



BEAUMONT-CHERRY VALLEY WATER DISTRICT
560 Magnolia Avenue, Beaumont, CA 92223

**NOTICE AND AGENDA
MEETING OF THE PERSONNEL COMMITTEE**

*This meeting is hereby noticed pursuant to
California Government Code Section 54950 et. seq.*

Tuesday, October 15, 2024 - 5:30 p.m.
560 Magnolia Avenue, Beaumont, CA 92223

TELECONFERENCE NOTICE

*The BCVWD Personnel Committee members will attend in person at the
BCVWD Administrative Office*

*This meeting is available to the public via Zoom teleconference
To access the Zoom conference, use the link below:*

<https://us02web.zoom.us/j/85792068838?pwd=cFArZHZ4aHRSUmJLeTBCZVpnUGRmdz09>

To telephone in, please dial: (669) 900-9128
Enter Meeting ID: 857 9206 8838 • Enter Passcode: 457586

*For Public Comment, use the “**Raise Hand**” feature if on
the video call when prompted. If dialing in, please **dial *9 to**
“Raise Hand” when prompted*

*Meeting materials will be available on the BCVWD’s website:
<https://bcvwd.org/document-category/personnel-committee-agendas/>*

PERSONNEL COMMITTEE MEETING – OCTOBER 15, 2024

Call to Order: Chair Covington

Roll Call

	John Covington, Chair
	Andy Ramirez

	Lona Williams (alternate)
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Public Comment

PUBLIC COMMENT: RAISE HAND OR PRESS *9 to request to speak when prompted. At this time, any person may address the Personnel Committee on matters within its jurisdiction which are not on the agenda. However, non-agenda matters that require action will be referred to Staff for a report and possible action at a subsequent meeting. **Please limit your comments to three minutes.** Sharing or passing time to another speaker is not permitted.

1. **Adjustments to the Agenda:** In accordance with Government Code Section 54954.2, additions to the agenda require a 2/3 vote of the legislative body, or if less than 2/3 of the members are present, a unanimous vote of those members present, which makes the determination that there is a need to take action, and the need to take action arose after the posting of the agenda.
 - a. Item(s) to be removed or continued from the Agenda
 - b. Emergency Item(s) to be added to the Agenda
 - c. Changes to the order of the Agenda

2. **Acceptance of Personnel Committee Meeting minutes**
Minutes may be accepted by consensus
 - a. September 17, 2024 Regular Meeting (pages 4 - 8)

ACTION ITEMS

3. **Report / Update from BCVWD Employees Association** (no staff report)

Association Representatives		
Andrew Becerra	Luis Lomeli	Ericka Enriquez

- a. Report / staff recommendation on investigation of alternate representation when MOU primary reps are not able to attend Personnel Committee meetings

4. **Report / Update from BCVWD Exempt Employees** (no staff report)

5. **Human Resources Department Report** (pages 9 - 10)

6. **Policies and Procedures Manual Updates / Revisions**

a.	Policy 3090	Family and Medical Leave	pages 11 - 26
b.	Policy 3145	Driver and Training Record Review	pages 27 - 41

7. **Update on Policy Tracking Matrix** (pages 42 - 45)
 - a. Status of Policy Revisions / Updates

8. **Initial Presentation: Great Place To Work Annual Survey Results** (pages 46 - 53)

9. Update: BCVWD FY 2025 Operating Budget (page 54)

10. General Manager Job Description - discussion

11. Action List for Future Meetings

- a. Employee Association topics
- b. Policy manual updates (ongoing)
- c. Policy Updates related to travel and per diem (requested by Dir. Williams)
- d. General Manager's job description

12. Next Meeting Date: November 19, 2024

13. Adjournment

AVAILABILITY OF AGENDA MATERIALS - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont-Cherry Valley Water District Personnel Committee in connection with a matter subject to discussion or consideration at a meeting of the Personnel Committee are available for public inspection in the District's office, at 560 Magnolia Avenue, Beaumont, California ("District Office") during business hours, Monday through Thursday from 7:30 a.m. to 5 p.m. If such writings are distributed to members of the Board less than 72 hours prior to the meeting, they will be available from the District Office at the same time or within 24 hours' time as they are distributed to all or a majority of the Board of Directors, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available in the Board Room at the District Office. Materials may also be available on the District's website <https://bcvwd.gov/>.

REVISIONS TO THE AGENDA - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Meeting Agenda may be made up to 72 hours before the Committee Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the District's Main Office, located at 560 Magnolia Avenue, Beaumont, California, up to 72 hours prior to the Committee Meeting, or download from the District's website: <https://bcvwd.gov/>.

REQUIREMENTS RE: DISABLED ACCESS - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the District Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The District Office may be contacted by telephone at (951) 845-9581, email at info@bcvwd.gov or in writing at the Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

CERTIFICATION OF POSTING: A copy of the foregoing notice was posted near the regular meeting place of the Board of Directors of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54956(a)).



BEAUMONT-CHERRY VALLEY WATER DISTRICT AGENDA
560 Magnolia Avenue, Beaumont, CA 92223

MINUTES OF THE PERSONNEL COMMITTEE MEETING
Tuesday, September 17, 2024, at 5:30 p.m.

CALL TO ORDER

Chair Covington called the meeting to order at 5:40 p.m.

ROLL CALL

<i>Directors present:</i>	<i>John Covington, Lona Williams (alternate)</i>
<i>Directors absent:</i>	<i>None</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers Assistant Director of Finance and Administration Sylvia Molina Director of Information Technology Robert Rasha Human Resources Manager Ren Berioso Executive Assistant Lynda Kerney Development services Technician Lillian Tienda</i>
<i>BCVWD Employee Association reps:</i>	<i>Luis Lomeli, Andrew Becerra</i>
<i>Members of the Public:</i>	<i>Jacob Montagne</i>

PUBLIC COMMENT: None.

ACTION ITEMS

- 1. Adjustments to the Agenda:** None.
- 2. Acceptance of the Personnel Committee Meeting minutes**
 - a. August 20, 2024, Regular Meeting

The Committee accepted the minutes of the Personnel Committee meeting by the following vote:

MOVED: Williams	SECONDED: Covington	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

3. **Report / Update from BCVWD Employees Association:** Representing the Employees Association will be Ericka Enriquez, replacing Luis Lomeli.
4. **Report / Update from BCVWD Exempt Employees:** None.
5. **Report / Update from General Manager**
General Manager Dan Jagers advised the Committee the non-exempt employees held a vote to consider unionizing and the posted results showed 10 in favor of unionizing, and 20 opposed, one undecided.

Communication between the Employees Association, the GM, and the Personnel Committee has increased to assure there is a vehicle to satisfy the needs.

Director Williams asked about a provision in the MOU for alternate representatives to attend the Personnel Committee. Mr. Becerra replied that there is not currently such a provision, and an alternate would be desirable with the possibility of receiving the stipend. Mr. Jagers said it makes sense to allow alternates when it is not possible for the rep to attend, and indicated it could be investigated as to how to provide for attendance by an alternate. The MOU is closed, he reminded.

Chair Covington stated that the MOU is pretty explicit and there is no agenda item to discuss in detail. He directed staff to review the possibility with the MOU representatives and bring it back if worthy of discussion. If it is decided it should go to the Board for amendment of the MOU, that is another conversation, he noted.

Chair Covington invited public comment. An online comment from Mr. Montagne was acknowledged.

6. **Policies and Procedures Manual Updates / Revisions**

Human Resources Manager Ren Berioso noted that all policies were vetted by legal counsel and presented the proposed revisions to the following policies:

a. Policy 3136 Succession and Workforce Planning

Mr. Berioso emphasized the importance of succession planning for business continuity and reviewed the proposed policy. He assured that it is not a guarantee of promotion but helps in an employee's career growth and development. It is a robust program overseen by HR and the general manager.

Chair Covington indicated the program appeared to be geared towards higher level employees, and asked how other levels would be addressed to assure all were included, and it was not limited to higher classifications. Mr. Berioso advised that different classifications are available for all employees, and the program is geared toward positions that are highly technical in nature and are hard to fill. The District wants to provide an opportunity to elevate those individuals within the District who have learned all processes, he explained. Mr. Jagers noted the intent is not to focus on a particular group. When an individual has skills the District would like to develop, the intent is to recognize the contributions and talent continuing at an advanced level, and planning for the opportunity to make the person successful.

Jagers noted this was demonstrated with the recent retirement of the field superintendent. Covington and Williams concurred and recognized the internal

promotions. Jagers assured Chair Covington the program would be inclusive, and the intent was to be encompassing with planning from top to bottom.

Director Williams emphasized the importance of identification of talent, and inclusion of field positions. She suggested informal internal update of staff resumes during the review period. Mr. Jagers noted there is a self-evaluation form the employee fills out, which includes a section for development.

Mr. Jagers reminded about the incomplete succession plan and assured the Board's desire for workforce and succession planning is still moving forward.

Mr. Montagne posted a comment in the meeting chat asking about an upward mobility strategy for tradespeople. Mr. Berioso pointed to the proposed policy which offers a more robust program, although the District has historically been very supportive in identifying high potential employees and opportunity to apply for higher level jobs.

The Committee recommended this policy revision for consideration by the Board of Directors by the following vote:

MOVED: Covington	SECONDED: Williams	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

b. Policy 3176 Transfers and Voluntary Demotion

Mr. Berioso explained this policy is vital to assure the District is supported to retain and develop employees in their aspired roles and to promote flexibility within the District. He reviewed the provisions and provided examples. Mr. Jagers provided an additional example of voluntary demotion and discussed extension of probation.

The Committee recommended this policy revision for consideration by the Board of Directors by the following vote:

MOVED: Williams	SECONDED: Covington	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

c. Policy 3255 Other Mandated Leaves of Absence

Mr. Berioso advised that these are job-protected leaves of absence as mandated by the State. The policy provides managers with legal guidance, he said, and reviewed the policy sections.

Mr. Berioso discussed the required two hours of paid leave for voting, and recommended the District extend it to four hours. "Time off ~~should~~ *shall* be taken at

the beginning or end of the regular work shift,” Jagers recommended. After discussion, the Committee directed staff to provide the two hours provided by law.

Mr. Berioso cautioned that if mandated leave is exceeded, it may be construed as job abandonment per Policy 3185.

Mr. Montagne asked if there was a policy covering Board member absences. Chair Covington said there was, but it does not fall into this policy.

The Committee recommended this revision for consideration by the Board of Directors by the following vote:

MOVED: Covington	SECONDED: Williams	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

d. Policy 5025 Illness and Injury Prevention Program

Mr. Berioso explained that staff had identified a duplication of this policy. The duplicative sections have been combined as proposed policy 5025, with revisions and additions.

In response to Chair Covington, Mr. Berioso indicated that HR worked with the Director Operations staff on sections of the policy, which was based on a CSDA sample.

Mr. Jagers provided input and there was discussion about designation of a competent person and removal of designated titles.

The Committee recommended this policy revision with amendments as discussed for consideration by the Board of Directors by the following vote:

MOVED: Covington	SECONDED: Williams	APPROVED
AYES:	Covington, Williams	
NOES:	None.	
ABSTAIN:	None.	
ABSENT:	None.	

7. Update on Policy Tracking Matrix

Mr. Berioso reviewed the dashboard and pointed out some modifications and footnotes. He advised that progress had been made to 94.12 percent completeness for HR policies. If the recommended four policies from this meeting are approved by the Board, the Personnel section is 100 percent complete. Chair Covington asked about the policies outstanding from the August meeting. Mr. Berioso indicated they were slated for the Board meeting on September 18.

The Director of Information Technology is working on the IT policies, some of which are security sensitive. Nineteen will be brought to the Personnel Committee, Mr. Rasha advised. Policies have been submitted to the Municipal Information Systems Association of California for review.

There is a total of 168 policies in the matrix, and 88 percent are Board approved, Berioso noted. There remain some that will require revisiting.

8. Report from Human Resources Department

Human Resources Manager Ren Berioso presented highlights of the report:

- Currently 47 employees
- Hiring of a Management Analyst II
- Promotion of a Water Utility Worker II

9. Action List for Future Meetings

- Employee Association topics
- Policy manual updates (ongoing)
- Policy Updates related to travel and per diem (requested by Dir. Williams)
- General Manager's job description (to be presented October 15 meeting)

10. Next Meeting Date:

Regular Meeting Tuesday, October 15, 2024, at 6 p.m.

ADJOURNMENT: 7:00 p.m.

Attest:

DRAFT UNTIL APPROVED

John Covington, Chairman
to the Personnel Committee of the Beaumont-Cherry Valley Water District



**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
October 15, 2024**

Item 5

HUMAN RESOURCES REPORT

TO: Personnel Committee
FROM: Ren Berioso, Human Resources Manager
SUBJECT: Human Resources Department Report for the Month of September 2024

Table 1: Personnel

The below table represents the District’s current Workforce.
 As of September 30, 2024

Total Current Employees (Excluding Board Members)	47
Full-Time Employees	45
Part-Time	1
Temporary	1
Interns	0
Separations	0
Retired Employee(s)	0

Table 2: New Hires

The below table represents new hires.
 As of September 30, 2024

Employee Name	Job Title	Department
None		

Table 3: Anniversaries*

The below table represents BCVWD employee anniversaries.
 As of September 30, 2024

Employee Name	Department	Years of Service
Taylor Williams	Finance and Administration	9 years

**Work Anniversaries for the purposes of this report are calculated from the hire date and do not determine employment conditions or terms. This report does not include elected officials.*



Table 4: Promotions or Division/Title Change

The below table represents promotions or Division/Title Changes.

As of September 30, 2024

Employee Name	Former Title	Changed to
None		

Table 5: Recruitment

The below table represents active/closed recruitment(s).

As of September 30, 2024

Position	Department	Update
None		

Table 6: Separation/Retirement

The below table represents employees separating from BCVWD.

As of September 30, 2024

Employee Name	Position Held	Department	Last Day
None			

Table 7: Communications

The below table represents HR communications to BCVWD employees.

As of September 30, 2024

Communication	Topic
HR Memo 24-018 – EASE Open Enrollment Tutorial	Benefits
HR Memo 24-019 – Gentle Reminder: Open Enrollment 9/16/2024 to 10/11/2024	Benefits

Staff Report Prepared by Ren Berioso, Human Resources Manager



**Beaumont-Cherry Valley Water District
Personnel Committee
October 15, 2024**

Item 6a

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources Manager

SUBJECT: Policies and Procedures Manual Updates/Revisions amending Policy Number 3090 Family and Medical Leave

Staff Recommendation

Approve the revision of Policy Number 3090 Family and Medical Leave to move forward to the next Board of Directors meeting with the recommendations stated in Table 1, Summary of Policy Changes, or direct staff as desired.

Executive Summary

Staff proposes the revision of Policy Number 3090, *Family and Medical Leave*, to align with the requirements of the Family and Medical Leave Act (FMLA), as mandated by the U.S. Department of Labor, and the California Family Rights Act (CFRA). The proposed amendment includes the addition of FMLA provisions, ensuring compliance with federal legal requirements. It also includes sections addressing the coordination of leave between FMLA and CFRA, specifically related to the "Designated Person" provision introduced by AB 1041, which took effect on January 1, 2023. These updates are intended to ensure full compliance with both federal and state law.

Background

At the December 14, 2022, Regular Board Meeting, the Board of Directors adopted Policy 3090, titled *Family and Medical Leave*. During the policy's adoption, former Human Resources (HR) staff removed the provisions of the Family and Medical Leave Act (FMLA). Upon further review and consultation with legal sources, current HR staff has determined that FMLA applies to all public agencies, regardless of their workforce size. This contrasts with private and non-profit organizations, which are only required to offer FMLA if they have at least 50 employees. To ensure compliance with federal legal requirements, HR staff is now proposing to reinstate FMLA provisions in the revised policy.

Additionally, AB 1041, effective January 1, 2023, expands the definition of family members under the California Family Rights Act (CFRA) to include a "Designated Person," allowing employees to use CFRA leave to care for individuals outside their immediate family who have a significant role in their lives. This new law provides employees with greater flexibility in managing family care responsibilities. To ensure compliance with state law, staff is proposing to incorporate this key provision into the revised policy. While FMLA and CFRA generally run concurrently, the inclusion of the "Designated Person" under CFRA creates an exception. Therefore, staff is also proposing an additional section to clarify the distinction between FMLA and CFRA in cases involving a designated person.

As part of the ongoing review of District policies, HR staff conducted a thorough consultation with multiple legal sources to ensure the policy language aligns with current labor laws. Additionally, the proposed redline version was submitted to Legal Counsel for further review, ensuring the



policy meets all legal standards and is fully compliant with state and federal regulations. This comprehensive review process helps safeguard the District against potential legal risks while providing clear and lawful guidelines for both employees and management.

Discussion

Table A, Summary of Policy Changes, outlines the proposed Family and Medical Leave (policy) that are in reference to the redline draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Option/s to Consider	Fiscal Impact of Option
1	All Sections	FMLA	The District currently follows only CFRA.	3090.1 Add FMLA in all sections of the policy and modernize the language.	No fiscal impact.
2	Section 3090.3.1, a to e	FMLA	The District follows just the CFRA leave benefits.	3090.3 Add leave benefits that are under FMLA such as care for new/adopted child within one year of birth, and any disability arising from pregnancy. Legal counsel also added some more leave benefits.	No fiscal impact.
3	Section 3090.3.3	None	The District requires employees on leave under this policy to use their paid leaves.	3090.3.5 This section was deleted as this is already stated in 3090.5.3. This is therefore redundant.	No fiscal impact
4	Section 3090.3.4	FMLA	The District follows CFRA where both parents can use up to 12 weeks of leave.	3090.3 Add a statement that both parents can take the leave at the same time and will run concurrently with FMLA.	No fiscal impact.



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Option/s to Consider	Fiscal Impact of Option
5	No Section	AB 1041	The District follows the law.	3090.4 Add Designated Persons as to whom an employee can their CFRA leave for as required by AB 1041 effective 1/1/2023. Rules where proposed to add if this leave is taken for said reason.	The District will still pay for the medical benefits while on CFRA leave with this reason. This is already accounted for in the annual budget.
6	Section 3090.7	FMLA and CFRA	The District currently follows the CFRA standards.	3090.5 Move and revise this section providing that FMLA and CFRA runs concurrently except if employee's reason for leave is for a designated person.	No fiscal impact.
7	No Section	FMLA and CFRA CA Fair Employment and Housing Act (FEHA)	The District follows these laws.	3090.9 Add section that prevents retaliation for taking this protected leave of absence under FMLA, CFRA and FEHA.	No fiscal impact

Fiscal Impact

Fiscal Impact is the District's coverage of the employee's medical benefits while on a CFRA leave for a designated person, which is accounted for in the annual operating budget.

Attachments

1. Redline draft version of Policy 3090 Family and Medical Leave
2. Side-by-side version of Policy 3090 Family and Medical Leave
3. Clean draft version of Policy 3090 Family and Medical Leave
4. FAQ: Family and Medical Leave Act (FMLA), US Department of Labor
5. AB 1041 – Designated Person under CFRA Effective January 1, 2023

Staff Report prepared by Ren Berioso, Human Resources Manager

Attachment 1

BEAUMONT-CHERRY VALLEY WATER DISTRICT

PERSONNEL

POLICY TITLE: FAMILY AND MEDICAL LEAVE
POLICY NUMBER: 3090

3090.1 **Policy.** The District complies with the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees. The provisions of an employment agreement or MOU with union and/or employee association shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with FMLA and/or the CFRA. In the event of any conflict between policy and the applicable law, employees will be afforded all rights required by law.

3090.2 **Eligibility.** To be eligible for leave under the CFRA, an employee must have:

1. Been employed by the District for at least 12 months (the 12 months of employment do not have to be consecutive); and
2. Worked for the District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

3090.3 **Leave Benefit.**

1. Eligible employees will be provided with up to 12 weeks of unpaid leave each year- for the following reasons:
 - a. The birth of a child or to care for the newborn child within one year of birth.
 - a.b. The placement of a child with the employee for adoption or foster care, and to care for the newly placed child within one year of employment.
 - b.c. To care for a spouse or domestic partner, child, grandchild, grandparent, sibling, or parent, parent in law, or designated person who has a serious health condition.
 - e.d. For a serious health condition that makes the employee unable to perform the essential functions of his or her job, except including for leave taken for disability related to pregnancy, childbirth, or related medical conditions.
 - d.e. For any qualifying exigency arising out of the fact that a spouse, domestic partner, child, or parent is a military member on covered active duty or on call to covered active duty status.
2. The District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the District will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.
3. ~~To be eligible for leave under the CFRA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave, as permitted by law.~~
- 4.3. If both parents of a child are employed by the District, each parent may take 12 weeks of leave (if

Commented [RTG1]: If you are offering FMLA leave, you must include pregnancy-related disability. The CFRA does not cover pregnancy-related conditions but the FMLA does.

otherwise eligible) for the birth, adoption, or foster placement of a child. Both parents can file for leave at the same time for CFRA that runs concurrently with FMLA.

- ~~5.4.~~ Employees taking FMLA and/or CFRA will be required to use all available paid time off (e.g. vacation, administrative, floating holidays, etc.) during any FMLA and/or CFRA leave as permitted by law. Sick leave will may run concurrently with FMLA and CFRA leave for employee's own serious condition. However, employees are not required to use sick leave to cover ~~a~~ FMLA and/or CFRA leave in connection with the birth, adoption, or placement of a foster child, or to care for a sick family member. Vacation and sick time off do not accrue during ~~a~~ FMLA and/or CFRA leave of absence. If a holiday falls during a FMLA and/or CFRA leave of absence, the employee will not receive holiday pay (See Policy 3070).
- ~~6.5.~~ Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work. While on paid leave, the District will continue to make payroll deductions as necessary to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.
- ~~7.~~ At the end of the leave the District will reinstate the employee to his/her previous position (unless the position no longer exists due to layoff or reduction in force, or has been eliminated or modified due to reasons unrelated to the employee's FMLA and/or CFRA leave) or to an equivalent job with equivalent pay, benefits, and working conditions. The employee will be reinstated at the same level of seniority as when the leave commenced. For employees who take leave for their own serious health condition, District will also require the employee to obtain medical certification from a health care provider stating that they are able to resume work.

3090.4 Designated Person. All eligible full-time and part-time employees may take up to 12 weeks of unpaid, job-protected leave in a 12-month period to care for a Designated Person with a serious health condition. A Designated Person is defined as any individual related by blood or whose association with the employee is equivalent to a family relationship. No additional proof of the relationship between the employee and the Designated Person is required beyond meeting the statutory definition of a family relationship equivalent. Eligible employees may designate one person per 12-month period when requesting leave, and this person does not need to be a legally recognized family member. Leave taken for a Designated Person under CFRA is distinct and does not run concurrently with FMLA unless the leave is for a family member covered under both laws.

3090.5 Leave Interactions. As a general rule, FMLA leave runs concurrently with CFRA leave unless a leave taken under this policy is to care for a Designated Person under section 3090.4 when the reason for leave qualifies under both statutes. If an employee is on leave due to a worker's compensation injury, the any leave shall be counted against will may run concurrently with FMLA, and/or CFRA or both, if the leave is for a qualifying reason. CFRA can also be taken after Pregnancy Disability Leave (see Policy 3095) providing up to 12 additional weeks of leave for baby bonding with a new child.

~~3090.6~~ 4 Employee Obligations

1. If the event necessitating the leave is foreseeable, the employee must provide his or her supervisor or Human Resources with at least thirty (30) days prior written notice. If 30 days' advance notice for leave is not practicable, the employee must provide his or her supervisor with as much notice as possible.

2. Employees seeking leave on account of a serious health condition must provide Human Resources with a medical certification regarding their ~~condition~~need to take leave. If the District has reason to doubt the validity of the medical certification, the General Manager, or his/her designee, may require employees to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the General Manager or his/her designee may require a third opinion from a mutually agreed upon health care provider.
3. FMLA and/or CFRA may be taken intermittently if required by a medical certification. Leave for a serious illness may be taken intermittently when medically necessary or if the employee is unable to perform his/her job intermittently due to a medical condition. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the District's operations.
4. Employees on unpaid leave must make regular and timely payments for ~~their~~the employee- share of insurance premiums. If the employee does not continue these payments, the District may discontinue coverage during the leave, as permitted by law.
5. The District may require an employee on FMLA and/or CFRA leave to report periodically on his/her status and intent to return to work through Human Resources.

3090.75 Designation of FMLA and/or CFRA Leave

1. Human Resources will complete and provide employees with a Notice of Eligibility within 5 business days of receipt of notice of the need for leave. Human Resources ~~shall~~will request a medical certification or other supporting documentation as necessary.
2. Human Resources will complete and provide the employee with a written response to the employee's request for CFRA leave using the CFRA Designation Notice within 5 business days of receipt of the requested medical certification or other supporting documentation.

3090.86 Definitions

1. Serious health condition: an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term, or permanent periods of incapacity.
2. Child: a biological, adopted, or foster child, a stepchild, a legal ward, the child of a domestic partner, or a child of a person standing *in loco parentis*.
3. Parent: a biological, adoptive, step or foster parent, parent in law, or a legal guardian or any individual who stood *in loco parentis* to the employee when the employee was a child.
4. Qualifying exigency: events related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified by Section 3302.2 of the Unemployment Insurance Code.

~~3090.7 Leave Interactions. Should the District offer FMLA leave at a future date, FMLA leave will in many instances run concurrently with CFRA leave.~~

3090.9 **Retaliation and Discrimination Prohibited.** It is unlawful for the District to interfere with, restrain, or deny the exercise of any right provided under FMLA or CFRA. The District is also prohibited from retaliating against an employee for exercising their rights under FMLA or CFRA. This provision does not prevent the District from denying FMLA or CFRA leave if the employee does not have a legally qualifying reason for leave.

Attachment 2

CURRENT POLICY

POLICY TITLE: FAMILY AND MEDICAL LEAVE
POLICY NUMBER: 3090

3090.1 The District complies with the California Family Rights Act (CFRA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees. The provisions of an employment agreement or MOU with union and/or employee association shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the CFRA. In the event of any conflict between policy and the applicable law, employees will be afforded all rights required by law.

3090.2 **Eligibility.** To be eligible for leave under the CFRA, an employee must have:

1. Been employed by the District for at least 12 months (the 12 months of employment do not have to be consecutive); and
2. Worked for the District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

3090.3 Leave Benefit

1. Eligible employees will be provided with up to 12 weeks of unpaid leave each year for the following reasons:

- a. The birth of a child or placement of a child with the employee for adoption or foster care.
- b. To care for a spouse or domestic partner, child, grandchild, grandparent, sibling, or parent who has a serious health condition.
- c. For a serious health condition that makes the employee unable to perform the essential functions of his or her job, except for leave taken for disability related to pregnancy, childbirth, or related medical conditions.
- d. For any qualifying exigency arising out of the fact that a spouse, domestic partner, child, or parent is a military member on covered active duty or on call to covered active duty status.

2. The District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the District will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

3. To be eligible for leave under the CFRA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave, as permitted by law.

4. If both parents of a child are employed by the District, each parent may take 12 weeks of leave (if otherwise eligible) for the birth, adoption, or foster placement of a child.

5. Employees taking CFRA will be required to use all available paid time off (e.g. vacation, floating holidays, etc.) during any CFRA leave as permitted by law. Sick leave may run concurrently with CFRA leave, however employees are not required to use sick leave to cover a CFRA leave in

PROPOSED POLICY

POLICY TITLE: FAMILY AND MEDICAL LEAVE
POLICY NUMBER: 3090

3090.1 **Policy.** The District complies with the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees. The provisions of an employment agreement or MOU with union and/or employee association shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with FMLA and/or the CFRA. In the event of any conflict between policy and the applicable law, employees will be afforded all rights required by law.

3090.2 **Eligibility.** To be eligible for leave under the CFRA, an employee must have:

1. Been employed by the District for at least 12 months (the 12 months of employment do not have to be consecutive); and
2. Worked for the District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

3090.3 Leave Benefit

1. Eligible employees will be provided with up to 12 weeks of unpaid leave each year for the following reasons:

- a. The birth of a child or to care for the newborn child within one year of birth.
- a-b. The placement of a child with the employee for adoption or foster care, and to care for the newly placed child within one year of employment.
- b-c. To care for a spouse or domestic partner, child, grandchild, grandparent, sibling, or parent.
- d. For a serious health condition that makes the employee unable to perform the essential functions of his or her job, ~~except~~ including for leave taken for disability related to pregnancy, childbirth, or related medical conditions.

d-e. For any qualifying exigency arising out of the fact that a spouse, domestic partner, child, or parent is a military member on covered active duty or on call to covered active duty status.

d-f. For any qualifying exigency arising out of the fact that a spouse, domestic partner, child, or parent is a military member on covered active duty or on call to covered active duty status.

2. The District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the District will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

3. ~~To be eligible for leave under the CFRA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave, as permitted by law.~~

4. ~~If both parents of a child are employed by the District, each parent may take 12 weeks of leave (if~~

otherwise eligible) for the birth, adoption, or foster placement of a child. Both parents can file for leave at the same time for CFRA that runs concurrently with FMLA.

5-4. Employees taking FMLA and/or CFRA will be required to use all available paid time off (e.g. vacation, administrative, floating holidays, etc.) during any FMLA and/or CFRA leave as permitted by law. Sick leave will never run concurrently with FMLA and CFRA leave for employee's own serious condition. However, employees are not required to use sick leave to cover a FMLA and/or CFRA leave in connection with the birth, adoption, or placement of a foster child, or to care for a sick family member. Vacation and sick time off do not accrue during a FMLA and/or CFRA leave of absence. If a holiday falls during a FMLA and/or CFRA leave of absence, the employee will not receive holiday pay (See Policy 3070).

5-5. Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work. While on paid leave, the District will continue to make payroll deductions as necessary to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

7. At the end of the leave the District will reinstate the employee to his/her previous position (unless the position no longer exists due to layoff or reduction in force, or has been eliminated or modified due to reasons unrelated to the employee's FMLA and/or CFRA leave) or to an equivalent job with equivalent pay, benefits, and working conditions. The employee will be reinstated at the same level of seniority as when the leave commenced. For employees who take leave for their own serious health condition, District will also require the employee to obtain medical certification from a health care provider stating that they are able to resume work.

3090.4. Designated Person. All eligible full-time and part-time employees may take up to 12 weeks of unpaid, job-protected leave in a 12-month period to care for a Designated Person with a serious health condition. A Designated Person is defined as any individual related by blood or whose association with the employee is equivalent to a family relationship. No additional proof of the relationship between the employee and the Designated Person is required beyond meeting the statutory definition of a family relationship equivalent. Eligible employees may designate one person per 12-month period when requesting leave, and this person does not need to be a legally recognized family member. Leave taken for a Designated Person under CFRA is distinct and does not run concurrently with FMLA, unless the leave is for a family member covered under both laws.

3090.5. Leave Interactions. As a general rule, FMLA leave runs concurrently with CFRA leave unless a leave taken under the relevant statute for a Designated Person under section 3090.4 when the reason for leave qualifies under both statutes. If an employee is on leave due to a worker's compensation injury, the leave shall be counted against the FMLA and/or CFRA entitlement. If the leave is for a qualifying reason, CFRA can also be taken after Pregnancy Disability Leave (See Policy 3095) providing up to 12 additional weeks of leave for baby bonding with a newborn.

3090-64 Employee Obligations

1. If the event necessitating the leave is foreseeable, the employee must provide his or her supervisor or Human Resources with at least thirty (30) days prior written notice. If 30 days' advance notice for leave is not practicable, the employee must provide his or her supervisor with as much notice as possible.

connection with the birth, adoption, or placement of a foster child, or to care for a sick family member. Vacation and sick time off do not accrue during a CFRA leave of absence. If a holiday falls during a CFRA leave of absence, the employee will not receive holiday pay (Policy 3070).

6. Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work. While on paid leave, the District will continue to make payroll deductions as necessary to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

7. At the end of the leave the District will reinstate the employee to his/her previous position (unless the position no longer exists due to layoff or reduction in force, or has been eliminated or modified due to reasons unrelated to the employee's CFRA leave) or to an equivalent job with equivalent pay, benefits, and working conditions. The employee will be reinstated at the same level of seniority as when the leave commenced. For employees who take leave for their own serious health condition, District will also require the employee to obtain medical certification from a health care provider stating that they are able to resume work.

3090.4 Employee Obligations

1. If the event necessitating the leave is foreseeable, the employee must provide his or her supervisor or Human Resources with at least 30 days' advance notice. If 30 days' advance notice for leave is not practicable, the employee must provide his or her supervisor with as much notice as possible.
2. Employees seeking leave on account of a serious health condition must provide Human Resources with a medical certification regarding their condition. If the District has reason to doubt the validity of the medical certification, the General Manager, or his/her designee, may require employees to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the General Manager or his/her designee may require a third opinion from a mutually agreed upon health care provider.
3. CFRA may be taken intermittently if required by a medical certification. Leave for a serious illness may be taken intermittently when medically necessary or if the employee is unable to perform his/her job intermittently due to a medical condition. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the District's operations.
4. Employees on unpaid leave must make regular and timely payments for their share of insurance premiums. If the employee does not continue these payments, the District may discontinue coverage during the leave, as permitted by law.
5. The District may require an employee on CFRA leave to report periodically on his/her status and intent to return to work.

3090.5 Designation of CFRA Leave

1. Human Resources will complete and provide employees with a Notice of Eligibility within 5 business days of receipt of notice of the need for leave. Human Resources will request a medical certification or other supporting documentation as necessary.
2. Human Resources will complete and provide the employee with a written response to the

employee's request for CFRA leave using the CFRA Designation Notice within 5 business days of receipt of the requested medical certification or other supporting documentation.

3090.6 Definitions

1. Serious health condition: an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term, or permanent periods of incapacity.
2. Child: a biological, adopted, or foster child, a stepchild, a legal ward, the child of a domestic partner, or a child of a person standing in loco parentis.
3. Parent: a biological, adoptive, step or foster parent, a legal guardian or any individual who stood in loco parentis to the employee when the employee was a child.
4. Qualifying exigency: events related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified by Section 3302.2 of the Unemployment Insurance Code.

3090.7 Leave Interactions. Should the District offer FMLA leave at a future date, FMLA leave will in many instances run concurrently with CFRA leave.

2. Employees seeking leave on account of a serious health condition must provide Human Resources with a medical certification regarding their ~~condition~~ need to take leave. If the District has reason to doubt the validity of the medical certification, the General Manager, or his/her designee, may require employees to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the General Manager or his/her designee may require a third opinion from a mutually agreed upon health care provider.

3. FMLA and/or CFRA may be taken intermittently if required by a medical certification. Leave for a serious illness may be taken intermittently when medically necessary or if the employee is unable to perform his/her job intermittently due to a medical condition. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the District's operations.
4. Employees on unpaid leave must make regular and timely payments for ~~health~~ the employee's share of insurance premiums. If the employee does not continue these payments, the District may discontinue coverage during the leave, as permitted by law.
5. The District may require an employee on FMLA and/or CFRA leave to report periodically on his/her status and intent to return to work through Human Resources.

3090.75 Designation of FMLA and/or CFRA Leave

1. Human Resources will complete and provide employees with a Notice of Eligibility within 5 business days of receipt of notice of the need for leave. Human Resources ~~shall~~ request a medical certification or other supporting documentation as necessary.
2. Human Resources will complete and provide the employee with a written response to the employee's request for CFRA leave using the CFRA Designation Notice within 5 business days of receipt of the requested medical certification or other supporting documentation.

3090.85 Definitions

1. Serious health condition: an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term, or permanent periods of incapacity.
2. Child: a biological, adopted, or foster child, a stepchild, a legal ward, the child of a domestic partner, or a child of a person standing in loco parentis.
3. Parent: a biological, adoptive, step or foster parent, parent in law, or a legal guardian or any individual who stood in loco parentis to the employee when the employee was a child.
4. Qualifying exigency: events related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified by Section 3302.2 of the Unemployment Insurance Code.

3090.7 Leave Interactions. Should the District offer FMLA leave at a future date, FMLA leave will in many instances run concurrently with CFRA leave.

3090.9 Retaliation and Discrimination Prohibited. It is unlawful for the District to interfere with, restrain, or deny the exercise of any right provided under FMLA or CFRA. The District is also prohibited from retaliating against an employee for exercising their rights under FMLA or CFRA. This provision does not prevent the District from denying FMLA or CFRA leave if the employee does not have a legally qualifying reason for leave.

POLICY TITLE: FAMILY AND MEDICAL LEAVE
POLICY NUMBER: 3090

Attachment 3

3090.1 **Policy.** The District complies with the Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) and will grant up to 12 weeks of leave during a 12-month period to eligible employees. The provisions of an employment agreement or MOU with union and/or employee association shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with FMLA and/or CFRA. In the event of any conflict between policy and the applicable law, employees will be afforded all rights required by law.

3090.2 **Eligibility.** To be eligible for leave under the CFRA, an employee must have:

1. Been employed by the District for at least 12 months (the 12 months of employment do not have to be consecutive); and
2. Worked for the District at least 1,250 hours during the 12 months immediately preceding the commencement of leave.

3090.3 **Leave Benefit.**

1. Eligible employees will be provided with up to 12 weeks of unpaid leave each year for the following reasons:
 - a. The birth of a child or to care for the newborn child within one year of birth.
 - b. The placement of a child with the employee for adoption or foster care, and to care for the newly placed child within one year of employment.
 - c. To care for a spouse or domestic partner, child, grandchild, grandparent, sibling, parent, parent-in-law, or designated person who has a serious health condition.
 - d. For a serious health condition that makes the employee unable to perform the essential functions of his or her job, including leave taken for disability related to pregnancy, childbirth, or related medical conditions.
 - e. For any qualifying exigency arising out of the fact that a spouse, domestic partner, child, or parent is a military member on covered active duty or on call to covered active-duty status.
2. The District will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the District will compute the amount of leave the employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.
3. If both parents of a child are employed by the District, each parent may take 12 weeks of leave (if otherwise eligible) for the birth, adoption, or foster placement of a child. Both parents can file for leave at the same time for CFRA that runs concurrently with FMLA.
4. Employees taking FMLA and/or CFRA will be required to use all available paid time off (e.g. vacation, administrative, floating holidays, etc.) during any FMLA and/or CFRA leave as permitted by law. Sick leave will run concurrently with FMLA and CFRA leave for employee's own serious condition. However, employees are not required to use sick

Adopted by Resolution XX

leave to cover FMLA and/or CFRA leave in connection with the birth, adoption, or placement of a foster child, or to care for a sick family member. Vacation and sick time off do not accrue during FMLA and/or CFRA leave of absence. If a holiday falls during a FMLA and/or CFRA leave of absence, the employee will not receive holiday pay (See Policy 3070).

5. Employees on leave who were previously covered by the District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work. While on paid leave, the District will continue to make payroll deductions as necessary to collect the employee's share of insurance premiums. While on unpaid leave, the employee must continue to make this payment, either in person or by mail.

At the end of the leave the District will reinstate the employee to his/her previous position (unless the position no longer exists due to layoff or reduction in force, or has been eliminated or modified due to reasons unrelated to the employee's FMLA and/or CFRA leave) or to an equivalent job with equivalent pay, benefits, and working conditions. The employee will be reinstated at the same level of seniority as when the leave commenced. For employees who take leave for their own serious health condition, District will also require the employee to obtain medical certification from a health care provider stating that they are able to resume work.

3090.4 Designated Person. All eligible full-time and part-time employees may take up to 12 weeks of unpaid, job-protected leave in a 12-month period to care for a Designated Person with a serious health condition. A Designated Person is defined as any individual related by blood or whose association with the employee is equivalent to a family relationship. No additional proof of the relationship between the employee and the Designated Person is required beyond meeting the statutory definition of a family relationship equivalent. Eligible employees may designate one person per 12-month period when requesting leave, and this person does not need to be a legally recognized family member. Leave taken for a Designated Person under CFRA is distinct and does not run concurrently with FMLA unless the leave is for a family member covered under both laws.

3090.5 Leave Interactions. As a general rule, FMLA leave runs concurrently with CFRA leave when the reason for leave qualifies under both statutes. If an employee is on leave due to a worker's compensation injury, any leave will run concurrently with FMLA and CFRA, if the leave is for a qualifying reason. CFRA can also be taken after Pregnancy Disability Leave (see Policy 3095) providing up to 12 additional weeks of leave for baby bonding with a new child.

30906 Employee Obligations

1. If the event necessitating the leave is foreseeable, the employee must provide his or her supervisor or Human Resources with at least thirty (30) days prior written notice. If 30 days' advance notice for leave is not practicable, the employee must provide his or her supervisor with as much notice as possible.
2. Employees seeking leave on account of a serious health condition must provide Human Resources with a medical certification regarding their need to take leave. If the District has reason to doubt the validity of the medical certification, the General Manager, or his/her designee, may require employees to obtain, at the District's expense, a second opinion. If the second opinion differs from the first, the General Manager or his/her

Adopted by Resolution XX

designee may require a third opinion from a mutually agreed upon health care provider.

3. FMLA and/or CFRA may be taken intermittently if required by a medical certification. Leave for a serious illness may be taken intermittently when medically necessary or if the employee is unable to perform his/her job intermittently due to a medical condition. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the District's operations.
4. Employees on unpaid leave must make regular and timely payments for the employee-share of insurance premiums. If the employee does not continue these payments, the District may discontinue coverage during the leave, as permitted by law.
5. The District may require an employee on FMLA and/or CFRA leave to report periodically on his/her status and intent to return to work through Human Resources

3090.7 **Designation of FMLA and/or CFRA Leave**

1. Human Resources will complete and provide employees with a Notice of Eligibility within 5 business days of receipt of notice of the need for leave. Human Resources shall request a medical certification or other supporting documentation as necessary.
2. Human Resources will complete and provide the employee with a written response to the employee's request for CFRA leave using the CFRA Designation Notice within 5 business days of receipt of the requested medical certification or other supporting documentation.

3090.8 **Definitions**

1. Serious health condition: an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term, or permanent periods of incapacity.
2. Child: a biological, adopted, or foster child, a stepchild, a legal ward, the child of a domestic partner, or a child of a person standing *in loco parentis*.
3. Parent: a biological, adoptive, step or foster parent, parent-in-law, or a legal guardian or any individual who stood *in loco parentis* to the employee when the employee was a child.
4. Qualifying exigency: events related to the covered active duty or call to covered active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified by Section 3302.2 of the Unemployment Insurance Code.

3090.9 **Retaliation and Discrimination Prohibited.** It is unlawful for the District to interfere with, restrain, or deny the exercise of any right provided under FMLA or CFRA. The District is also prohibited from retaliating against an employee for exercising their rights under FMLA or CFRA. This provision does not prevent the District from denying FMLA or CFRA leave if the employee does not have a legally qualifying reason for leave.

Adopted by Resolution XX

Attachment 4



The Employee's Guide to the Family and Medical Leave Act



UNITED STATES DEPARTMENT OF LABOR

Who Can Use FMLA Leave?

In order to take FMLA leave, you must first work for a covered employer. Generally, private employers with at least 50 employees are covered by the law. Private employers with fewer than 50 employees are not covered by the FMLA, but may be covered by state family and medical leave laws. Government agencies (including local, state and federal employers) and elementary and secondary schools are covered by the FMLA, regardless of the number of employees.

If you work for a covered employer, you need to meet additional criteria to be eligible to take FMLA leave. Not everyone who works for a covered employer is eligible.

First, you must have worked for your employer for at least 12 months. You do not have to have worked for 12 months in a row (so seasonal work counts), but generally if you have a break in service that lasted more than seven years, you cannot count the period of employment prior to the seven-year break.

Second, you must have worked for the employer for at least 1250 hours in the 12 months before you take leave. That works out to an average of about 24 hours per week over the course of a year.

Lastly, you must work at a location where the employer has at least 50 employees within 75 miles of your worksite. So even if your employer has more than 50 employees, if they are spread out and there are not 50 employees within 75 miles of where you work, you will not be eligible to take FMLA leave.

Airline Flight Attendants/Flight Crew Employees

Due to non-traditional work schedules, airline flight attendants and flight crew members are subject to special eligibility requirements under the FMLA. You meet the hours of work requirement if, during the 12 months prior to your need for leave, you have worked or been paid for at least 60% of your applicable monthly guarantee, and have worked or been paid for at least 504 hours, not including personal commute time, or time spent on vacation, medical or sick leave.



Gov. Newsom Signs AB 1041: Expands Family Leave to Include Non-Family

californiaglobe.com/fr/gov-newsom-signs-ab-1041-expands-family-leave-to-include-non-family/

Chris Micheli

On September 29, 2022, Governor Gavin Newsom signed into law Assembly Bill 1041, by Assembly Member Buffy Wicks (D-Oakland). AB 1041 amends Government Code Section 12945.2 and Labor Code Section 245.5 relating to expansion of the California Family Rights Act (CFRA).

CFRA makes it an unlawful employment practice for a California public employer or a private sector employer with 5 or more employees to refuse to grant a request from an employee who meets specified requirements to take up to a total of 12 workweeks in any 12-month period for family care and medical leave.

AB 1041 expands the class of people for whom an employee may take leave to care for to include a designated person, who would be identified at the time the employee requests the leave. An employer would be allowed to limit an employee to one designated person per 12-month period.

Existing state law, the Healthy Workplaces, Healthy Families Act of 2014, generally entitles an employee who works in California for the same employer for 30 or more days within a year to paid sick days, including to care for an employee's family member. AB 1041 expands the definition of the term "family member" to include a designated person.

Section 1 of the bill amends Government Code Section 12945.2 to add a definition of the term "designated person" to mean "any individual related by blood or whose association with the employee is the equivalent of a family relationship. The designated person may be identified by the employee at the time the employee requests the leave. An employer may limit an employee to one designated person per 12-month period for family care and medical leave." It would also expand the leave to care for a designated person who has a serious health condition.

Section 2 of the bill amends Labor Code Section 245.5 to add a designated person, which means "a person identified by the employee at the time the employee requests paid sick days. An employer may limit an employee to one designated person per 12-month period for paid sick days."



**Beaumont-Cherry Valley Water District
Personnel Committee
October 15, 2024**

Item 6b

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources Manager

SUBJECT: Policies and Procedures Manual Updates/Revisions amending Policy Number 3145 Driver Training and Record Review

Staff Recommendation

Approve the revision of Policy Number 3145 Driver Training and Record Review to move forward to the next Board of Directors meeting with the recommendations stated in Table 1, Summary of Policy Changes, or direct staff as desired.

Executive Summary

Staff is proposing a revision of Policy Number 3145, *Driver Training and Record Review*, to modernize the language, clarify the time frame for determining the start date of infractions in accordance with California DMV regulations, and eliminate redundant language. Additionally, staff is proposing new sections that align with Policy 3150, *District Vehicle Usage*, and Policy 3175, *Disciplinary Action and Termination*, to provide clear guidance on handling situations where an employee incurs a driving infraction. These revisions aim to ensure consistency in disciplinary actions and mitigate legal risks to the District.

Background

At the April 12, 2023, Regular Board Meeting, the Board of Directors adopted Policy 3145, titled *Driver Training and Record Review*. While the adopted policy outlines procedures for imposing appropriate disciplinary action for an employee's driving infraction, particularly when driving is an essential part of their duties, it lacks provisions that clarify how to calculate the time frame for these violations. Additionally, the policy contains certain redundant narratives and inconsistencies that conflict with other sections of the policy. To ensure comprehensive guidance and consistency across related policies, the revisions are necessary to streamline the language and enhance clarity regarding the treatment of driving infractions.

In addition to modernizing the language, HR staff, in collaboration with the Director of Operations, is proposing changes to clarify the time frame for counting infractions in accordance with California DMV standards. These revisions are intended to guide the appropriate disciplinary actions based on the severity and timing of the infraction. Furthermore, additional sections are being proposed to align with Policy 3150 *District Vehicle Usage* and Policy 3175 *Disciplinary Action or Termination*. The revised language will grant the General Manager or his/her designee the authority to approve or deny work accommodations for an employee while their case is being litigated, investigated, or reviewed, taking into consideration the seriousness of the case and the operational needs of the District.

As part of the ongoing review of District policies, HR staff conducted a thorough consultation with multiple legal sources to ensure the policy language aligns with current labor laws. Additionally, the proposed redline version was submitted to Legal Counsel for further review, ensuring the



policy meets all legal standards and is fully compliant with DMV and state regulations. This comprehensive review process helps safeguard the District against potential legal risks while providing clear and lawful guidelines for both employees and management.

Discussion

Table A, Summary of Policy Changes, outlines the proposed Driver Training and Record Review (policy) that are in reference to the redline draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCWVD current practice	Option/s to Consider	Fiscal Impact of Option
1	Section 3145.2	None	This policy applies to all staff who drive the District vehicle.	3145.2 Add “while driving the District vehicle” to the section. Legal counsel also added that Directors are required to provide license info if driving is an essential function of their job.	No fiscal impact.
2	Section 3145.5.1	None	The District has no guidance in identifying the exact time frame for when to quantify an infraction for a Disciplinary action.	3145.5.1 Modernize the language and add “from current date” to measure the time frame of infraction.	No fiscal impact.
3	Section 3145.5.2	DMV Point System	The District follows the current language of 3-5 points within 36 months.	3145.5.2 Revise the section and deleted “5-points” since this conflicts with another section with the same count. Also deleted the last part that conflicts with Section 3145.5.3.	No fiscal impact.



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Option/s to Consider	Fiscal Impact of Option
4	Section 3145.5.3, a to d	DMV Point System	The District currently follows the policy section of driving suspension for 120 days for 4 or more points ranging from 24 to 36 months, and also citations for DUI, reckless driving and speed contest. The same disciplinary action is applicable to 2 chargeable points due to accidents.	<p>3145.5.3 Modernize and revise the section to add “whichever is longer” since DMV might suspend the license longer than 120 days.</p> <p>3145.5.a, add “other than DUI... to distinguish this from Section 3145.5.4.</p> <p>3145.5.3.b, since this is conflicts with Section 3145.5.2.</p> <p>3145.5.3.b (was changed from Part 3145.5.3.c) Add “while driving the District vehicle or on personal time” for accidents. Also deleted the last part since this is going to be covered in another section.</p>	No fiscal impact.
5	Section 3145.5.4	DMV Point System	The District follows the current policy for permanent suspension for 2 counts of DUI, reckless driving and speed contest.	3145.5.4 Modernize the section and included speed contest of 100mph per DMV. Also deleted the last part since this is going to be covered in another section.	The hourly rate of the employees taking a paid time off of 4 hours to vote, which is already included in the annual budget.



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Option/s to Consider	Fiscal Impact of Option
6	No Section	None	The District now follows Policy 3150 District Vehicle Usage in which the General Manager or designee will review the case for possible disciplinary action or termination if driving privileges are suspended. The General Manager is also not obligated to assign the employee to a non-driving task while case is being reviewed.	Section 3145.5.6 Add this section in the policy.	No fiscal impact.
7	No Section	None	The District has no definite measurement of the time frame to count the infraction for proposed disciplinary action.	Section 3145.5.7 Add this section to clarify how the time frame is calculated and to give District a guidance.	No fiscal impact.
8	No Section	None	In practice, the employee has to inform the District of any point violations in their driving license.	Section 3145.5.8 Add this section to require employees who have driving functions in their job description.	No fiscal impact.



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Option/s to Consider	Fiscal Impact of Option
9	Section 3145.6	CA Labor Code § 2802	The District pays for the Defensive Driving and costs associated to it if the employee is required by the District.	3255.9 Legal Counsel proposes this to be mandatory since this is legally required per law.	The cost of the Defensive Driving class plus other costs such as Over-Time rate and mileage reimbursement.

Fiscal Impact

The fiscal impact is the appropriate District funding for the Defensive Driving class, including associated overtime pay and mileage expenses if required under Section 3145.5 Disciplinary Procedures. These expenses are all accounted for in the annual operating budget.

Attachments

1. Redline draft version of Policy 3145 Driver Training and Record Review
2. Side-by-side version of Policy 3145 Driver Training and Record Review
3. Clean draft version of Policy 3145 Driver Training and Record Review
4. California DMV - Understanding the Point System

Staff Report prepared by Ren Berioso, Human Resources Manager

Attachment 1

BEAUMONT-CHERRY VALLEY WATER DISTRICT

PERSONNEL

POLICY TITLE: DRIVER TRAINING AND RECORD REVIEW
POLICY NUMBER: 3145

3145.1 **Purpose.** The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by:

1. Applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; or
2. Establishing disciplinary procedures for different types of driving violations.

3145.2 **Scope.** This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District, and while driving the District vehicle. Directors are ~~required~~ encouraged to provide their license information if driving is part of their essential job function; ~~but cannot be required to do so in accordance with State law.~~

3145.3 **Implementation.** The District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program ("Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV:

1. Every six (6) months; and
2. Immediately in the event of new activity (e.g. moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

3145.4 **Review Criteria.** Information that will be generated during the record review will include:

1. Type of license;
2. Expiration Date;
3. Endorsements;
4. DMV action suspensions, revocations, and penal code violations; and
5. Vehicle Code Violations.

3145.5 **Disciplinary Procedures:**

1. A driver employed by the District shall will immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc.)-if:
 - a. ~~He/she/They~~ earns two points within thirty-six (36) months from the current date.
 - b. ~~He/she/They~~ receives any moving violation in a District vehicle within thirty-six (36) months from the current date.
 - c. ~~He/she/They~~ is are involved in an accident while using the District vehicle -within thirty-six (36) months from the current date.
2. A driver employed by the District will be placed on a twelve (12) month driving probation if ~~he/she/they~~ earns three (3) ~~to five (5)~~ points within thirty-six (36) months from the current date. ~~Additional point violations within this probationary period will affect a one-hundred twenty (120) day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they~~

will be terminated from employment.

3. A driver employed by the District will be suspended from District driving privileges for one hundred twenty (120) days or as determined by DMV whichever is longer if:
 - a. He/sheThey earns four (4) or more points within ~~twenty-four~~thirty-six (36) months other than DUI, reckless driving or speed contest of over 100mph from the current date.
 - ~~b. They earn six (6) or more points within thirty-six (36) months.~~
 - ~~e.~~b. He/sheThey receives a citation for DUI, reckless driving, or speed contest over 100mph on personal time within thirty-six (36) months from the current date.
 - ~~d.~~c. If he/shethey is are involved in two chargeable (resulting in a point violation) accidents within twenty-four (24) months while using the District vehicle or during personal time. ~~If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.~~

4. A driver employed by the District will be permanently suspended of District driving privileges if:
 - a. He/sheThey receives a citation for DUI, reckless driving, or speed contest over 100mph while driving the District vehicle ~~during District business~~ within thirty-six (36) months from the current date.
 - b. He/sheThey receives another two citations for DUI, ~~two citations for~~ reckless driving, or ~~two citations for~~ speed contest over 100mph on personal time resulting in DMV's suspension or revocation of the employee's driving privilege within thirty-six (36) ~~twelve (12)~~ months from the first citations listed herein. ~~If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.~~

5. Occasionally, it may be brought to the District's attention that an employee is exposing the District to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.

6. If an employee's job routinely involves driving the District vehicle and if having driving privileges suspended either temporarily or permanently would impose a hardship on normal District operations, the General Manager or his/her designee may review the employee's case for possible disciplinary action or termination of employment (see Policy 3150 District Vehicle Usage for more information). This includes situations where DMV suspends or revokes an employee's driving privilege for any reason and for any given time frame. The General Manager or his/her designee is not obligated to assign an employee with a suspended or revoked driving privilege to a temporary non-driving duty or while the case is being litigated, investigated or reviewed.

7. For the purpose of counting the time frame of the infraction or violation, time is measured backwards from the date of the infraction or violation.
- 7.8. The employee is obligated to inform the District through its Human Resources of any infractions incurred resulting in a point violation against his/her driver's license, and ~~heavy~~ litigation updates as soon as possible.

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3145.6 **Defensive Driver Training:** All employees whose job routinely involves driving the District vehicle drivers shall attend an approved defensive driver training course at least once every four years ~~or more often~~

as specified in Disciplinary Procedures, above. Directors are required encouraged to attend courses if driving is part of their essential job function, but cannot be required to do so in accordance with State law. If required under Section 3145.5 Disciplinary Procedures, the District shall pay General Manager or his/her designee will determine the appropriate funding for the Defensive Driving class, including any overtime pay and mileage expenses incurred by the employee.

Commented [RTG1]: Why would you require Directors to attend driving courses if driving is not part of their job? And I am not aware of any law that prohibits you from sending someone to a course --do you have any more information on that law?

Commented [BR(2R1)]: If this is an essential job function, then yes. Thank you for catching this.

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Attachment 2

PROPOSED POLICY

POLICY TITLE: DRIVER TRAINING AND RECORD REVIEW POLICY NUMBER: 3145

3145.1 **Purpose.** The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by:

1. Applying uniform criteria in evaluating the acceptability of driver record information of individuals driving District vehicles or while on District business; or
2. Establishing disciplinary procedures for different types of driving violations.

3145.2 **Scope.** This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District, and while driving the District vehicle. Directors are required encouraged to provide their license information if driving is part of their essential job function, but cannot be required to do so in accordance with State law.

3145.3 **Implementation.** The District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program ("Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV:

1. Every six (6) months; and
2. Immediately in the event of new activity (e.g. moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

3145.4 **Review Criteria.** Information that will be generated during the record review will include:

1. Type of license;
2. Expiration Date;
3. Endorsements;
4. DMV action suspensions, revocations, and penal code violations; and
5. Vehicle Code Violations.

3145.5 **Disciplinary Procedures:**

1. A driver employed by the District shall immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc.) if:
 - a. He/she/they earns two points within thirty-six (36) months from the current date.
 - b. He/she/they receives any moving violation in a District vehicle within thirty-six (36) months from the current date.
 - c. He/she/they is involved in an accident while using the District vehicle within thirty-six (36) months from the current date.
2. A driver employed by the District will be placed on a twelve (12) month driving probation if he/she/they earns three (3) to five (5) points within thirty-six (36) months from the current date. Additional point violations within this probationary period will affect a one hundred twenty (120) day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they

CURRENT POLICY

POLICY TITLE: DRIVER TRAINING AND RECORD REVIEW POLICY NUMBER: 3145

3145.1 **Purpose.** The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by:

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2. Establishing disciplinary procedures for different types of driving violations.

3145.2 **Scope.** This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District. Directors are encouraged to provide their license information, but cannot be required to do so in accordance with State law.

3145.3 **Implementation.** The District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program ("Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV:

1. Every six (6) months; and
2. Immediately in the event of new activity (e.g. moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

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1. A driver will immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc.) if:
 - a. They earn two points within thirty-six (36) months.
 - b. They receive any moving violation in a District vehicle within thirty-six (36) months.
 - c. They are involved in an accident within thirty-six (36) months.
2. A driver will be placed on a twelve (12) month driving probation if they earn three (3) to five (5) points within thirty-six (36) months. Additional point violations within this probationary period will affect a one-hundred twenty (120) day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
3. A driver will be suspended from District driving privileges for one hundred twenty (120) days if:
 - a. They earn four (4) or more points within twenty-four (24) months.
 - b. They earn six (6) or more points within thirty-six (36) months.
 - c. They receive a citation for DUI, reckless driving, or speed contest on personal time within thirty-six (36) months.

- d. If they are involved in two chargeable (resulting in a point violation) accidents within twenty-four (24) months, if their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.
4. A driver will be permanently suspended of District driving privileges if:
- a. They receive a citation for D.U.I., reckless driving, or speed contest during District business within thirty-six (36) months.
 - b. They receive two citations for D.U.I., two citations for reckless driving, or two citations for speed contest on personal time within twelve (12) months. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.
5. Occasionally, it may be brought to the District's attention that an employee is exposing the District to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.

3145.6 Defensive Driver Training. All drivers shall attend an approved defensive driver training course at least once every four years or more often as specified in Disciplinary Procedures, above. Directors are encouraged to attend courses, but cannot be required to do so in accordance with State law.

will be terminated from employment.

3. A driver employed by the District will be suspended from District driving privileges for one hundred twenty (120) days or as determined by DMV, whichever is longer, if:
- a. He/she/they earn four (4) or more points within twenty-four (24) months other than D.U.I., reckless driving or speed contest of over 100mph from the current date.
 - b. They earn six (6) or more points within thirty-six (36) months.
 - c. He/she/they receives a citation for D.U.I., reckless driving, or speed contest over 100mph on personal time within thirty-six (36) months from the current date.
 - d. If he/she/they is involved in two chargeable (resulting in a point violation) accidents within twenty-four (24) months while using the District vehicle or during personal time, if their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.

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- a. He/she/they receives a citation for D.U.I., reckless driving, or speed contest over 100mph while driving the District vehicle during District business within thirty-six (36) months from the current date.
 - b. He/she/they receives another two citations for D.U.I., two citations for reckless driving, or two citations for speed contest over 100mph on personal time resulting in DMV's suspension or revocation of the employee's driving privilege within thirty-six (36) months from the first citations listed herein. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.

5. Occasionally, it may be brought to the District's attention that an employee is exposing the District to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.

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7. For the purpose of counting the time frame of the infraction or violation, time is measured backwards from the date of the infraction or violation.
- 7-8. The employee is obligated to inform the District through its Human Resources of any infractions incurred resulting in a point violation against his/her driver's license, and heavy litigation updates as soon as possible.

3145.6 Defensive Driver Training. All employees whose job routinely involves driving the District vehicle shall attend an approved defensive driver training course at least once every four years, or more often as specified in Disciplinary Procedures, above. Directors are required to attend courses if driving is part of their essential job function, but cannot be required to do so in accordance with State law. If required under Section 3145.5 Disciplinary Procedures, the District shall pay General Manager or his/her designee will determine the appropriate funding for the Defensive Driver Training class, including any overtime pay and mileage expenses incurred by the employee.

POLICY TITLE: DRIVER TRAINING AND RECORD REVIEW**POLICY NUMBER: 3145**

3145.1 **Purpose.** The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by:

1. Applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; or
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3145.2 **Scope.** This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District, and while driving the District vehicle. Directors are required to provide their license information if driving is part of their essential job function.

3145.3 **Implementation.** The District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program ("Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV:

1. Every six (6) months; and
2. Immediately in the event of new activity (e.g. moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

3145.4 **Review Criteria.** Information that will be generated during the record review will include:

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5. Vehicle Code Violations.

3145.5 **Disciplinary Procedures:**

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 - b. He/she receives any moving violation in a District vehicle within thirty-six (36) months from the current date
 - c. He/she is involved in an accident while using the District vehicle within thirty-six (36) months from the current date.
2. A driver employed by the District will be placed on a twelve (12) month driving probation if he/she earns three (3) points within thirty-six (36) months from the current date.
3. A driver employed by the District will be suspended from District driving privileges for one hundred twenty (120) days or as determined by DMV whichever is longer if:
 - a. He/she earns four (4) or more points within thirty-six (36) months other than DUI, reckless driving or speed contest of over 100mph from the current date.
 - b. He/she receives a citation for DUI, reckless driving, or speed contest over 100mph on personal time within thirty-six (36) months from the current date.

Adopted by Resolution XX

BEAUMONT-CHERRY VALLEY WATER DISTRICT

- c. If he/she is involved in two chargeable (resulting in a point violation) accidents within twenty-four (24) months while using the District vehicle or during personal time.
4. A driver employed by the District will be permanently suspended of District driving privileges if:
 - a. He/she receives a citation for DUI, reckless driving, or speed contest over 100mph while driving the District vehicle within thirty-six (36) months from the current date.
 - b. He/she receives another citation for DUI, reckless driving, or speed contest over 100mph on personal time resulting in DMV's suspension or revocation of the employee's driving privilege within thirty-six (36) months from the first citations listed herein.
5. Occasionally, it may be brought to the District's attention that an employee is exposing the District to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.
6. If an employee's job routinely involves driving the District vehicle and if having driving privileges suspended either temporarily or permanently would impose a hardship on normal District operations, the General Manager or his/her designee may review the employee's case for possible disciplinary action or termination of employment (see Policy 3175 Disciplinary Action or Termination for more information). This includes situations where DMV suspends or revokes an employee's driving privilege for any reason and for any given time frame. The General Manager or his/her designee is not obligated to assign an employee with a suspended or revoked driving privilege to a temporary non-driving duty while the case is being litigated, investigated or reviewed.
7. For the purpose of counting the time frame of the infraction or violation, time is measured backwards from the date of the infraction or violation.
8. The employee is obligated to inform the District through its Human Resources of any infractions incurred resulting in a point violation against his/her driver's license, and any litigation updates as soon as possible.

3145.6 Defensive Driver Training: All employees whose job routinely involves driving the District vehicle shall attend an approved defensive driver training course once every four years. Directors are required to attend courses if driving is part of their essential job function. If required under Section 3145.5 Disciplinary Procedures, the District shall pay for the Defensive Driving class, including any overtime pay and mileage expenses incurred by the employee.

Adopted by Resolution XX



Understanding the California DMV Point System

To keep tabs on dangerous drivers, the California Department of Motor Vehicles (DMV) operates the Negligent Operator Treatment System (NOTS). Under the NOTS, the DMV assigns points to traffic code violations that involve or affect safely operating a vehicle. These points are added to motorists' driving records and can prompt action from the DMV.

Points are not just numbers on your record. They can prompt the DMV to take adverse action against your driving privileges. And anyone can request a copy of your driving record, meaning those points could be seen by your insurance company or employer, too.

Below you will find the basic information you need to know about the DMV point system in California along with common violations that could result in a suspension of your driver's license.

What is the CA DMV Point System?

Points are assigned for accidents and traffic tickets. DMV will assign points to your record once it receives a notice of violation from the court or notice of an accident you were in some way responsible for from law enforcement. Non-moving violations such as parking tickets do not result in a point as long as they do not make it unsafe for the motorist to drive. Out of state violations will also be assigned points, but out of state collisions are not.

Some or all of your driving privileges may be revoked or suspended in California if:

- You receive 4 points or more within 12 months
- You receive 6 points or more within 24 months
- You receive 8 points or more within 36 months

Common CA DMV Point Violations

For convicted traffic infractions, drivers will have points placed on their driver license record depending on the severity of the infraction. Note that if you are driving a commercial vehicle when you are cited, the points are worth 1.5 times the standard point amount.

For a full list of violations, please visit the California DMV's [point schedule](#).

One-point examples

- Speeding
- Running a red light
- Making an unsafe lane change

- Having an at-fault accident

The California DMV will put **one point** on your driver's license record if they find out about an out-of-state traffic ticket you received.

Two-point examples

- Reckless driving
- DUI
- Driving while suspended or revoked
- Driving over 100 mph
- Evading law enforcement
- Transporting explosives
- Hit and run collisions in which the result was damage to property or physical injury
- Operating a vehicle with a suspended or revoked license

Teen Drivers

If you are under 18 years old, the penalties for a traffic infraction are more severe. In California, a minor's provisional license may be:

- **Suspended** if you receive:
 - 3 points within 12 months.
 - - A traffic conviction and fail to pay the required fines.
- **Restricted** for 30 days if you receive 2 points within 12 months.
- **Suspended** for 1 year for the use of alcohol or drugs.
 - Penalty is for individuals between the ages of 13 and 21 years old.

How Long Do Points Stay On My DMV Record?

The points stay on your records for different time periods depending on the seriousness of your violation.

Here are some examples of the length of time that points stay on your record:

- Most one-point traffic violation such as speeding or making an unsafe lane change will remain of record for 3 years.
- If you are involved at an accident and it is determined that you were at fault, the negative points remain of record for 3 years.
- Most serious convictions such as DUI conviction or hit and run will remain on your record for 10 years.

Removing Points from Your California Driving Record

Most drivers want to know how to remove points from their record. The simple answer is time.

As long as you keep a clean driving record for a designated amount of time, your points will be cleared automatically. Violations that add one point to a driving record will be cleared after 39 months. Points for serious violation such as DUIs or hit and run incidents will stay on the violator's record for at least ten years.

Failure to appear in court for any traffic violation no matter the severity will result in the points remaining on your driver's record for five additional years. Failure to appear in court for a DUI will keep points on your record for an additional 10 years.

Of course, there are simple yet effective methods of avoiding court and beating your infraction. Doing this will also remove your accumulated points, if successful. On the other hand, if you have more time and an eligible traffic citation, you may be able to attend a California traffic class which can help dismiss your ticket, remove points, or earn auto insurance discounts.

Traffic School

For some traffic infractions in California, you may be able to attend a [CA traffic school](#), also referred to as defensive driving, which can help you:

- Have a ticket dismissed
- Avoid adding points to your record
- Potentially earn an auto insurance discount

Make sure to check with the traffic school about specific details on how passing a course could help you clear your record.



**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
October 15, 2024**

Item 7

STAFF REPORT

TO: Personnel Committee
FROM: Ren Berioso, Human Resources Manager
SUBJECT: Policy Tracking Matrix Progress Dashboard

Staff Recommendation

Approve the policies pending review in the next one to two months identified on Table 3, Policy to Work on for Subsequent Meetings, or to direct staff as desired.

Background

At the October 17, 2023 meeting, staff was directed by the Personnel Committee to create a dashboard to outline the progress of the Policies and Procedures Manual updates since year 2021. At the November 21, 2023 meeting, the Personnel Committee approved a dashboard presented by staff which highlights the summary of all policies approved and drafted, and those policies that staff are working on for subsequent meetings.

Discussion:

Table 1-Summary of Policy Approval Tracking (All Policies)

Department	On Matrix	Draft Created	Committee / Board Reviewed Drafts	Board Approved	% Complete
Board Administration ¹	25	25	22	22	88.00%
Engineering ²	8	8	0	1	12.50%
Finance	15	15	5	5	33.33%
Human Resources	68	68	65	65	95.59%
Information Technology ³	52	52	0	0	0.00%
Operations⁴	40	40	0	0	0.00%
TOTALS	168	168	94	92	54.76%

¹ Previously titled “Administration” but added clarifier that is specific to the Board of Directors.
² Added four (4) policies identified previously as “Operations”
³ Increased 33 more policies related to Cybersecurity which will go directly to the Board.
⁴ Moved the four (4) policies to Engineering Department as these are aligned more with Engineering.



Table 2 – Recommended Policies to be added to the Policy Matrix

Item	Policy Subject	Policy Contents
None		

Table 3 – Policies To Work on for Subsequent Meetings

Item	Policy No.	Priorities Listed	Draft Size	Selected for Processing	Estimated Committee Presentation
1	3090	Family and Medical Leave	3 pages	September	October
2	3145	Driver Training and Record Review	2 pages	September	October
3	3111	Leave for Crime Victims and Family Members	1 page	October	November
4	7015	Email and Communication	2 pages	October	November
5	7022	Password	1 page	October	November
6	7028	Security Awareness and Training	2 pages	October	November
7	7038	Cellular and Telephone Usage	1 page	October	November

Numbered for ease of selection and reference, not for level of priority.

Fiscal Impact

There is no financial impact.

Attachments

1. Policy Approval Tracking Matrix

Staff Report prepared by Ren Berioso, Human Resources Manager

**Policy Approval Tracking
BCVWD Policy Manual Project**

Policy Number	New Policy Number	Section	Policy Name	HR's Recommendation Responsible Department	Drafted by BCVWD Staff	Approved by Legal Counsel	Presented to Committee	Provisionally Approved by Committee	Presented to Board of Directors	Approved by Board of Directors	Adoption Date	Resolution Number
2	1000	General	Contractual Provisions <i>De/Initials</i>	Human Resources	Additional Edits Yes	6/28/2021	7/19/2021	7/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
3	1010	Administration	Equal Opportunity <i>Policy Manual</i>	Human Resources	Additional Edits Yes	3/15/2021	N/A	N/A-directed to Board	3/9/2022	3/9/2022	3/9/2022	21-006
5	2010	Administration	Access to Personnel Records	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
6	2015	Administration	Harassment	Human Resources	Yes	1/2/2024	1/16/2024	1/16/2024	2/14/2024	2/14/2024	2/14/2024	21-006
7	2020	Administration	Sexual Harassment	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	4/14/2021	21-006
8	3000	Personnel	Whistleblower Protection	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	4/14/2021	21-018
N/A	3001	Personnel	Employee Status	Human Resources	Yes	4/12/2021	7/19/2021	7/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
N/A	3002	Personnel	Employee Information and Emergency	Human Resources	Yes	4/12/2021	6/21/2021	6/21/2021	10/13/2021	10/13/2021	10/13/2021	21-018
9	3005	Personnel	Employee Groups	Human Resources	Yes	4/12/2021	5/17/2021	5/17/2021	10/13/2021	10/13/2021	10/13/2021	21-018
N/A	3006	Personnel	Employee Relations	Human Resources	Yes	7/13/2021	9/10/2021	9/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
10 & 49	3010	Personnel	Employee Performance Evaluation	Human Resources	Yes	7/13/2021	9/20/2021	9/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
11	3015	Personnel	Performance Evaluation-General	Human Resources	Yes	8/3/2021	9/20/2021	9/20/2021	10/13/2021	10/13/2021	10/13/2021	21-018
12	3020	Personnel	Health and Welfare Benefits	Human Resources	Yes	5/10/2022	5/17/2022	5/17/2022	6/8/2022	6/8/2022	6/8/2022	22-019
13	3025	Personnel	Pay Periods	Human Resources	Yes	10/12/2021	11/15/2021	11/15/2021	5/11/2022	5/11/2022	5/11/2022	22-016
14	3030	Personnel	Gift Acceptance Guidelines	Human Resources	Yes	12/10/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	5/11/2022	22-016
15	3035	Personnel	Outside Employment	Human Resources	Yes	4/19/2022	4/19/2022	4/19/2022	5/11/2022	5/11/2022	5/11/2022	22-016
16	3040	Personnel	Letters of Recommendation	Human Resources	Yes	6/28/2024	7/16/2024	7/16/2024	8/14/2024	8/14/2024	8/14/2024	24-012
18	3050	Personnel	Volunteer Personnel Workers'	Human Resources	Yes	5/2/2024	6/18/2024	7/16/2024	8/14/2024	8/14/2024	8/14/2024	24-012
19	3055	Personnel	Work Hours, Overtime, and Standby	Human Resources	Yes	6/14/2022	7/19/2022	7/19/2022	9/14/2022	9/14/2022	9/14/2022	22-038
20 (incorrect)	3060	Personnel	Continuity of Service	Human Resources	Yes	4/8/2024	4/16/2024	4/16/2024	5/16/2024	5/16/2024	5/16/2024	24-007
21	3070	Personnel	Reduction in Force	Human Resources	Yes	5/2/2024	6/18/2024	7/10/2024	7/10/2024	7/10/2024	7/10/2024	24-010
22	3075	Personnel	Holidays	Human Resources	Yes	1/16/2024	1/16/2024	1/16/2024	2/14/2024	2/14/2024	2/14/2024	24-002
24	3085	Personnel	Vacation	Human Resources	Yes	1/17/2022	1/17/2023	1/17/2023	2/8/2023	2/8/2023	2/8/2023	23-005
24	3085	Personnel	Sick Leave	Human Resources	Yes	4/8/2024	4/16/2024	4/16/2024	5/16/2024	5/16/2024	5/16/2024	23-007
25	3090	Personnel	Family and Medical Leave	Human Resources	Yes	10/2/2024	10/18/2022	Move to Board for	12/14/2022	12/14/2022	12/14/2022	22-043
26	3096	Personnel	Pregnancy Disability Leave	Human Resources	Yes	9/1/2022	9/20/2022	9/20/2022	12/14/2022	12/14/2022	12/14/2022	22-043
N/A	3096	Personnel	Lactation Accommodation	Human Resources	Yes	8/25/2022	9/20/2022	9/20/2022	12/14/2022	12/14/2022	12/14/2022	22-043
27	3100	Personnel	Bereavement Leave	Human Resources	Yes	5/10/2022	5/17/2022	5/17/2022	6/8/2022	6/8/2022	6/8/2022	22-019
28	3105	Personnel	Personal Leave of Absence	Human Resources	Yes	6/28/2024	7/16/2024	7/16/2024	8/14/2024	8/14/2024	8/14/2024	24-012
29	3110	Personnel	Jury and Witness Duty	Human Resources	Yes	10/5/2023	10/17/2023	11/21/2023	12/13/2023	12/13/2023	12/13/2023	23-031
N/A	3111	Personnel	Members	Human Resources	Yes	1/11/2023	10/18/2022	10/18/2022	12/14/2022	12/14/2022	12/14/2022	22-043
30	3115	Personnel	Return to Work Policy	Human Resources	Yes	1/17/2023	1/17/2023	1/17/2023	2/8/2023	2/8/2023	2/8/2023	23-005
31	3120	Personnel	Prevention Program	Human Resources	Yes	1/11/2023	1/17/2023	1/17/2023	2/8/2023	2/8/2023	2/8/2023	23-005
31	3120	Personnel	Infectious Disease Control	Human Resources	Yes	2/2/2023	2/21/2023	2/21/2023	3/15/2023	3/15/2023	3/15/2023	24-009
N/A	3122	Personnel	Workplace Violence	Human Resources	Yes	1/2/2024	1/16/2024	1/16/2024	2/14/2024	2/14/2024	2/14/2024	24-002
N/A	3122	Personnel	Uniforms and Protective Clothing	Human Resources	Yes	3/14/2023	3/21/2023	4/18/2023	5/10/2023	5/10/2023	5/10/2023	23-013
32	3125	Personnel	Conferences	Human Resources	Yes	6/29/2024	7/16/2024	8/20/2024	9/17/2024	9/17/2024	9/17/2024	24-014
33	3130	Personnel	Education	Human Resources	Yes	6/14/2022	8/16/2022	8/16/2022	9/17/2022	9/17/2022	9/17/2022	22-028
34	3135	Personnel	Succession and Workforce Planning	Human Resources	Yes	9/10/2024	9/18/2024	9/18/2024	10/9/2024	10/9/2024	10/9/2024	24-012
N/A	3136	Personnel	Respiratory Protection Program	Human Resources	Yes	6/29/2024	7/16/2024	7/16/2024	8/14/2024	8/14/2024	8/14/2024	24-012
35	3140	Personnel	Driver Training and Record Review	Human Resources	Yes	10/2/2024	3/21/2023	3/21/2023	4/12/2023	4/12/2023	4/12/2023	23-010
36	3145	Personnel	District Vehicle Usage	Human Resources	Yes	2/5/2024	3/19/2024	3/19/2024	5/16/2024	5/16/2024	5/16/2024	24-007
37	3150	Personnel	Personal Vehicle Usage	Human Resources	Yes	2/5/2024	3/19/2024	3/19/2024	4/10/2024	4/10/2024	4/10/2024	24-006
38	3151	Personnel	HIPAA Compliance and Security Officer	Human Resources	Yes	5/2/2024	6/18/2024	6/18/2024	7/10/2024	7/10/2024	7/10/2024	24-010
39	3160	Personnel	Use	Human Resources	Yes	2/5/2024	3/19/2024	3/19/2024	4/10/2024	4/10/2024	4/10/2024	24-006
41	3170	Personnel	Disciplinary Action or Terminations	Human Resources	Yes	6/29/2024	7/16/2024	8/20/2024	9/17/2024	9/17/2024	9/17/2024	24-014
42	3175	Personnel	Transfers and Voluntary Demotion	Human Resources	Yes	9/18/2024	9/18/2024	10/9/2024	10/9/2024	10/9/2024	10/9/2024	24-010
Proposed	3176	Personnel	Nepotism-Employment of Relatives	Human Resources	Yes	4/8/2024	6/18/2024	6/18/2024	7/10/2024	7/10/2024	7/10/2024	24-010
43	3180	Personnel	Employee Separation	Human Resources	Yes	5/2/2024	6/18/2024	6/18/2024	7/10/2024	7/10/2024	7/10/2024	24-010
44	3185	Personnel	Grievance Procedures	Human Resources	Yes	5/2/2024	6/18/2024	6/18/2024	7/10/2024	7/10/2024	7/10/2024	24-010
47	3200	Personnel	Substance Abuse	Human Resources	Yes	12/6/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	5/11/2022	22-016

Priority Legend:
Yellow Highlight = Highest Priority
Light Blue Highlight = Lowest Priority



**Beaumont-Cherry Valley Water District
Personnel Committee
October 15, 2024**

Item 8

STAFF REPORT

TO: Personnel Committee
FROM: Ren Berioso, Human Resources Manager
SUBJECT: Acknowledgment of 2024 Great Place to Work Certification

Staff Recommendation

Acknowledge the 2024 Great Place to Work Certification to be presented to the next Regular Board meeting, or direct staff as desired.

Executive Summary

BCVWD has received a Great Place to Work Certification for 2024. Staff is presenting to the Personnel Committee the pertinent results of the survey leading to earning the certification.

Background

The BCVWD Human Resources department conducts an annual employee engagement survey in August each year to measure the engagement of BCVWD personnel and to facilitate discussions with leadership about Human Resources goals and objectives. In 2021, BCVWD partnered with Great Place to Work and obtained accreditation as a Great Place to Work for the first time. Great Place to Work certification recognizes that an organization's employees have designated the employer as a Great Place to Work, and certification advertises to potential candidates that the employer is a desirable organization with a great company culture. Certification recognizes employers who create outstanding employee experience.

Certification is achieved by gathering anonymous employee feedback and benchmarking it against similar-sized organizations. This process gives employers a competitive recruiting edge, validating a positive employee experience. The survey results provide a detailed analysis of the District's workplace culture, and earning certification highlights the organization's commitment to its mission, vision, and values.

In August 2024, an anonymous survey was conducted by Human Resources for a period of 30 days with 45 eligible participants. Questions were carefully designed, touching the key areas that drive the District's action plan towards maintaining employee engagement, and positive branding in the public sector industry. The collected data was reported in aggregate, and objectively interpreted to benchmark against the best workplaces in the country in a particular category. This year, the District received the distinction as a Great Place To Work for the fourth consecutive time.

Discussion

This year, the employee engagement survey provided valuable insights, highlighting the following key findings that reflect both the strengths and areas of opportunity within the District:



Survey Participation and Results:

- **Participants:** 45 employees were eligible to take the survey, with a total of 41 responses, yielding a **91% participation rate**, an improvement from 81% in 2023 and 73% in 2022.
- **Engagement Score:** The overall employee engagement score for 2024 is **82%**, a 1-point increase from 2023. This continues a positive trend from prior years (2023: 81%, 2022: 76%).

Key Strengths:

BCVWD's employees indicated positive experiences in several key areas:

- **Time-off Flexibility** (95%)
- **Gender Equality** (95%)
- **Social Responsibility** (90%)

These areas show high levels of satisfaction and engagement, contributing to a positive work culture at BCVWD while serving the community.

Growth Opportunities:

Despite the positive feedback, the survey results also highlighted areas for improvement, specifically:

1. **Compensation:** Only 29% of respondents felt they were paid fairly for the work they do, significantly lower than benchmarked best workplaces.
2. **Transparency and Fairness:** Scores in transparency (75%) and fairness (62%) indicate room for improvement in how compensation and organizational decisions are communicated.
3. **Organizational Pride:** While the 72% rate for pride in work is not as high as the other strengths, it remains an important area where the District can focus on improvement. A small portion of employees indicated they do not feel proud of working at BCVWD, signaling an opportunity to enhance initiatives that foster a stronger sense of purpose and recognition across the workforce.

The 2024 Employee Engagement Survey through Great Place to Work provides valuable insights into the strengths and growth opportunities at BCVWD. While the District has made significant progress, particularly in terms of engagement and camaraderie, continued efforts are needed to address concerns around compensation, transparency, and fairness. These initiatives will help ensure that BCVWD remains a certified Great Place to Work and continues to provide a positive, fulfilling work environment for all employees.

Fiscal Impact

There is no fiscal impact to the District.

Attachment:

1. PowerPoint Presentation of Great Place to Work 2024 results.

Staff Report prepared by Ren Berioso, Human Resources Manager

Item 8 - Attachment 1



The slide features a teal square on the left containing an illustration of a clipboard with a checklist and a hand holding a pencil. To the right, the title "BCVWD 2024 Engagement Survey Results" is displayed in a large, black, sans-serif font. Below the title is the BCVWD logo, a circular seal with the text "BRITISH COLUMBIA VALLEY WATER DISTRICT" and "EST. 1973". To the right of the logo, the text "BCVWD Human Resources" is written in a smaller, black, sans-serif font.







1




The slide features a large graphic on the left side, which is a "Great Place To Work" certification badge. The badge is split into two horizontal sections: a red top section with the text "Great Place To Work" in white, and a dark blue bottom section with the text "Certified" in white. Below "Certified" is the text "AUG 2024-AUG 2025" and "USA" with a "TM" symbol. To the right of the badge, the text "4TH YEAR CERTIFIED AS A GREAT PLACE TO WORK!" is displayed in a large, black, sans-serif font.

2

The Purpose

-  Engagement Surveys are a great way to understand if your employees feel connected with the organization, and to gauge satisfaction and retention. 
-  The results of the data analysis will be utilized to identify the District's strengths and growth opportunities for the next year. 
-  Survey results are benchmarked with other surveys to discover our potential for growth and development in key areas. 

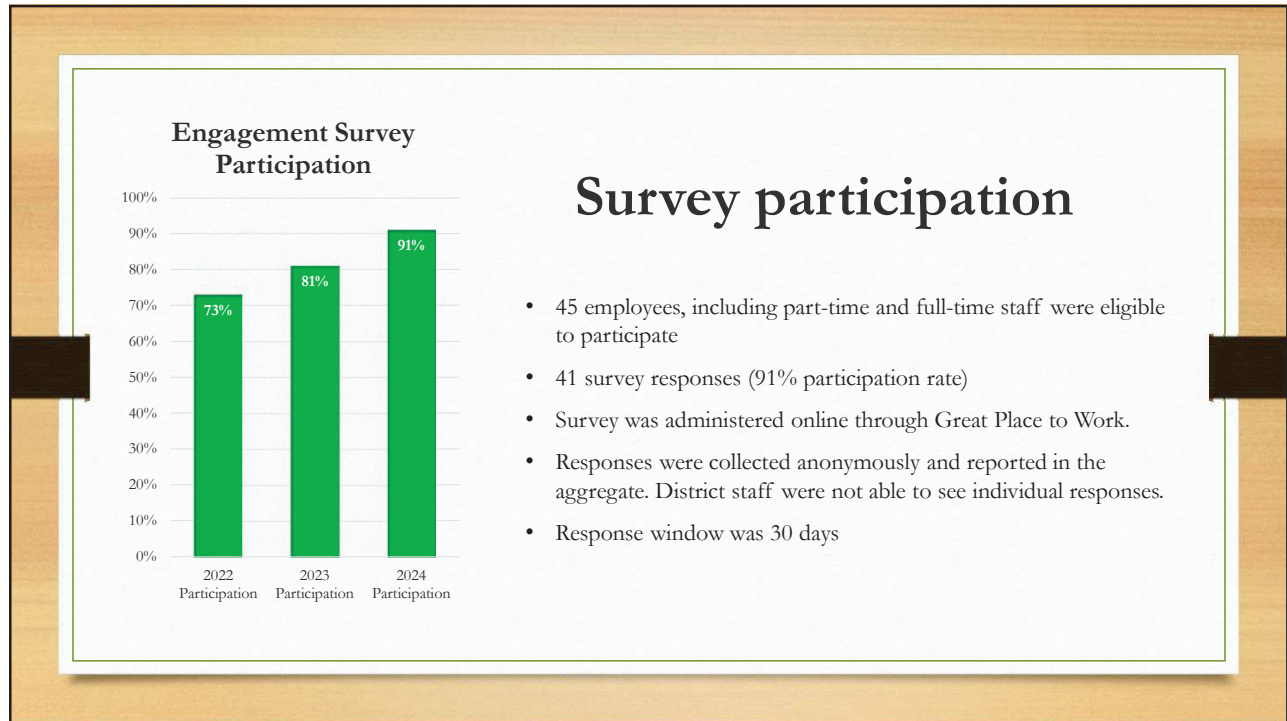
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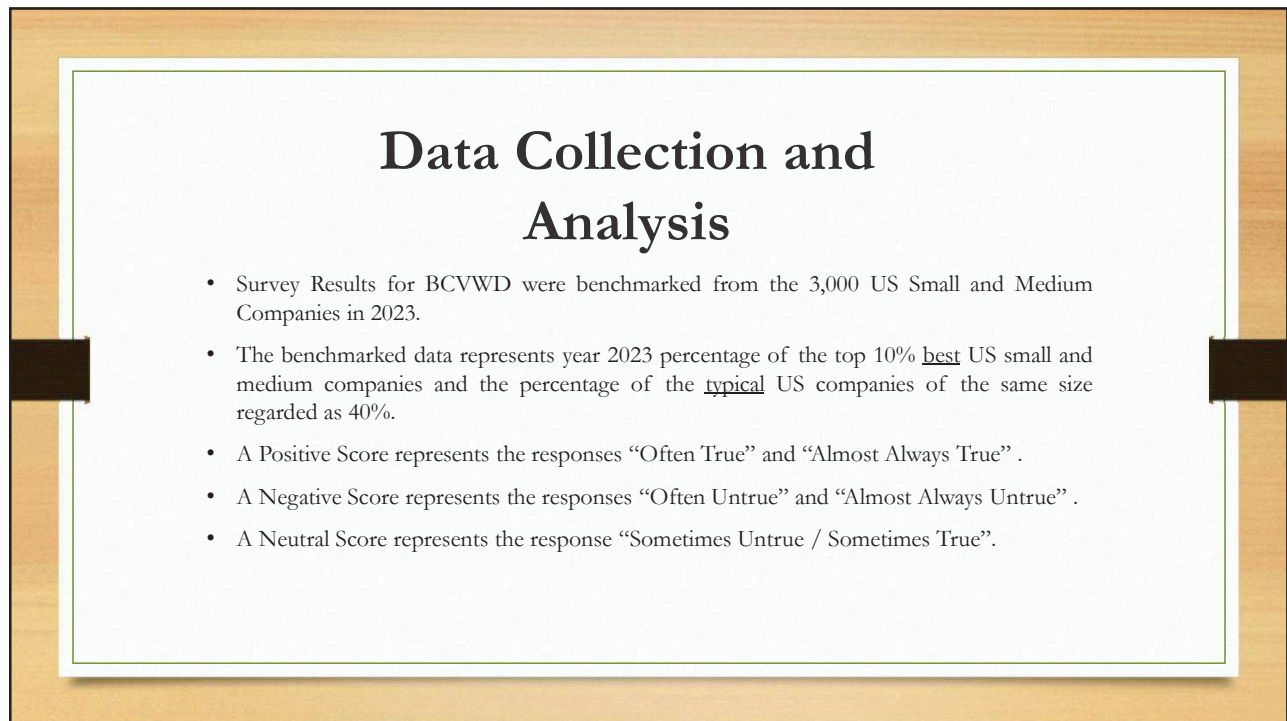
Beaumont Cherry Valley Water District
EST. 1919

Overview

4



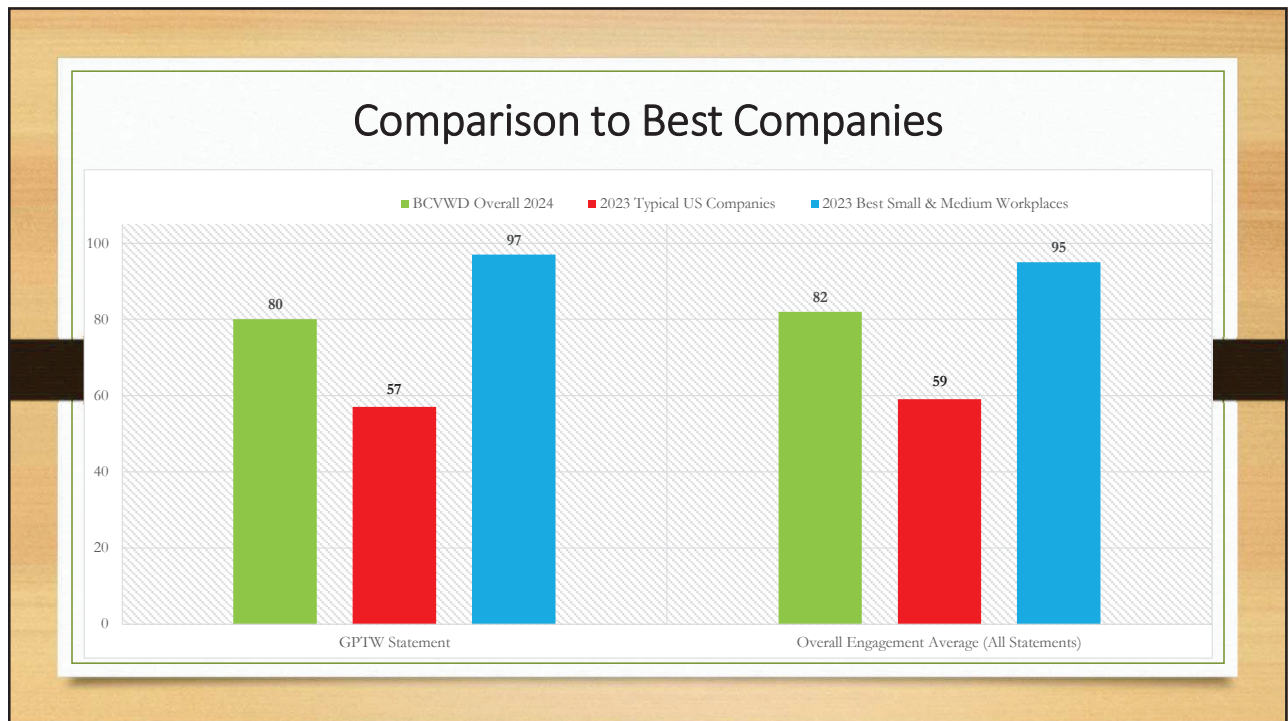
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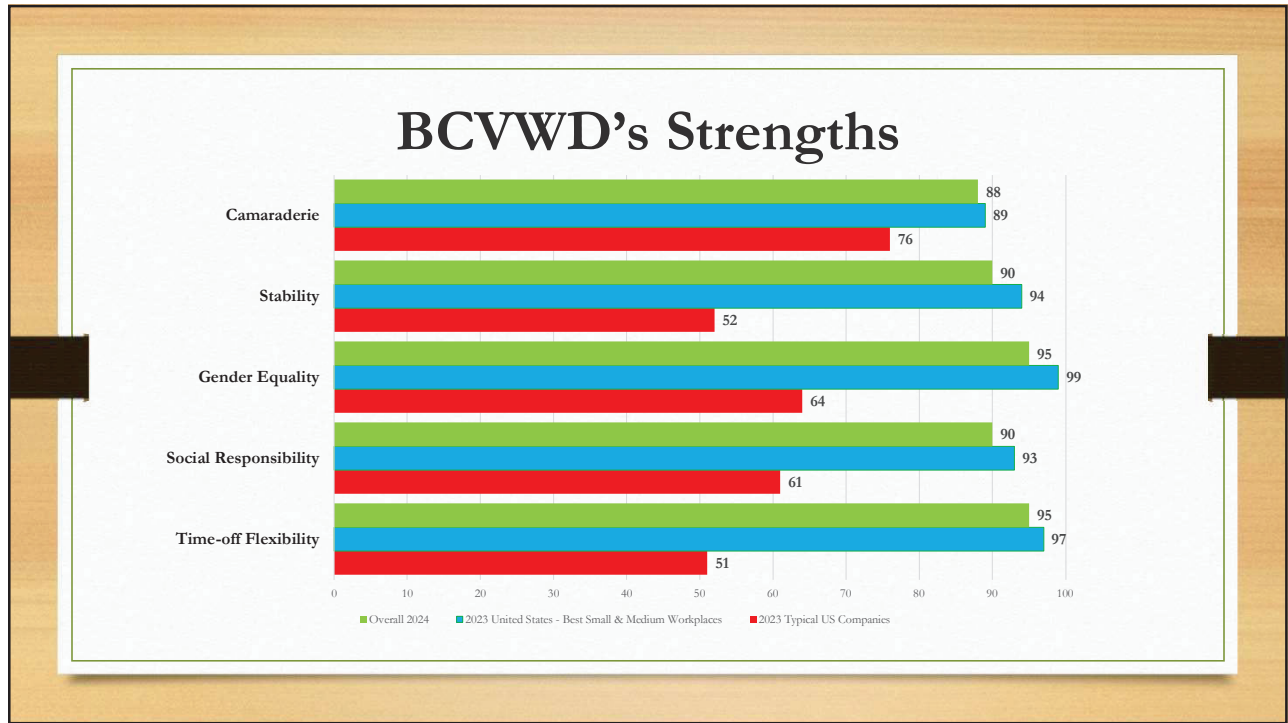
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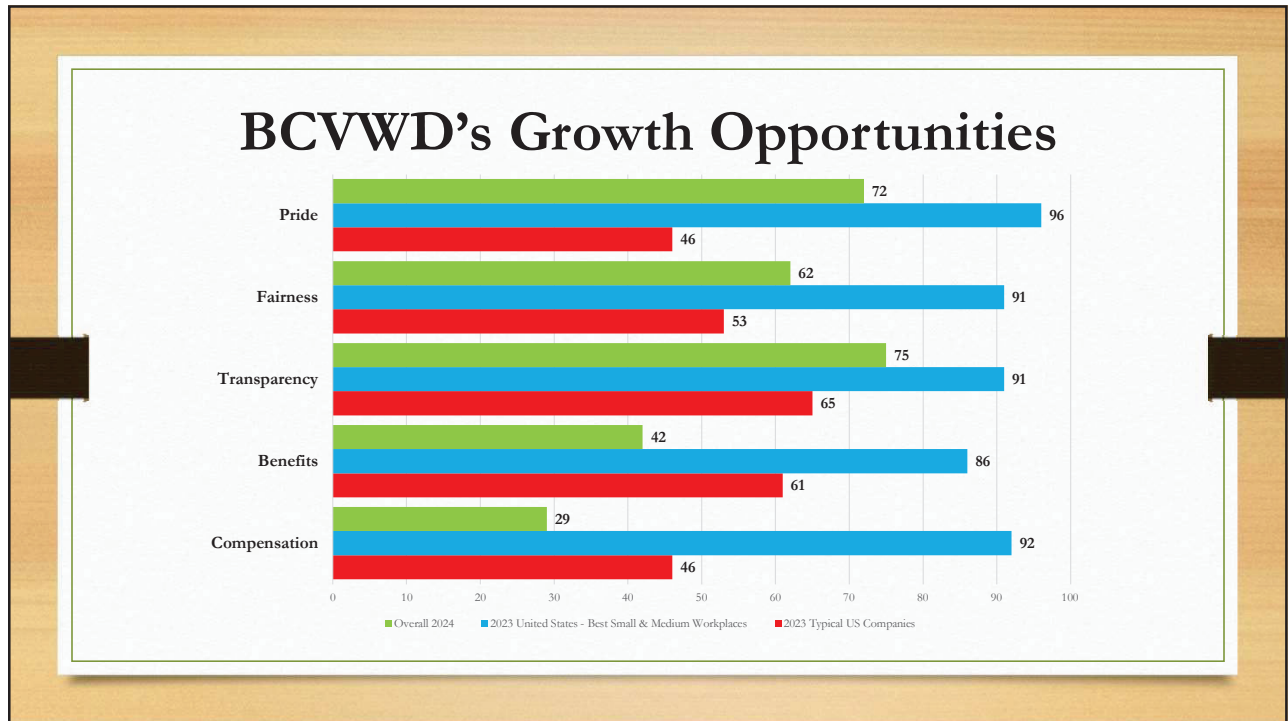
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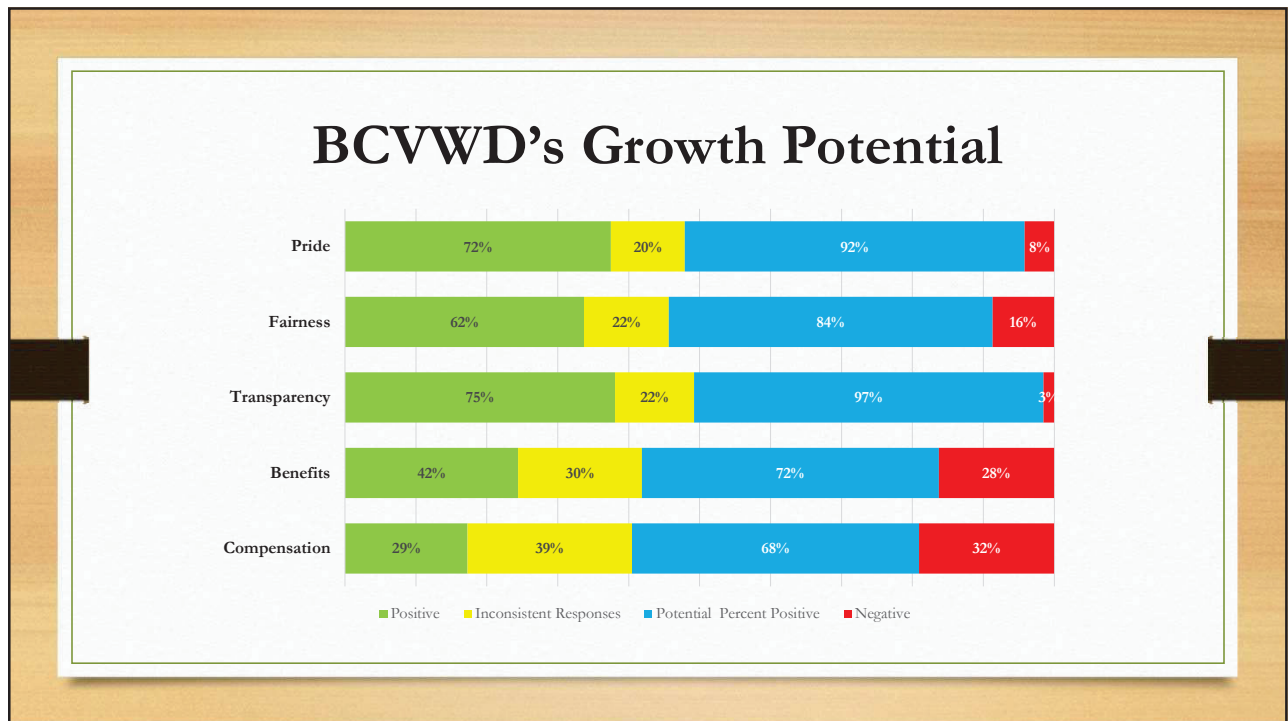


10

Areas to Leverage

The following are presented as potential key leverage areas that can be utilized to design and implement action to strengthen BCVWD employee experiences. They are selected based on the key drivers of your employees' experiences as well as your performance relative to the Best Company benchmark.

11



12



**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
October 15, 2024**

Item 9

STAFF REPORT

TO: Personnel Committee

FROM: Finance and Administration Department

SUBJECT: 2024 Operating Budget Update

Staff Recommendation

Direct staff as desired.

Executive Summary

Staff is in the process of drafting the proposed 2025 Operating Budget, which will include personnel changes that incorporate the 2.5% Cost of Living Adjustment, a review to the number of recorded meetings, and potential position requests to encourage professional development and succession planning.

Background

District policy requires the Board of Directors to approve the Operations budget for the new year by December 31 of the current year. Before the budget document can be presented to the Board of Directors for approval, several steps need to be taken, including presentations of information to the Board, the Finance and Audit Committee, and the Personnel Committee. Table 1 presents the updated estimated schedule of future events for the operating budget.

Table 1 – Estimated operational budget meeting timeline

Date	Legislative Body	Topic(s)
10/15/2024	Personnel Committee	Status update
10/17/2024	Finance and Audit Committee	Revenues and Expenses review
11/07/2024	Finance and Audit Committee	Draft budget document review
11/13/2024	Board of Directors	Budget status update
11/19/2024	Personnel Committee	Organization Chart, Salary Schedule
11/21/2024	Board of Directors	Budget Workshop (presentation, draft document)
12/05/2024	Finance and Audit Committee	Budget document review
12/11/2024	Board of Directors	Budget submission for approval

Fiscal Impact

To be determined.

Staff Report prepared by Sylvia Molina, Assistant Director of Finance and Administration