

RESOLUTION 2023-05

**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 the Board of Directors and District staff; and

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

WHEREAS, the Board of Directors has reviewed and considered said policy revisions to the BCVWD Policies and Procedures Manual, 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 that the following BCVWD Policies and Procedures Manual, Part I, Sections:

Section 22	Vacation
Section 30	Return to Work Policy
Section 31	Occupational Injury and Illness Prevention Program

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

Policy 3075	Vacation
Policy 3115	Return to Work Policy
Policy 3120	Occupational Injury and Illness Prevention Program

ADOPTED this 8 day of February, 2023, by the following vote:

AYES: Williams, Hoffman, Ramirez, Slawson, Covington

NOES:

ABSTAIN:

ABSENT:



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

ATTEST:



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

Attachment: Exhibit A: Policies 3075, 3115, and 3120

EXHIBIT A

BEAUMONT-CHERRY VALLEY WATER DISTRICT

PERSONNEL

POLICY TITLE: VACATION

POLICY NUMBER: 3075

3075.1 Application. This policy shall apply to regular and introductory employees in all classifications. Temporary and part-time employees are not eligible for vacation pay (Policy 3000.8.1).

3075.2 Accrual. Vacation shall be earned from the date of hire, and earned based on the hours worked in each pay period (i.e. "earn as you go"). Paid vacations shall be accrued according to the following schedule or on an annual basis:

1. 0-4 years of service, 80 hours per year;
2. 5-9 years of service, 120 hours per year;
3. 10 years of service, 130 hours per year;
4. 11 years of service, 140 hours per year;
5. 12 years of service, 150 hours per year;
6. 13 years and more, 160 hours per year.

3075.3 New Employees. New employees will become eligible to use accrued vacation after the first 90 calendar days of employment.

3075.4 Use of Vacation. Employee shall be eligible to use vacation after it is accrued. If an employee elects not to use or buy back vacation time, and reaches the set accrual cap amount, the employee's accrual will pause until the employee uses or buys back vacation time. An employee may accrue vacation hours up to the maximum allowed explained below.

3075.5 Accrual Cap. The District will not allow for accrual of vacation in excess of:

a. Non-Exempt Employees:

i. Non-Exempt Employees: 160 hrs.

The General Manager reserves the right to allow overages in special circumstances, e.g. medical need or pending leave of absence.

b. Exempt Employees:

- i. 1-5 service years 260 hrs.
- ii. 6-15 service years 300 hrs.
- iii. 16-20 service years 350 hrs.
- iv. 21+ service years 380 hrs.

The General Manager reserves the right to allow overages in special circumstances, e.g. medical need or pending leave of absence.

3075.6 Carryover. Employees may "carry over" all accrued, unused vacation into the next year within the employee's accrual cap. If the employee has reached his/her accrual cap, accrual will "pause" until the vacation hours are either used or bought back by the employee.

3075.7 Vacation Buy-Back. Employees may "buy back" accrued and unused vacation hours. The request is submitted to Payroll and will be reviewed by Human Resources. An employee may request to buy back vacation hours as desired during the year but must request a minimum of 10 hours per buy-back. To purchase vacation hours, an employee must have a minimum remaining balance of 40 hours of vacation leave accrual after the

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

1. Vacation accruals for which the employee receives compensation will be deducted from the employee's accumulated total.
2. All vacation buy-back requests will be processed in the payroll cycle following the date the request was approved.

3075.8 **Sick Leave.** The District will not require an employee to take vacation time in lieu of sick leave during periods of illness (Policy 3085). However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully depleted.

3075.9 **Scheduling.** Employee shall request the use of vacation a reasonable time in advance, preferably 30 days, of the proposed vacation. Same-day requests are discouraged and will be considered on a case-by-case basis provided that District operations are not interrupted, and in emergency situations.

3075.10 **Grace Period.** Employees experiencing a decrease in accrual cap due to change of position, employee status, or policy change by the Board of Directors will have a 90-day grace period in which to decrease his/her vacation balance. During the grace period, the employee will continue to accrue and maintain the vacation balance without imposing the updated accrual cap, and the employee may elect to use or buy back vacation to decrease the employee's balance before the end of the grace period. At the conclusion of the grace period, the employee's new accrual cap will be imposed and the District may elect to pay out the vacation in excess or require the employee to take vacation time. The General Manager or his/her designee may approve an extension of the grace period on a case-by-case basis, not to exceed 120 days.

3075.11 At the termination of employment for any reason, the District shall compensate the employee for his/her accumulated and unused vacation time at his/her regular rate of pay at the time of separation.

POLICY TITLE: RETURN TO WORK POLICY
POLICY NUMBER: 3115

3115.1 **Purpose.** The District has developed a return-to-work program to minimize serious disability due to on-the-job injuries and to reduce workers' compensation costs. BCVWD strives to assist employees to return to work at the earliest possible date following an injury or illness. A return-to-work program has several benefits for both the employer and employees by minimizing time lost from work.

3115.2 This policy is not intended to supersede or modify the procedures applicable to employees eligible for reasonable accommodation under the Americans with Disabilities Act (ADA), Family and Medical Leave Act (FMLA), the California Family Rights Act (CFRA), or other applicable laws. Inquiries about the ADA, FMLA, or CFRA should be directed to Human Resources.

3115.3 **Eligibility.** This policy applies to regular full- and part-time employees who are on leave as a result of injury or illness and who are receiving workers' compensation benefits.

3115.4 **Modified Duty.** BCVWD defines "modified duty" as temporary, modified work assignments within the worker's abilities, knowledge, and skills. When possible, modified duty will be made available to injured workers to minimize or eliminate time lost from work. BCVWD will engage with the employee in the Interactive Process. BCVWD cannot guarantee modified work and is under no obligation to offer, create, or encumber any specific position for purposes of offering placement to modified duty. In the event an employee refuses modified duty that satisfies the work restrictions recommended by the workers' compensation physician, BCVWD is not obligated to provide an alternative position. In such cases, BCVWD will notify the workers' compensation carrier of the employee's refusal of modified duty.

3115.5 If the employee's health care provider releases the employee to return to work on modified duty, the employee must return the work status form and/or medical certification to Human Resources within 24 hours or as soon as practicable. The employee cannot return to work without the release of the healthcare provider.

3115.6 **District Responsibility.** Supervisors and Human Resources will assist by directing the employee to appropriate care and assisting in proper reporting of the injury or illness while maintaining a positive and constant flow of communication with the injured worker. To the extent possible, they will also assist in arranging modified work that meets work restrictions, as recommended by a physician, to reduce lost time. The employee's supervisor will monitor work performance and ensure the employee does not violate the restrictions set by the health care provider.

3115.7 **Employee Responsibility.** It is the responsibility of the employee to provide Human Resources with current contact information, including the employee's telephone number and address, so the employee may be contacted. The employee must notify Human Resources immediately of any changes in medical conditions or work restrictions. It is the responsibility of the employee to notify management of any work-related injuries. The employee is required to follow all medical restrictions while on modified duty.

3115.8 This policy does not guarantee modified work will always be available that meets the employee's medical restrictions. The operational needs of the District must be considered when determining if alternate work will be provided. Modified work shall be productive and provide a needed service to the District. Human Resources will collaborate with the Workers' Compensation carrier, the employee's supervisor, and the employee's physician to determine the employee's ability to return to work.

POLICY TITLE: OCCUPATIONAL INJURY AND ILLNESS PREVENTION PROGRAM
POLICY NUMBER: 3120

3120.1 It is the policy of the District that accident prevention shall be considered of primary importance in all phases of operation and administration. The District desires to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program through the implementation of "best practices" to reduce the potential and frequency of injuries. The District's safety and health program will include:

1. Providing mechanical and physical safeguards to the maximum extent possible.
2. Conducting a program of safety and health inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.
3. Training all employees in good safety and health practices.
4. Providing necessary personal protective equipment (PPE), and instructions for use and care.
5. Developing and enforcing safety and health rules, and requiring that employees cooperate with these rules as a condition of employment.
6. Investigating promptly and thoroughly, every accident to determine its cause and correct the problem to prevent recurrence.
7. Developing a system of recognition and awards for outstanding safety service and/or performance.

3120.2 **Program Responsibility.** Although the District recognizes that the responsibility for safety and health is shared, the General Manager or his/her designee shall be responsible and have full authority for implementing this policy and the District's Injury and Illness Prevention Program (IIPP).

1. The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.
2. Supervisory and management personnel are responsible for developing proper attitudes toward safety and health for themselves and in their direct reports, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.
3. It is equally the duty of each employee to accept and follow established safety regulations and procedures. Unsafe conditions must be reported to a supervisor immediately. Fellow employees that need help should be assisted. Everyone is responsible for the housekeeping duties that pertain to their jobs.
4. No employee will be required to work at a job the employee knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program, including compliance with all rules and regulations, and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.
5. Any injury that occurs on the job, even a slight cut or strain, must be reported to management as soon as possible. In no circumstance, except an emergency, should an employee leave a shift without reporting an injury that occurred.

3120.3 **Injury and Illness Records.** The District's recordkeeping system for its Injury and Illness Prevention

Program shall conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of said program.

1. A report shall be obtained on every injury or illness occurring during the course of work which requires medical treatment.
2. Each injury or illness shall be recorded by Human Resources on the Cal/OSHA Form 300, according to its instructions.
3. A supplementary record of the occupational injury or illness shall be prepared on OSHA Form 5020, according to its instructions.
4. Annually, the summary Cal/OSHA Form 300A shall be prepared and posted in all employee break areas no later than February 1. Said form shall remain posted until March 1.
5. All records specified in this section shall be maintained by the District for a minimum of five years after their preparation.

3120.4 Documentation of Activities. Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:

1. Records of scheduled and periodic inspections as required by Cal/OSHA (California Code of Regulations, Title 8, Chapter 4) to identify unsafe conditions and work practices. The documentation must include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified (if any), and the action taken to correct the unsafe conditions and work practices. The records of inspections will be maintained for a minimum of 3 years.
2. Documentation of safety and health training required by Cal/OSHA (California Code of Regulations, Title 8, Chapter 4) for each employee. The documentation must specifically include the employee name, training dates, type(s) of training and the name of the training provider. These records will be maintained for a minimum of 3 years.

3120.5 Communication. Readily understandable communication shall be maintained with all affected employees on matters relating to occupational health and safety, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees shall include meetings, training programs, posted written information, and notification by employees about hazards.

1. New employees will receive an initial safety orientation. During the initial safety orientation, employees will be instructed to report any unsafe conditions, and to discuss occupational health concerns.
2. The District's Code of Safe Practices, below, shall be provided to each employee annually. It shall be posted in a conspicuous location such as the employee break room. Employees may request a copy of the Code of Safe Practices from Human Resources or the employee's supervisor.
3. Supervisory employees shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crew(s) at least every 10 working days to emphasize safety. During safety meetings, employees will be encouraged to report any unsafe conditions, and to discuss occupational health concerns. Documentation of these meetings shall be maintained for a minimum of 3 years.
4. Periodic meetings (at least 1 per quarter) of supervisory employees shall be held under the direction of the General Manager or their designee for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for a minimum

of 3 years.

5. General employee meetings shall be conducted (at least 1 per quarter) at which safety is freely and openly discussed by those present. Such meetings shall be regular, scheduled, and announced to all employees. Documentation of these meetings shall be maintained for a minimum of 3 years. Discussions at these meetings should concentrate on:
 - a. Feedback from employees.
 - b. Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.
 - c. Brief audio-visual materials that relate to the District's operations.
6. All employee safety and health suggestions or concerns will be reviewed by the employee's supervisor, who will determine if an inspection, further training, or other action is necessary. The supervisor will communicate what actions, if any, are taken to the employee. If the employee is not satisfied with the actions taken by the supervisor, the employee may direct the matter to either Human Resources or the General Manager.
7. This policy shall be distributed to all employees upon its adoption, to all new employees at the time of hire, and annually thereafter.

3120.6 **Occupational Health and Safety Training Program**

1. All new employees will be provided a safety orientation during his/her first day on the job. The orientation will be conducted and documented by his/her supervisor and/or Human Resources. It will cover all company safety rules and the safe practices required for their job assignment.
2. Employees given a new job assignment will be provided a safety orientation regarding any new hazards prior to beginning the new job. Employees risking exposure to a new hazard will be given a safety orientation prior to working with the new hazard.
3. A safety orientation will be conducted periodically. Safety rules and safety practices will be emphasized at this training session, which will serve the same purpose as the safety orientation given to new employees.
4. Only individuals who are knowledgeable of the safety hazards and safe practices of the workers under their direction and control will be permitted to supervise.
5. Records will be kept of all training provided. Records will indicate the type of training given, date, the name of the training provider, and signatures of employees in attendance, and will be maintained for a minimum of 3 years.

3120.7 Inspections. Periodic safety inspections shall be conducted to identify existing hazards in the workplace, or conditions, equipment, and procedures that could be potentially hazardous. The inspections shall be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.

1. Inspections will be performed regularly to identify and evaluate workplace hazards with the use of an established checklist (see 3120.5.3).
2. Inspections will also be performed whenever a new process or substance is introduced, when the District receives information that a company process or substance is hazardous, as part of an accident investigation, and when a safety hazard is reported. These inspections may be limited to

the substance or process in question. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses.

3. All inspections will be documented using the Hazard Checklist, which will be signed and dated by the inspector. The inspector will correct or arrange to correct all hazards identified.
4. Inspections may be conducted by outside consultants, the General Manager or their designee, the Director of Operations, the Water Utility Superintendent, or Human Resources. In the event of a safety complaint, the designated Inspector should not be a member of the department under investigation, or a supervisor of any employees involved.

3120.8 Accident Investigation. All accidents shall be thoroughly and properly investigated by a responsible managing employee who shall be trained in accident investigation, with the primary focus on understanding why the accident or near-miss occurred and what actions can be taken to prevent a recurrence. A written report of said investigation shall be prepared which adequately identifies the cause(s) to the accident or near-miss occurrence.

1. All accidents, illnesses, and exposures to hazardous substances resulting from employment with the District will be investigated using the Incident Report Form, and submitted to Human Resources.
2. The investigation report will be reviewed by the General Manager, or his/her designee.
3. Particular attention will be given to ways of preventing future occurrences of similar accidents, illnesses, or exposures. Methods of prevention include, but are not limited to:
 - a. Additional training
 - b. Disciplinary action
 - c. Replacement of parts or equipment
 - d. Environmental controls
 - e. Additional staff assigned to tasks or worksites

3120.9 Unsafe Conditions and Work Practices.

1. When safety hazards are corrected, the action taken will be indicated on Hazard Checklist, which will then be signed and dated by the individual making the corrections.
2. Priorities for correction will be determined by the severity of the hazard(s) identified. Employees will be protected from imminent hazards using lockouts or other means of adequately preventing employees from exposure.
3. Hazard checklist forms will be kept as a record of the company's ongoing safety efforts for a minimum of 3 years.

3120.10 Recordkeeping. We are a local governmental entity and we are not required to keep written records of the steps taken to implement and maintain our IIP Program.

3120.11 Code of Safe Practices. All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions to a responsible managing employee.

1. Supervisory employees shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work, and shall take action as necessary to obtain observance.
2. Anyone known to be under the influence of drugs or intoxicating substances which impair the employee's ability to safely perform the assigned duties shall not be allowed on the job, and will be subject to discipline specified in Policy 3205.
3. Employees shall obey all health and safety warning signs.
4. Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety and well-being of the employees is prohibited.
5. Work shall be well-planned and supervised to prevent injuries in the handling of materials and in working together with equipment.
6. No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.
7. Employees shall not enter manholes, underground vaults, chambers, or other similar places that receive little ventilation unless it has been determined that it is safe to enter.
8. Employees will ensure that all guards and other protective devices are in proper places and adjusted, and shall report deficiencies promptly to a responsible managing employee.
9. Employees shall not handle or tamper with any electrical equipment, machinery, or air or waterlines in a manner not within the scope of their regular duties, unless they have adequate instruction and supervision from a responsible managing employee.
10. All injuries shall be reported promptly to a responsible managing employee so that arrangements can be made for medical or first aid treatment.
11. When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.
12. Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from falling objects.
13. Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.
14. Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.
15. No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has first been determined that no possibility of explosion exists, and authorization for the work is obtained from a responsible managing employee.
16. Any damage to scaffolds, falsework, shoring, or other supporting structures shall be immediately reported to a responsible managing employee.
17. All tools and equipment shall be maintained in good condition. Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE."
18. While working on or cleaning equipment, perform Lockout/Tagout/Blockout procedures if exposed to live wires, moving parts, or flying debris.
19. Only appropriate tools shall be used for the job. For example, Pipe or Stillson wrenches shall not be used as substitute for other wrenches.
20. Tools shall not be altered in a manner not intended by the manufacturer. For example, wrenches may not be altered by the addition of handle-extensions or "cheaters."
21. Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.
22. Only authorized persons shall operate machinery or equipment.
23. Loose or frayed clothing, long hair, dangling ties, finger rings, etc., shall not be worn around moving

- machinery or other sources of entanglement.
24. Machinery shall not be serviced, repaired, or adjusted while in operation. Oiling of moving parts shall not be attempted except on equipment that is designed and fitted with safeguards to protect the person performing the work.
 25. Where appropriate, lock-out procedures shall be used.
 26. Employees shall not work under vehicles supported by jacks or chain hoists, without protective blocking that will prevent injury if jacks or hoists should fail.
 27. Air hoses shall not be disconnected at compressors until the hose line has been bled.
 28. All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.
 29. Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.
 30. Tractors, backhoes, and other similar equipment shall not be operated where there is a possibility of overturning in dangerous areas such as steep slopes, edges of fills, or cut banks.
 31. Use sound ergonomic principles appropriate for the location and nature of work.
 32. Keep walkways, hallways, and doorways free of items or debris to prevent injury.
 33. Keep desk drawers, filing cabinets, and overhead cabinets closed when not in use to prevent injury.