

RESOLUTION 2024-06

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL REVISING POLICY 2015 HARASSMENT, AND REPLACING PART I SECTION 38 PERSONAL VEHICLE USAGE, SECTION 40 TOBACCO USE, SECTION 41 SMOKE FREE WORKPLACE, AND SECTION 51 RECRUITMENT/SELECTION AND ON-BOARDING WITH POLICY NOS. 3151, 3170, AND 3220

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 revisions to the subject policies attached hereto and listed below, finds the revised policies relevant and acceptable, and 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:

The BCVWD Policies and Procedures Manual Sections:


Policy 2015	Harassment
Part I Section 38	Personal Vehicle Usage
Part I Section 40 and Section 41	Tobacco Use Smoke Free Workplace
Part I Section 51	Recruitment / Selection and On-Boarding Policy and Procedure

are hereby replaced in entirety with the revised policies attached hereto as follows:

Exhibit A	Policy 2015	Harassment
Exhibit B	Policy 3151	Personal Vehicle Usage
Exhibit C	Policy 3170	Smoke Free Workplace and Tobacco Use
Exhibit D	Policy 3220	Recruitment, Selection, and Onboarding


ADOPTED this 10 day of April, 2024 by the following vote:

AYES: COVINGTON, HOFFMAN, RAMIREZ, SLAWSON, WILLIAMS
NOES:
ABSTAIN:
ABSENT:



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

ATTEST:



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

Attachments:

- Exhibit A – Policy 2015 Harassment
- Exhibit B – Policy 3151 Personal Vehicle Usage
- Exhibit C – Policy 3170 Smoke Free Workplace and Tobacco Use
- Exhibit D – Policy 3220 Recruitment, Selection, and Onboarding

EXHIBIT A

POLICY TITLE: HARASSMENT

POLICY NUMBER: 2015

2015.1 **Unlawful Harassment.** The District is committed to providing a work environment for its employees that is free of unlawful harassment. The District prohibits sexual harassment (Policy 2020) as well as harassment because of race, religious creed, color, national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, age, sex, gender, gender identity, gender expression, sexual orientation, veteran or military status, or any other basis protected by federal, state or local law, ordinance, or regulation (collectively "protected status"). This policy applies to all persons involved in the operation of the District and prohibits harassment by any employee of the District—supervisors and co-workers.

2015.2 **Reporting.** Employees are encouraged to immediately report any incident of unlawful harassment to either their supervisor, Human Resources, or to the General Manager so that complaints can be quickly and fairly resolved.

2015.3 **Harassment Prohibited.** Harassment because of any protected status is prohibited, including, but not limited to the following behavior:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, or comments;
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures;
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis; and, retaliation for having reported or threatened to report harassment.

2015.4 **Applicability.** This policy applies to all employees, interns, volunteers, vendors, third parties, and agents of the employer, including supervisory and non-supervisory employees, and it applies to all phases of employment. All reasonable actions will be taken to protect employees in the workplace from unwelcome conduct and actions by non-employees contractors, vendors, suppliers, clients, and others.

2015.5 **Complaint Process.** If any employee of the District believes they have been harassed, the employee should provide a written complaint to their immediate supervisor, the Human Resources Department, the General Manager or designated appointee as soon as possible after the incident. The complaint should include the details of the incident(s), dates and times, name(s) of the individual(s) involved, together with the name(s) of any witness(es).

1. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager, or to the parties named above.
2. While written complaints are strongly encouraged, the District will investigate all employee complaints, including those that are not written or that are anonymous. However, the ability to investigate and remedy unwritten or anonymous complaints may be compromised if insufficient information is available for the investigation.
3. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.

2015.6 **District's Response to Complaint.** Staff receiving harassment complaints will refer them immediately to the Human Resources Department or designated appointee and the General Manager who will undertake an immediate, thorough, and objective investigation of the harassment allegation(s). At the discretion of the General Manager, an outside firm or consultant may be retained to conduct an objective investigation. If the complaint involves the General Manager, the Personnel Committee makes a recommendation to the Full Board of Directors to hire an outside firm to conduct a thorough and objective investigation.

2015.7 **Remedial Action.** If it is determined that harassment has occurred, effective remedial action will be taken in accordance with the circumstances involved. Any employee determined to be responsible for harassment will be subjected to appropriate disciplinary action, up to, and including termination. Investigations shall be overseen by the Human Resources Department or designated appointee. The complainant will be advised once the investigation is complete but will not be provided with a copy of summary of the results of the investigation, including whether corrective action was taken and the general nature of that action, consistent with employee privacy and the confidentiality of personnel matters. Others involved in the investigation may also be advised once the investigation is complete.

2015.8 **Retallatlon Prohibited.** The District prohibits retaliation of any kind against any employee who has complained about harassment, opposed harassment, or participated in a harassment investigation. Retaliation is prohibited against any employee who has engaged in certain legally protected activities, filed a complaint or served as a whistleblower.

EXHIBIT B

POLICY TITLE: SMOKE FREE WORKPLACE AND TOBACCO USE
POLICY NUMBER: 3170

3170.1 Commitment. Beaumont-Cherry Valley Water District is committed to providing a safe and healthy work environment for all employees and visitors . In accordance with California state laws and regulations and recognizing the harmful effects of smoking and second-hand smoke, Beaumont-Cherry Valley Water District hereby establishes this Smoke-Free Workplace Policy.

3170.2 Application. The successful implementation of this Smoke Free Workplace Policy depends upon the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on District premises share in the responsibility adhering to this policy.

3170.3 Scope. This policy applies to all employees, contractors, visitors, and any other individuals present on Beaumont-Cherry Valley Water District premises. It covers all indoor and outdoor areas of Beaumont-Cherry Valley Water District facilities, including but not limited to offices, meeting rooms, hallways, parking lots, and grounds.

3170.4 Smoking Prohibition. Smoking is strictly prohibited within all Beaumont-Cherry Valley Water District premises. Smoking is prohibited within the buildings, facilities and vehicles of the District. This includes, but is not limited to, cigarettes, cigars, pipes, electronic cigarettes, and other vaping devices. Those who smoke are requested to do so outdoors away from entrances or windows of buildings or twenty feet (20') away from District buildings.

3170.5 Compliance. Managers and supervisors are responsible for enforcing the policy within their respective areas. All District employees shall be responsible for advising members of the public who are observed smoking tobacco products on District property of the District's policy on the matter. Said individuals shall be asked by staff to refrain from smoking.

3170.6 Safety. Beaumont-Cherry Valley Water District personnel who smoke during rest and meal periods in the field should use extreme caution and dispose of cigarettes in a responsible and safe manner, not littering or throwing residual parts on the ground or street or areas of drains, etc. Extra care should be taken when working around combustible materials, confined spaces, or out in the field near equipment or supplies. If an employee observes unsafe activity involving smoking, they should bring it to the attention of the person and attempt to gain voluntary compliance to terminate the smoking activity. If the party refuses to cooperate, employee should inform his/her supervisor to take added action.

3170.7 District Vehicles. Smoking is prohibited in District vehicles.

3170.8 Disciplinary Actions. Violations of this policy may result in disciplinary action, up to and including termination of employment. Visitors who violate the policy may be asked to leave the premises.

3170.9 Support for Smoking Cessation. Beaumont-Cherry Valley Water District encourages employees who smoke to seek support and resources for smoking cessation. Information on available programs and resources will be made accessible to all employees through Human Resources.

EXHIBIT C

POLICY TITLE: PERSONAL VEHICLE USAGE
POLICY NUMBER: 3151

3151.1 Application. This policy applies to all employees who drive a personal vehicle for the purposes of conducting District business.

3151.2 Authorization. Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational. Please refer to Policy 3150 District Vehicle Usage policy for approval guidelines.

3151.3 Coordination. Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work and used in an efficient manner.

3151.4 Safety While Driving. Employees are expected to drive safely and abide by the traffic laws when authorized to use their personal vehicles to conduct District business. Under any circumstances, employees are not permitted to operate their personal vehicle to perform District work when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

3151.5 Insurance. Proof of adequate insurance coverage for collision, personal injury, and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

3151.6 Reimbursement for Expenses. When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of usage. Employees authorized in driving their personal vehicle performing District work may claim reimbursement for parking fees actually incurred.

EXHIBIT D

POLICY TITLE: RECRUITMENT, SELECTION AND ONBOARDING

POLICY NUMBER: 3220

3220.1 – Purpose. To provide a fair and impartial system that will attract a diverse and highly qualified applicant pool for position vacancies, and to ensure that all positions are filled in a fair and equitable manner consistent with merit principles.

3220.2 – Recruiting for Personnel. The District is an "Equal Opportunity Employer" and all aspects of the recruitment and selection process shall occur without regard to race, religion, color, national origin, ancestry, age, disability, medical condition, marital status, sex, gender including gender identity military or veteran status, sexual orientation and any other legally covered protections. Recruitments shall be carried out in accordance with merit principles. The District encourages promotion from within and whenever possible, shall consider internal candidates first. All tests shall be carried out in accordance with merit principles and in compliance with applicable State and Federal laws/regulations.

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

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

3220.3 – Selection. Human Resources shall, after consulting with the hiring manager, determine the appropriate means of examining applicants and shall administer and/or coordinate the process. All parts of any testing procedure shall be conducted in accordance with accepted merit principles, EEOC guidelines and employee selection, and applicable Federal and State law, and only as authorized by Human Resources. Human Resources shall determine the content and combinations of tests to be used, the weights assigned each test, and the passing point or qualifying score. Steps in the selection process may include any of the following:

- a. Screening of employment applications for minimum qualifications.
- b. Further screening of applications and/or supplemental questionnaires or documents for "highly desirable" job-related qualifications to further screen down the candidate pool.
- c. Administration of a job-related written examination.
- d. Administration of a job-related oral examination.
- e. Administration of a job-related performance examination.
- f. Interview of candidates.

- g. Investigation of reference checks of individual candidates.
- h. Coordination of an appropriate medical screening or examination after a conditional job offer has been made.
- i. Investigation of criminal background information of individual candidates after a conditional job offer has been made.

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

3220.4 – Eligibility. Human Resources in partnership with the hiring manager shall determine, based upon the results of the selection process, which candidates shall be placed on the eligibility list. These lists shall also include 1) the names of candidates qualifying for reinstatement rights; and 2) candidates placed on the list by Human Resources for purposes of alternate work due to disability. Eligibility lists may be established for a pre-determined period of time; however Human Resources in partnership with the hiring manager and Department Head may terminate or extend the list when circumstances dictate. Typically, lists remain active for six (6) months.

3220.5 – Candidate Eligibility. Eligible candidates shall be identified from the top candidates based on a review of rankings from the eligibility list. A screening of the training and experience qualifications of the effected candidates may be conducted by Human Resources in partnership with the hiring manager, to determine the best qualified. The candidates possessing the most suitable job qualifications and characteristics shall be referred. The candidates placed on the eligibility list as a result of reinstatement rights, or alternate work due to disability, shall also be eligible.

The District encourages promotion from within, and recommends consideration of internal candidates first. For internal promotions, the list of candidates shall be at least two (2) who meet minimum qualifications. The Human Resources Manager in partnership with the hiring manager and Department Head may recommend to the General Manager an exception to this rule, when less than two candidates are eligible.

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

3220.6 – Rejection of Eligibility. In the event that the hiring manager rejects an eligible candidate, a written request for additional certification may be requested and reason provided for the rejection of each certified candidate. Human Resources in partnership with the Department Head reserves the right to accept or reject this request.

3220.7 – Removal of Names from the Eligibility List. Names shall be removed from the eligible list after appointment, or at the end of the eligibility period. Names shall be removed from the promotional eligible lists upon termination of the employee's services from District. Human Resources in partnership with the Department Head may remove names of any person who:

- a. Fails to appear without prior notice for any job interview for which they have been appropriately notified.
- b. Has refused to be interviewed twice; who has not responded to Human Resources inquiries via

email or current address.

- c. Is unable to produce or obtain the required license or related special requirement.
- d. Has falsified their application; or other job-related reasons determined appropriate by the Human Resources Manager. in conjunction with the hiring manager and the Department Head.

3220.8 – Conditional Offer Letter. Upon completion of the selection process, and approval by the General Manager to proceed with the finalist candidate, Human Resources shall prepare the conditional offer letter in coordination with the hiring manager and the Department Head.

Conditional job offer letters shall include the salary placement and reference to the standard benefits for the position and classification to which assigned. Placement in the salary range for the classification to which assigned shall be made commensurate with the candidate's background and experience.

For candidates who will be serving in a non-represented position, including classifications within the Executive Management, Management and Confidential groups, a mandatory Employment Agreement with the District will be required. The District shall utilize a standardized Employment Agreement template for such positions, which shall include the terms of employment consistent with those provided to the groups and/or similar positions, and salary placement within the established range consistent with the District's Salary Schedule. The General Manager is authorized within his/her administrative capacity to negotiate the salary step based on the candidate's prior experience, and the sick or vacation hours accrual.

3220.9 – Reference Checking. Before an offer of employment is extended, Human Resources shall conduct reference checks for finalist candidates. The purpose of the reference check is to verify prior employment duties, dates of employment, performance record, attendance record, driving record, and any other pertinent information. Results of the reference check will help determine a candidate's fit for the position. The District shall not inquire during the reference check on the candidate's current or prior salary/benefits history, protected leave usage, or regarding workers' compensation claims.

3220.10– Criminal Background Check. The Criminal Background Check policy applies to all applicants which are defined as follows:

- a. Any individual who files a written application, or indicates a specific desire to be considered for employment;
- b. Individuals who have been conditionally offered employment, even if they have commenced employment when the employer undertakes a post-conditional offer review and consideration of criminal history;
- c. Existing employees who have applied or indicated a specific desire to be considered for a different position with the District; and
- d. An existing employee who is subjected to a review and consideration of criminal history because of a change in management, policy, or practice.

The District shall not seek information about an applicant's criminal history from any source, nor inquire regarding an applicant's criminal history information on any job application, during a job interview, or otherwise consider an applicant's criminal history at any time before a conditional offer of employment has been made.

The District shall not request information from a job applicant about their prior use of cannabis. Information about an individual's prior cannabis use obtained from their criminal history shall only be considered when authorized by law.

Once the District has made a conditional job offer, the District may obtain a candidate's criminal background in accordance with State law. The District will take all necessary steps to ensure that the use of any criminal history information does not result in discrimination or retaliation. Any employment decision related to a candidate's criminal history, following a conditional employment offer, will be job related and consistent with business necessity.

If an investigative agency is used to obtain the criminal background check, the District shall provide the candidate with the appropriate notice required by the Fair Credit Reporting Act and the California Investigative Consumer Reports Act.

3220.11 – Evaluation of Results of Criminal Background Check. Upon receiving the results of the Criminal Background Check, the Human Resources Manager shall evaluate the findings in conjunction with the hiring manager, and General Manager. If the results do not affect the District's decision to hire the applicant, the District shall inform the applicant that the conditional offer is now an official offer, and move to the next steps of offering official employment.

If the results appear to affect the District's decision, and the District intends to consider denying the applicant the position, the District shall first conduct an individualized assessment to determine whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the candidate the position. The assessment shall include:

- a. The nature and gravity of the offense or conduct to include:
 - The specific personal conduct of the applicant that resulted in the conviction;
 - Whether the harm was to property or people;
 - The degree of the harm (c.g. amount of the loss in theft);
 - The permanence of the harm;
 - The context in which the offense occurred;
 - Whether a disability, including but not limited to a past drug addiction or mental impairment, contributed to the offense or conduct, and if so, whether the likelihood of harm arising from similar conduct could be sufficiently mitigated or eliminated by a reasonable accommodation, or whether the disability has been mitigated or eliminated by treatment or otherwise;
 - Whether trauma, domestic or dating violence, sexual assault, stalking, human trafficking, duress, or other similar factors contributed to the offense or conduct; and/or
 - The age of the applicant when the conduct occurred.

- b. The time that has passed since the offense or conduct and completion of the sentence to include:
 - The amount of time that has passed since the conduct underlying the conviction, which may significantly predate the conviction itself; and/or
 - When the conviction led to incarceration, the amount of time that has passed since the applicant's release from incarceration.

- c. The nature of the job held or sought, to include:
 - The specific duties of the job;
 - Whether the context in which the conviction occurred is likely to arise in the workplace;

- and/or
- Whether the type or degree of harm that resulted from the conviction is likely to occur in the workplace.
- d. The applicant's possession of a benefit, privilege, or right required for the performance of a job by a licensing, regulatory, or government agency or board, which is considered probative of the candidate's conviction history **not** being directly and adversely related to the specific duties of that job.
- e. Evidence of rehabilitation or mitigating circumstances that is **voluntarily** provided by the applicant, or by another party at the candidate's request, before or during the individualized assessment, which shall include:
- When the conviction led to incarceration, the applicant's conduct during incarceration, including participation in work and educational or rehabilitative programming and other pro-social conduct;
 - The applicant's employment history since the conviction or completion of the sentence;
 - The applicant's community service and engagement since the conviction or completion of sentence, including but not limited to volunteer work for a community organization, engagement with a religious group or organization, participation in a support or recovery group, and other types of civic participation; and/or
 - The applicant's other rehabilitative efforts since the completion of sentence or conviction or mitigating factors.

Following the individualized assessment, the District may make a preliminary decision to deny employment. In such cases, the District shall notify the applicant in writing of the intended decision to withdraw the employment offer to include:

- a. Notice of the disqualifying conviction or convictions that are the basis for the preliminary decision to rescind the offer.
- b. A copy of the conviction history report utilized or relied on by the District (e.g. consumer reports, credit reports, public records, results of internet searches, news articles, or any other writing containing information related to the conviction history that was utilized or relied upon).
- c. Notice of the applicant's right to respond to the notice before the preliminary decision rescinding the offer of employment becomes final.
- d. An explanation informing the applicant that, if the applicant chooses to respond, the response may include submission of a) evidence challenging the accuracy of the conviction history report that is the basis for the preliminary decision to rescind the offer, or b) evidence of rehabilitation or mitigating circumstances.
- e. Notice of the deadline for the applicant to respond, if the applicant chooses to do so, which must be at least five (5) business days from the date of the original notice.
- f. Additional notice to the applicant providing an additional five (5) days to respond, when the applicant has provided timely notice that they intend to dispute the accuracy of the conviction history and is taking specific steps to obtain evidence supporting their assertion.

The District shall consider information submitted by the applicant before making a final decision about whether to deny employment. The District shall not require the applicant to provide, nor deny employment for the applicant's failure to provide evidence of rehabilitation or mitigating circumstances; and shall not

require an applicant to disclose their status as a survivor of domestic or dating violence, sexual assault, stalking, or comparable statuses; and/or shall not require an applicant to produce medical records and/or disclose the existence of a disability or diagnosis.

If the applicant's information did not change the District's preliminary decision, and the District determines to deny the applicant employment, the District shall give a 'Final Notice to Revoke Job Offer' final written notice to the applicant of the final decision to deny employment because of the individual's criminal background in accordance with Federal and State law.

3220.12 – Pre-Employment (Post-Offer) Medical Examinations. All applicants being offered employment by the District shall be required to undergo a health screening in order to determine the prospective employee's fitness to perform the essential duties and functions of the position, prior to conferring appointment. Such examinations shall be consistent with the physical and mental requirements as defined within the District's classification specifications to ensure that those appointed will be fully able to discharge the duties of the position, and to safeguard against injury on the job.

- a. Employees being considered for non-safety sensitive positions will be required to take a drug test and alcohol screening consistent, based upon a position analysis establishing business necessity.
- b. Employees being considered for safety sensitive positions, consistent with the California Code of Regulations, shall be required to participate in drug testing and alcohol screening. Safety sensitive positions have the following general characteristics:
 1. Their duties involve a greater than normal level of trust, responsibility for or impact on the health and safety of others; and
 2. Errors in judgment, inattentiveness or diminished coordination, dexterity or composure while performing their duties could clearly result in mistakes that would endanger the health and safety of others; and
 3. Employees in these positions work with such independence, or perform such tasks that it cannot be safely assumed that mistakes such as those described above could be prevented by a supervisor or another employee.
- c. The District shall not request information from a job applicant about their prior use of cannabis, and the District shall not discriminate against an employee or applicant based on the individual's use of cannabis off the job and away from the workplace.
- d. The Human Resources Manager shall evaluate job classifications/positions, and designate those safety-sensitive positions subject to this section as it pertains to the post-offer medical examination including drug and alcohol testing, establishing fitness for duty.
- e. A District-selected health care provider will examine the prospective employee at the District's expense. The District will notify and provide the health care provider with a written description of the essential duties and functions of the employee's job and whether the position is subject to drug testing and alcohol screening. The health care provider will examine the employee and provide the District with non-confidential information regarding whether:
 1. The applicant is fit to perform the essential job functions;
 2. There are any reasonable accommodations that would enable the applicant to perform the essential job functions; or
 3. The applicant's prospective employment poses a threat to the health and safety of him or herself, or others.

- f. Should the health care provider exceed the scope of the District's request and provide confidential health information, or information that is unrelated to the applicant's ability to perform the job, the District will return the report to the health care provider and request another report that includes only the non-confidential fitness for duty information that the District has requested.
- g. During the course of a fitness for duty examination, the District will not seek or use information regarding a prospective employee's medical history, diagnoses, or course of treatment without written authorization from the applicant. Under the Confidentiality of Medical Information Act (CMIA), unless written authorization is received from the applicant, the District is only entitled to know whether the prospective employee can perform the essential functions of the job. The District cannot be advised of the medical cause of an employee's inability to perform.

3220.13 – Reasonable Accommodation. If a prospective employee requires a reasonable accommodation to perform the essential functions of the job, the District is entitled to know the functional limitations on the prospective employee's ability to perform the job [e.g., the employee cannot stand for extended periods of time; the employee cannot lift objects weighing more than twenty-five (25) pounds, etc.]. The District is entitled to ask for clarification from the examiner concerning what an employee can or cannot do.

- a. A prospective employee may submit confidential medical information to the District from his/her personal health care provider. If the prospective employee provides written authorization, the Human Resources Manager shall submit the information that the prospective employee provides to the District paid health care provider who conducted the examination. The Human Resources Manager will request the District paid health care provider to determine whether the information alters the original fitness for duty assessment. The District cannot be advised of the medical cause of an employee's inability to perform.
- b. After the receipt of both the health care provider's fitness for duty report, and the analysis of the employee's personal health care information (if any), the Human Resources Manager will arrange for a discussion(s) with the employee and his/her representatives (if any). The purpose of the discussion will be in good faith to fully discuss all feasible potential reasonable accommodations.
- c. After the discussions, the Human Resources and hiring manager will review the information received, and determine if there is a reasonable accommodation that would enable the prospective employee to perform essential job functions, or if the accommodations would pose an undue hardship on the District's finances or operations. The Human Resources Manager shall recommend, and the General Manager will use his/her discretion based upon the particular facts of each case.

3220.14 – On-Boarding. Human Resources shall coordinate the on-boarding process using the prescribed On-Boarding Checklist and ensure that all documents are received and processed. The hiring manager shall complete the departmental orientation/on-boarding process.

3220.15 – Establishment of Employment Eligibility (I-9). The District is required by Federal law to verify the work eligibility of newly hired employees by obtaining a completed I-9 Form (Employment Eligibility Verification Form) for each employee hired after November 6, 1986.

- a. The District shall not discharge a current employee, refuse to appoint a new employee, or otherwise discriminate on the basis of foreign appearance, language, or name. To discriminate against an employee or applicant on the basis of national origin violates Title VII of the Civil Rights Act and the Fair Employment and Housing Act (FEHA).
- b. An employee is required to complete their portion of the I-9 Form and to provide the document(s)

verifying work eligibility on the date they are actually hired. The hire date is defined as the effective date and/or official start date of employment. Prior to the actual acceptance of an offer of employment, a prospective employee may only be advised that they will be required to complete an I-9 form and provide documentation verifying work eligibility.

- c. All new employees must provide and maintain necessary documentation to prove identity and the right to work in the United States in accordance with Federal and State Immigration and Naturalization laws (and per the I-9 Form). Failure to provide such documentation will result in disqualification from selection and/or grounds for immediate termination.
- d. A new employee should provide the required document(s) at the time they are hired. If unable to comply with this requirement, he/she must be given three (3) business days to produce evidence proving they have applied for a specific document. For example: Evidence could be a receipt verifying application for a social security card or a driver's license. It then becomes the employee's responsibility to produce the document itself within three (3) days of hire or subject to termination. However, on or before the time employment begins, the employee must have indicated in Section 1 of the I-9 Form that they are already eligible to be employed in the United States.
- e. An employee who is rehired is required to complete a new I-9 Form.
- f. The I-9 form lists the document(s) which are acceptable as proof of work eligibility. Only the employee shall designate which document(s) they wish to present. The District may not require a specific document among those listed, nor require additional documents for completing the form, beyond those which establish identity and work authorization.
- g. If the document(s) provided by the employee appears to be genuine and related to the person, they are to be accepted. There is no requirement, on the part of the District, to verify the authenticity of documents which appear to be genuine.
- h. A completed I-9 form and all copies of the documents, which verify authorization to work, are to be submitted to the Human Resources Manager. These documents are to be used for the purpose of establishing employment eligibility, and are to be retained ONLY with the I-9 Form.
- i. Once the Human Resources Manager determines that documentation is complete and verified, the Human Resources Manager shall retain the I-9 records separate from the personnel files for all active employees. Upon an employee's separation from employment, the I-9 form will be transferred to the employee's personnel file and placed in storage.
- j. If an individual is hired with incomplete documentation, they must be given three (3) business days in which to present either: 1) the necessary documents; or 2) a receipt for the application of replacement documents which verifies application for a specific document. If neither of the above is provided, within three (3) business day, the employee must be terminated and notice of termination must be provided accordingly.
- k. If an employee's work authorization expires, the I-9 Form must be updated to continue to employ that individual. This means the employee must either present a document that show an extension of employment eligibility, or a new grant-of-work authorization prior to the expiration date.
- l. It is the responsibility of the Human Resources Manager to monitor such document(s) and to verify either renewal or extension. The Human Resources Manager shall retain a list of affected employees and advise the department and employee whose authorization is due to expire. Without an extension of employment eligibility, or a new grant-of- work authorization, the employee must be terminated immediately.