

RESOLUTION 2024-02

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL REPLACING PART I, SECTION 21 WITH POLICY 3070: HOLIDAYS AND REVISING POLICY 3122 WORKPLACE VIOLENCE

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

WHEREAS, upon review and discussion, the Personnel Committee of the Board of Directors has recommended revisions to 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 policies attached hereto as Exhibit A Exhibit B, 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 amends the BCVWD Policies and Procedures Manual as follows:

1. Part I, Section 21 Holidays is hereby superseded by new Policy 3070 Holidays attached hereto as Exhibit A
2. Policy 3122 Workplace Violence is hereby superseded by the revised Policy 3122 Workplace Violence attached hereto as Exhibit B

ADOPTED this 14 day of February, 2024, by the following vote:

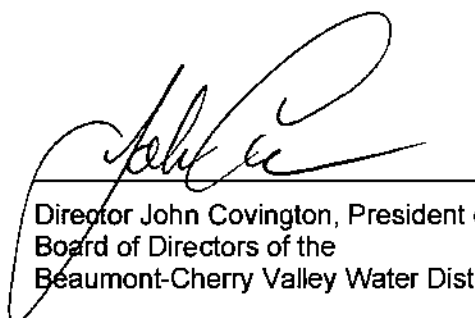
AYES: COVINGTON, HOFFMAN, GLAWSON, WILLIAMS

NOES:

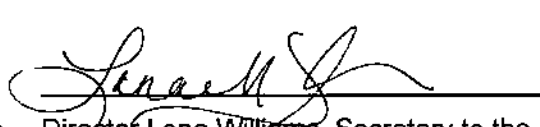
ABSTAIN:

ABSENT: RAMIREZ

ATTEST:



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



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

Attachments

- Exhibit A: Policy 3070 Holidays
- Exhibit B: Policy 3122 Workplace Violence

POLICY TITLE: HOLIDAYS
POLICY NUMBER: 3070

EXHIBIT A

3070.1 Applicability. The District is closed for operations during Public Holidays listed herein.

3070.2 Holidays. The following days shall be recognized and observed as paid holidays:

1. January 1 (New Year's Day);
2. Third Monday in January (Martin Luther King, Jr.'s Day);
3. Third Monday in February (President's Day);
4. Last Monday in May (Memorial Day);
5. July 4 (Independence Day);
6. First Monday in September (Labor Day);
7. November 11 (Veteran's Day);
8. Thanksgiving Day;
9. Friday After Thanksgiving Day;
10. December 25 (Christmas Day);
11. Employee's Birthday (Floating Holiday); or
12. Other holidays provided to employees, subject to the discretion of the Board.

3070.3 Holiday Pay. Holiday pay shall be provided to all full-time, regular employees of the District. Employees that do not work the holiday shall be credited with Holiday pay in the amount of their regularly scheduled workday hours. Such hours shall not be counted as a day worked for the purposes of the computation of overtime. Refer to the District's policy on overtime. Part-time and temporary employees are not eligible to receive holiday pay.

3070.4 Compensation in Lieu of Holiday. Unless required as part of the District required rotation schedule set forth in the MOU, an employee required to work the holiday shall be paid one and one-half (1.5) times his/her rate of pay. An employee required to work the holiday would bank their appointed Holiday hours as a Floating Holiday and take them at a later date with approval of their Supervisor.

3070.5 Exceptions.

A holiday that occurs on a Saturday shall be granted the preceding Friday. A holiday that occurs on a Sunday shall be granted the following Monday. If the District has enacted an Alternate Working Schedule (AWS) such as a 4/10 workweek (four days of 10 work hours each, Monday through Thursday), and a holiday occurs on a Friday when the District is closed, the holiday shall be granted the preceding Thursday.

- A. Unless excused due to pre-approved vacation, jury or witness duty, hospitalization, scheduled preventative care, or the death of an immediate family member, employees must work a full shift on the regular scheduled business day before and after the holiday to qualify for Holiday Pay. Human Resources or the designated appointee may request documentation of these exceptions in order for Holiday Pay to be approved.

3070.6 Authorized Leave. When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

POLICY TITLE: WORKPLACE VIOLENCE
POLICY NUMBER: 3122

EXHIBIT B

3122.1 The District is committed to creating and maintaining an environment that is safe and secure for its personnel, contractors, and customers, prioritizing their protection and well-being. Intimidation, harassment, threats and violent acts which create a hostile, or unsafe working environment will not be ignored, condoned or tolerated. These actions will result in disciplinary action, up to and including termination of employment. Violent threats or actions by an employee or non-employee may result in criminal prosecution.

3122.2 **Application.** This policy applies to all full-time and part-time employees, including volunteers, temporary or seasonal employees, as well as contracted employees. This policy also applies to all vendors, consultants, and customers on District premises or in communication with District employees. This policy applies to written and verbal communications, as well as physical behaviors such as intimidation or brandishing of weapons. The District prohibits violent behavior of any kind or threats of violence, either implied or direct, on District premises or during District-paid work hours, as well as at District-sponsored events.

3122.3 **Background.** The potential for hostile or violent incidents on District facilities or operational locations always exists. Often, the perpetrator is a person who is a former employee, customer, or person known to the agency involved. However, individuals who commit workplace violence can be any person. Threats, intimidation, and workplace violence are considered extreme emergencies, and the safety and well-being of employees and customers are the highest priority thus, the District has developed a comprehensive Injury and Illness Prevention Plan (IIPP) which includes a Workplace Violence Prevention Plan

3122.4 **Reporting.** Employees who experience or become aware of violent workplace behavior, including threats or intimidation, should report the incident to their direct supervisor or to Human Resources as soon as possible. To the extent possible, the District will maintain the confidentiality of the reporting employee and any subsequent investigation, but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The District shall also provide evacuation and sheltering plans that are appropriate to the nature of the workplace violence that occurred. The Human Resources Department will report all serious incidents of workplace violence to the nearest Cal/OSHA District Office.

3122.5 **Suspicious Behavior.** Employees should be alert to their surroundings and report warning signs to his or her supervisor. If the employee perceives an immediate threat to his or her safety, or the safety of others, they should call 911. Warning signs of workplace violence may include:

1. Making direct or implied threats of violence
2. Aggressive outbursts, comments, or excessive displays of anger
3. Verbal abuse
4. Harboring grudges, an inability to handle criticism, or blaming others
5. Chronic, unsubstantiated complaints about persecution or injustice
6. Obsessive intrusion upon others or a persistent unwanted romantic pursuit
7. Erratic, impulsive, or bizarre behavior that generates fear
8. Homicidal or suicidal ideation
9. A high degree of emotional distress
10. Apparent impulsivity and/or low tolerance of frustration
11. Expressing unusual fascination with firearms or asserting ownership of firearms
12. Preoccupation with violence or unusual interest in publicized violent events

13. Identification with criminal individuals, acts, and/or philosophy
14. Any behavior or collection of behaviors that instill fear or generate concern that a person might act out violently

3122.6 Management and supervisory personnel who receive a report of workplace violence will notify Human Resources and the General Manager or his/her appointed designee. Reports of workplace violence will be investigated and if necessary, action will be taken to prevent further occurrence. A Threat Assessment will be conducted to evaluate and investigate the incident.

3122.7 **Zero Tolerance.** This is a "Zero Tolerance" policy for actual or threatened violence against employees, contract workers, vendors, customers, visitors, and any other persons who are on District property or come into contact with District personnel in the course of District business.

1. "Zero Tolerance" means that every act or threat or violence elicits an immediate and firm response.
2. Every individual within the organization has a role in ensuring the success of this policy.
3. Supervisors and managers shall respond to inappropriate behavior by employees or others and will assure effective security measures are in place.
4. Compliance with this policy is a condition of employment. An employee who violates the District's prohibition against violence is subject to disciplinary action, up to and including termination.
5. If the source of violent behavior is a member of the public, the response may include barring the person(s) from BCVWD property, termination of business relationships with the individual, and/or prosecution of the person(s).

3122.8 The following is a non-exclusive list of behaviors that will not be tolerated under this policy:

1. Threats or physical intimidation
2. Implications or suggestions of violence
3. Threats or harm to District property
4. Threatening behavior
5. Assault
6. Physical restraint or confinement
7. Acts of violence
8. Intimidation
9. Harassment
10. Stalking, including following to and from work
11. Possession of weapons of any kind on District premises or at a District sponsored event, excluding District-owned residential homes as permitted by law, and traveling to and from home.
12. Dangerous or threatening horseplay
13. Loud, disruptive, or angry behavior which is clearly not part of the typical work environment
14. Blatant or intentional disregard for the safety and well-being of others
15. Commission of a violent felony or misdemeanor on District premises
16. Any related conduct which disrupts another's work performance or the District's ability to execute its daily business
17. Any other act that a reasonable person would perceive as constituting a threat of violence

3122.9 Any person who makes threats, exhibits threatening behavior, or engages in violent acts on District property may be removed from the premises pending the outcome of an investigation.

3122.10 Threats, threatening behavior, or other acts of violence off District property, but directed at BCVWD employees or directed at the public while conducting business for the District, is a violation of this policy.

1. Off-site threats include but are not limited to threats made via telephone, fax, electronic or conventional mail, or any other communication medium.

3122.11 Workplace Violence Response Plan. Please refer to Appendix A.

3122.12 **Employee Schedules.** No employee of BCVWD will share the work schedule or work location of a District employee with members of the general public. In the event of an emergency, family members who are listed as emergency contacts and/or dependents on health benefits may contact Human Resources to relay a message to an employee. Requests for employment verification will be submitted to Human Resources.

3122.13 **Domestic Violence.** Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as coworkers. The District recognizes that domestic violence may directly impact employee safety and will take all reasonable measures to ensure employee safety.

3122.14 **Court Orders.** Any employee who receives a protective or restraining court order that lists BCVWD premises as a protected area is required to provide Human Resources with a copy of such order. Court orders may be issued in matters involving domestic violence, stalking or harassment, and include Temporary Restraining Orders.

3122.15 **Post-Incident.** Injuries incurred as a result of workplace violence may be eligible for Workers' Compensation. Following a threatening or violent incident, the District may contact the Employee Assistance Program (EAP) for recommendations. Human Resources may recommend employees receive counseling services through the EAP.

3122.16 **Training.** Human Resources Department is responsible for implementing this policy and will assure that all Employees, and, as appropriate, Employees of other employers working with the District, will receive Violence Prevention Plan training upon hire and annually thereafter about recognizing and preventing workplace violence. The District will also require the employees' active involvement and commitment to ensure the workplace is free from violence. The Violence Prevention Training Program shall be evaluated and revised annually or as needed to ensure its effectiveness. The District will seek the input and involvement of employees and employee representatives in the annual review of the training program, and this policy.

3122.17 **Incident Investigation.** Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The General Manager or his/her designee will cause to be initiated an investigation into potential violation of rules/policies. The General Manager or his/her designee may refer the matter to local police for their review of potential violation of civil and/or criminal law. Any employee who experiences or is aware of workplace violence or the threat of violence may report the incident or concern to law enforcement, without fear of reprisal. In appropriate circumstances, the District will inform the reporting individual of the results of any investigation, and corrective actions taken.

3122.18 **Retaliation.** Employees should bring to the immediate attention of management any threat or unsafe condition within the workplace without concern about retaliation or harassment. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence is against this policy and will not be tolerated.

3122.19 **Recording.** The Human Resources Department will record information in a workplace violence incident log for every workplace violence incident, as required by Labor Code section 6401.9 and shall keep records for a minimum of 5 years.

APPENDIX A

WORKPLACE VIOLENCE RESPONSE PLAN	
<p><u>Non-Emergency (threatening) Response Procedure</u></p> <p><i>A threatening situation is defined as a situation where: One person, through intimidating words or gestures has induced fear and apprehension of verbal or physical harm in another person but there is no immediate danger of such harm being inflicted.</i></p>	<p><u>Emergency Response Procedure</u></p> <p><i>A situation is an emergency if: 1) an injury has occurred, OR 2) there is an immediate threat of physical harm</i></p> <p><i>You should consider your personal safety first in all emergency situations. If possible, you should use the following response procedure</i></p>
<p>Step 1 Employee immediately notifies supervisor.</p>	<p>Step 1 First person on the scene quickly assesses the situation and risk.</p>
<p>Step 2 Supervisor conducts preliminary inquiry and makes prompt report to Department Head or General Manager.</p>	<p>Step 2 First person on the scene calls for law enforcement or medical assistance and ensures needs of injured are met. Employee must also notify supervisor of the situation immediately. Leave the scene whenever possible, go to nearest shelter and remain calm while waiting for your supervisor.</p>
<p>Step 3-a If there has been a serious misconduct or criminal behavior by a District employee, the Department Head or General Manager will contact Law Enforcement and take no further action.</p>	<p>Step 3 Supervisor will immediately assess whether there is an emergency situation and make prompt report to Department Head or General Manager.</p>
<p>OR Step 3-b If there is no immediate threat of violence and no serious misconduct or criminal behavior by a District employee, the Department Head or General Manager will continue investigation, resolve/mediate matter, initiate disciplinary action, if appropriate and make referrals to EAP and/or HR, as appropriate.</p>	<p>Step 4 The Department Head or General Manager, in an emergency situation where there is an immediate threat of violence, will ensure that law enforcement have been notified if not done by the first person. He or she will also alert the District employees present at the site of a possible imminent threat danger, and evacuate employees to a nearest shelter whenever possible until law enforcement arrives.</p>
<p>Step 4 Department Head or General Manager ensures that a written summary report of the incident and all actions taken are prepared and submitted within three business days to Human Resources Department and Law Enforcement.</p>	<p>Step 5 Proceed with Non-Emergency Response Procedures, Steps 3-5 as appropriate. For serious injuries or death resulting from workplace violence, HR will report the incident to CalOSHA within 8 hours.</p>
<p>Step 5 If an emergency situation develops, follow steps for emergency response procedure.</p>	