited substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
5. The General Manager (or his/her designee), and Human Resources will be notified that an accident has occurred and that the employee was instructed to go to the collection site.
6. The employee whose test results are negative (0.02 alcohol concentration or less and no indication of prohibited substances) will be released to return to work. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04 will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater, or the presence of any illegal substance or controlled, legal substance for which there is no valid medical explanation provided in writing by a medical doctor⁴, will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. In the case of a negative dilute result, the

⁴ See footnote 1.

District will accept this result as a verified negative. No second collection will be required unless specifically requested by the Medical Review Officer. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination.

7. The employee whose prohibited substance test results are verified negative will be released to return to work. The employee whose prohibited substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. In the case of a reported negative dilute result, the District will accept this result as a verified negative. No section collection will be required unless specifically requested by the Medical Review Officer. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

3205.24 Return to Work and Follow Up.

1. The compliance company or consortium notifies the District to send the employee to the collection site for alcohol and prohibited substance testing.
2. The supervisor notifies the employee to immediately go to the collection site for alcohol and prohibited substance testing. The testing facility requires the employee in question to have proof of identification, such as a driver's license photo or state-issued photo identification card.
3. At the collection site, the employee will be required to submit a urine sample for prohibited substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
4. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02, or whose prohibited substance test is verified positive⁵, will be terminated from employment.

3205.25 Chain of Custody for Specimens.

1. At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
2. Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
3. Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the prohibited substance and/or alcohol testing laboratory, the specimens will be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be

⁵ See footnote 1.

sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.

4. A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with specimen.

3205.26 Specimen Collection of Strange and/or Unrecognizable Substances.

1. An employee is observed with a strange and/or unrecognizable substance reasonably suspected to be a prohibited substance.
2. The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance in a clear plastic bag. The bag is sealed, labeled, and signed by both the supervisor and the witness.
3. An incident report is written by the supervisor and signed by both the supervisor and the witness.
4. The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

3205.27 Alcohol Concentration.

1. The employee and the on-duty Breath Alcohol Technician (BAT) at the testing facility complete the alcohol testing form to ensure that the results are properly recorded.
2. After an explanation of how the breathalyzer works, an initial breath sample is taken.
3. If the results of the initial test show an alcohol concentration of 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must not be conducted less than 15 minutes after, nor more than 20 minutes after the screening test.
4. The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number, and the name and serial number of the EBT device to ensure the reliability of results.

3205.28 Deviations from Procedures. Unless otherwise provided in DOT guidelines, deviations from the foregoing procedures shall not invalidate the results of any prohibited substance tests verified positive by the Medical Review Officer.

References: DOT 49 CFR Part 382
<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&ty=HTML&h=L&mc=true&=PART&n=pt49.5.382>

DOT 49 CFR Part 40
<https://www.ecfr.gov/cgi-bin/text-idx?SID=44edbc0e557a4cc5ff03365810ee5b1c&mc=true&node=pt49.1.40&rgn=div5>
OR
<https://www.gpo.gov/fdsys/pkg/FR-2017-11-13/pdf/2017-24397.pdf>

DOT 49 CFR Part 29

<https://www.gpo.gov/fdsys/granule/CFR-1999-title49-vol1/CFR-1999-title49-vol1-part29>

Drug-Free Workplace Act of 1988

<https://www.gpo.gov/fdsys/pkg/USCODE-2009-title41/pdf/USCODE-2009-title41-chap10.pdf>

POLICY TITLE: FMCSA CLEARINGHOUSE REGISTRATION
POLICY NUMBER: 3206

3206.1 **FMCSA Clearinghouse.** The Federal Motor Carrier Safety Administration (FMCSA) Clearinghouse is a secure, online database that provides employers and other authorized users real-time information about commercial driver's license (CDL) and commercial driver's permit (CLP) holder's drug and alcohol program violations.

3206.2 Any driver who holds a CDL, such as a California Class "A" or Class "B" license and meets the requirements of the CDL standards (49 CFR Part 383), and the FMCSA Drug and Alcohol Testing Program (Part 382), and CLP holders are "covered drivers" under the Clearinghouse.

3206.3 Covered drivers who are employed by the District are required to have an online account at clearinghousefmcsa.dot.gov and are highly encouraged to provide a personal email address so that he or she can be contacted. Covered drivers are permitted to see his or her own Clearinghouse records free of charge and may challenge the accuracy of the information reported to the Clearinghouse, but not the accuracy of test results or refusals using the procedures listed in §382.717 (Policy 3205). Covered drivers must register with the FMCSA Clearinghouse within 48 hours upon being notified to register by the District.

3206.4 Candidates for employment with a conditional offer of employment with the District and meet the requirements of a "covered driver" as defined in section 3206.2, are required to have an online account at clearinghousefmcsa.dot.gov and are highly encouraged to provide an email address so that he or she can be contacted. Candidates for employment are permitted to see his or her own Clearinghouse records free of charge and may challenge the accuracy of information reported to the Clearinghouse, but not the accuracy of test results or refusals using the procedures listed in §382.717 (Policy 3205).

3206.5 **Use of Information.** The District will only use the information obtained from the Clearinghouse to determine if the driver is prohibited from performing safety-sensitive duties. The District will not divulge, nor permit any other person or entity to divulge, any driver-specific information from the Clearinghouse to any person or entity not directly involved in making such determination.

3206.6 **Designated Employer Representative.** The Human Resources Coordinator serves as the District's Designated Employer Representative (DER). The DER is responsible for conducting the District's Annual Queries, Pre-Employment Queries, Violation Reporting, and Return-to-Duty Reporting in the FMCSA Clearinghouse. The DER also serves as the custodian for all records required by the Department of Transportation (DOT).

POLICY TITLE: PRESS RELATIONS AND SOCIAL MEDIA POLICY**POLICY NUMBER: 5100**

5100.1 **Purpose.** The purpose of the press relations and social media policy is to work supportively with press relations (media) and to disseminate information of public interest and concern in an accurate, complete, and timely manner. Public Relations and Social Media are vital in outreach efforts that help engage the community quickly and relevantly. It allows stakeholders to communicate with the District and quickly access important information. The District currently manages social media activities across several platforms, such as Facebook, Twitter, and YouTube. This policy will establish clear guidelines for the appropriate use of current policies, which may be updated from time to time and future press relations and social media activities.

5100.2 **Press Relations and Social Media Use.** The District will use press relations and social media to share timely, relevant information that keeps stakeholders up to date on what is happening in the District and with water in his or her community. The goal of social media activity will be to share information about District subjects, events, reminders, District updates, or other District press relations and informal notices. Social media shall also share critical information that needs to reach stakeholders quickly. The use of social media is to complement but not replace other communication methods regarding District activities and business.

1. The General Manager or his/her designee is designated as the District's Public Information Officer (PIO) and is responsible for implementing this policy. When the PIO is unavailable, he or she shall select an authorized designee.
2. The PIO shall coordinate District responses with the Board President to ensure the District meets the Board of Director's communications goals.
3. Employees and elected officials who engage with consumers or members of the Press shall use courtesy, politeness, and professionalism. Any media inquiries received by district staff will be referred immediately to Department Directors or the General Manager (if any Department Director is unavailable), who shall directly forward the media inquiry and contact information to the PIO and Board President (as necessary) for a response.
4. The General Manager, the Board President, or his/her designee will prioritize inquiries from the news media and respond as efficiently as possible.
5. When contacted by the PIO for information needed to respond to a media inquiry, all staff shall provide the PIO with accurate and complete information available for the response. The General Manager or Designee will identify if additional time is needed to address a media inquiry.
6. At the discretion of the PIO and the Board President, if it is determined that a District response is best achieved by having staff or a consultant speak on behalf of the District on a particular topic, he or she may designate an authorized spokesperson to assist with the District's response.
7. To assure that all members of the Board of Directors have accurate, complete, and timely information to fulfill responsibilities to represent the District affairs, members of the Board of Directors shall inform the PIO by email of the substance of significant media inquiries and for an official response.
8. The General Manager must approve official BCVWD social media accounts before being established. The PIO and the assigned social media administrators will manage or post on social media platforms.

9. Content shared on District social media platforms shall comply with Section 5100.6 below. "Content" includes, but is not limited to, posts, shares, comments, likes, intentions, and reactions.
10. While an informal tone is appropriate, communication via social media represents the District and shall remain professional. Official District social media shall not be used for political purposes, conduct private commercial transactions, engage in private business activities, or other personal use. Inappropriate use of official District social media may result in disciplinary action, up to and including termination of employment.
11. Assigned staff and management shall monitor and evaluate social media platforms on an ongoing basis.

5100.3 **Personal Use of Social Media.**

1. District employees and the Board of Directors may have personal accounts on any social media platform of his or her choice. These accounts shall remain private and shall not be used to share work-related information.
2. District employees and the Board of Directors shall avoid using personal accounts to comment on posts regarding official District business.
3. District email accounts and passwords shall not be used with personal social media accounts.

5100.4 **General Policies.**

1. All District accounts shall clearly state they are maintained by the District and include the official logo. The assigned social media administrator will fully understand and comply with user agreements for each social media platform. Administrators will also comply with state and federal regulations and District policies.
2. Social media content shall reflect the District's mission, vision, values, and initiatives. The BCVWD assigned consultant or the assigned social media administrator should monitor social media accounts, content, and conversations on a frequent, ongoing basis. Images may not include photos of a person or private property without written consent.
3. Model releases shall be used to obtain the permission of identifiable people. Images, videos, and graphics that do not belong to the District must be vetted to ensure copyright laws do not protect him or her or that the intended use falls within fair-use standards.
4. The District shall cite the source of any image, graphic, or video not owned by the District. Free-use photos can be found using stock photography sites or advanced search engine features.
5. Social Media accounts, including the administrative account access, shall be established, controlled, and managed by BCVWD Information Technology Department with the direction and approval of the General Manager or his/her designee.

5100.5 **Correcting Misinformation.**

Responding to public comments or questions and diffusing potentially harmful conversations is a critical component of social media management. The social media administrator shall conduct frequent reviews of social media accounts, correct any misinformation, and notify the General Manager or designee immediately in the event

of an adverse situation. If the situation cannot be resolved, the social media administrator will publicly provide District contact information or other resources and follow up with stakeholders privately regarding his or her concerns.

5100.6 Content Policies. Social media content shall be posted consistently, regularly, and with timely and relevant information. Posts shall be scheduled in advance while also allowing flexibility to implement changes and share urgent information quickly and efficiently.

1. Posts can include but are not limited to: emergencies; water supply and conservation information; District updates on initiatives, objectives, and projects; community engagement; leaks, service outages, maintenance/repairs; press releases, holiday closures, and more.
2. Social media administrators shall use the best judgment when posting or engaging on platforms and determining what is suitable to share on behalf of the District. Topics to avoid include legal claims or lawsuits, personnel matters, controversial issues, personal opinions, and political issues.
3. When applicable, content shall be explicitly tailored to each platform's audience and user experience. For example, platforms such as Nextdoor provide an opportunity to engage with a population interested in safety, events, and community. In contrast, platforms such as Instagram provide a way to connect with stakeholders in a fun, visually-based manner. Facebook allows an image with more detail than platforms like Twitter, but both enable linking to additional information.
4. Information shall be relevant to the District's intended audience, presented clearly, and easily understood. Content shall always include proper grammar, spelling, and appropriate tone. The social media administrator will always check facts before posting any information.

5100.7 Prohibited Content. Responses from the public that include prohibited content will be removed at the discretion of the General Manager or his/her designee. District staff and representatives of BCVWD who violate this policy and any social media accounts that violate this policy may be subject to disciplinary action, up to and including termination of employment. Content containing any of the following material will be removed immediately. Inappropriate content includes, but is not limited to:

1. Violence, profanity, obscenity, nudity, or pornographic content or language,
2. The content is found to discriminate against any creed, race, gender, sexual orientation, age, religion, or national origin, as well as any other category protected by state or federal laws,
3. Threats, slander, or defamation of any kind,
4. Illegal acts of any kind or encouragement thereof,
5. Information that compromises the security or well-being of any District staff member, partner, resident, or stakeholder,
6. Comments, links, posts, advertisements, or articles soliciting business or commerce,
7. Content that violates copyright laws, or

8. Content that violates local, state, or federal laws.

5100.8 **Emergency Response.** Social media use shall be limited to the District's PIO, Board President, or as authorized, Board members or designated spokespeople in an emergency or crisis scenario. Social media activities shall occur to announce an emergency, provide updates during the emergency, and share when the emergency is resolved. The District's emergency updates are not intended to take responsibility for emergency communications for regional emergencies; rather, the District will communicate information specifically relating to the District and water service.

5100.9 **State Regulations.** All District content, including social media posts, comments, messages, and other interactions, shall be mindful of and comply with the following state regulations:

1. **California Public Records Act.** All social media content found on BCVWD accounts may be subject to the California Public Records Act. Content posted-- including prohibited and non-prohibited content, responses to comments, and messages from the public-- shall be monitored, tracked, and retained so that it can be easily retrieved if necessary, according to Public Record Act laws.
2. **Ralph M. Brown Act.** The Brown Act protects the public's right to attend and participate in meetings of local legislative bodies, such as meetings held by a Board of Directors. All Brown Act rules shall be followed when engaging online, including on social media. Interactions between Board members on social media platforms, including comments and messages, can be regarded as a meeting. The Board of Directors is encouraged to follow the Brown Act when engaging in posts or discussions.
3. **Fair Political Practices Commission (FPPC).** The Fair Political Practices Commission (FPPC) is designed to ensure the fairness and integrity of California's political process by enforcing the Political Reform Act. Regulations state that all Board members must be represented equally regarding public outreach, media relations, and social media. Use of pictures, quotes, or other social media content involving Board members must comply with FPPC regulations.

5100.10 **Ongoing Evaluation.** The District shall continuously review social media accounts to ensure alignment with the District Board of Directors' policy direction and District-defined mission, vision, directives, and policies and procedures. District issues identified by staff that are not aligned with the said mission, vision, directives, and policies and procedures shall be corrected, deleted, or adjusted.

5100.11 **Personal Opinion.** The Board of Directors members and District Employees have the right to express an opinion regarding matters of public concern. Members of the Board of Directors and District employees who write correspondence to media or post on social media platforms may not use official district stationary or items symbolizing a direct connection to BCVWD. If a member of the Board of Directors or BCVWD employee identifies as a district representative on a Personal Opinion correspondence, email, or social media posts, he or she shall state that his or her outlined views do not represent the views of the District but of the individual's opinion.