

RESOLUTION 2024-14

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT AMENDING THE DISTRICT'S POLICIES AND PROCEDURES: REPLACING PART I SECTION 33 CONFERENCES WITH POLICY 3130 EMPLOYEE TRAINING, EDUCATION AND CONFERENCES; PART I SECTION 42 DISCIPLINARY ACTIONS OR TERMINATIONS WITH POLICY 3175; PART III EMERGENCY PREPAREDNESS WITH POLICY 5005; AND PART III ENVIRONMENTAL HEALTH AND SAFETY COMPLIANCE PROGRAM WITH POLICY 5020

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

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

WHEREAS, the Board of Directors has reviewed and considered the revisions to the subject policies attached hereto and listed below, finds the revised policies relevant and acceptable, and it to be in the best interests of the District that the following actions be taken,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that the former policies are revised as follows:

The BCVWD Policies and Procedures Manual Sections:

Part I Section 33	Conferences
Part I Section 42	Disciplinary Actions or Terminations
Part III Section 1	Emergency Preparedness
Part III Section 4	Environmental Health and Safety Compliance Program

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

Exhibit A	Policy 3130	Employee Training, Education and Conferences
Exhibit B	Policy 3175	Disciplinary Actions or Terminations
Exhibit C	Policy 5005	Emergency Preparedness
Exhibit D	Policy 5020	Environmental Health and Safety Compliance Program

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ADOPTED this 18 day of September, 2024, by the following vote:

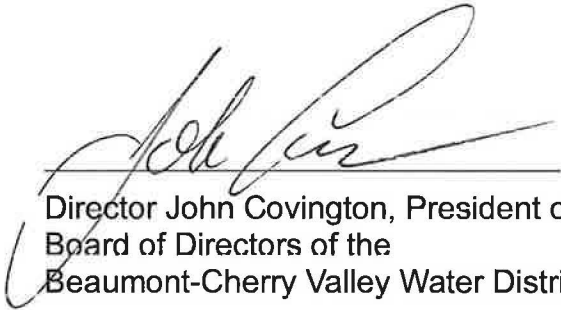
AYES: Covington, Hoffman, Ramirez, Slawson, Williams

NOES:

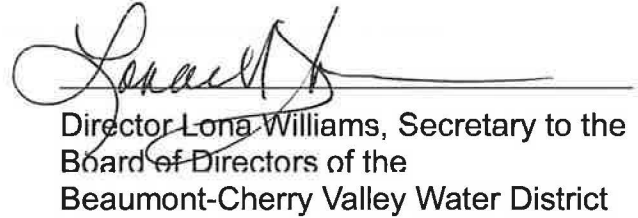
ABSTAIN:

ABSENT:

ATTEST:



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



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

Attachments:

Exhibit A	Policy 3130	Employee Training, Education and Conferences
Exhibit B	Policy 3175	Disciplinary Actions or Terminations
Exhibit C	Policy 5005	Emergency Preparedness
Exhibit D	Policy 5020	Environmental Health and Safety Compliance Program

EXHIBIT A

POLICY TITLE: EMPLOYEE TRAINING, EDUCATION AND CONFERENCES
POLICY NUMBER: 3130

3130.1 **Commitment.** It is the policy of the District to encourage employee development and excellence of performance by authorizing employees to attend training, education or conferences associated with the interests of the District. Attendance at such training, education or conferences whether online or in-person must be approved by the employee's immediate supervisor and/or the Department Head.

3130.2 **Expenses.** Expenses for training, education or conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations put forth by the General Manager or his/her designee and by:

3130.2.1 **Housing Accommodations Expenses.**

- a. Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates or a nearby hotel offering discount rates.
- b. Employees should travel together whenever feasible and cost-efficient.
- c. When possible, employees should make reservations in advance, to secure the lowest hotel rates.

3130.2.2 **Travel/Transportation Expenses.** When reimbursing travel expenses, the District will cover the lower cost between air and auto travel, based on the following:

- a. The location of the training, education, or conference must be preapproved for the employee to attend.
- b. The most economical mode of travel should be chosen, balancing cost with scheduling needs, and using the most direct and time-efficient route.
- c. For air travel, tickets should be booked in advance to secure the best available rates. Higher-cost airfare may be approved by the General Manager or his/her designee if the employee can justify the expense or if scheduling flexibility is limited.
- d. If using a personal vehicle to travel to the airport is preapproved by the General Manager or his/her designee, the District will reimburse the mileage to and from the airport based on the standard IRS mileage rate, and cover the lowest available rate for airport parking fees.
- e. When traveling by car, a District vehicle should be used if one is available, safe, and operational. If a District vehicle is not available, mileage reimbursement for the use of an employee's personal vehicle will follow the IRS standard mileage rate for business travel. Parking fees incurred during travel are also reimbursable. For additional details, refer to Policy 3155, Personal Vehicle Usage.

3130.2.3 Expenses must not exceed those stated in Policy 4075 Expenditure Reimbursement.

3130.3 **Guests/Spouse.** The District will only pay for and/or reimburse employees for that portion of expenses that relate to the employee approved to attend the training, education or conferences.

3130.4 **Non-Reimbursables.** The District will not reimburse expenses for alcoholic beverages,

cigarettes, tobacco and cannabis products. Rental car expenses are not reimbursable unless approved by the General Manager or his/her designee prior to travel. If employee opted to use the District Vehicle or is approved by the General Manager or his/her designee to use his/her personal vehicle, road tolls and traffic fines or tickets are not reimbursable (Please refer to Policy 3150 District Vehicle Usage and Policy 3155 Personal Vehicle Usage for additional details).

3130.5 **Report.** Upon returning from training, education or conferences where expenses are paid for and/or reimbursed by the District, employees shall make a verbal report at their next staff meeting. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the district library for the future use of staff.

EXHIBIT B

POLICY TITLE: DISCIPLINARY ACTION OR TERMINATIONS
POLICY NUMBER: 3175

3175.1 **Purpose.** The intent of this policy is to provide a clear and consistent framework for addressing employee behavior and performance that does not meet District standards. The goal is to correct behavior, maintain a productive work environment, and ensure fair treatment for all employees.

3175.2 **Authority.** The General Manager or his/her designee has the authority to approve a disciplinary action or termination of an employee. The immediate supervisor or the Department Head will make a recommendation for disciplinary action or termination of an employee in consultation with Human Resources and/or the General Manager or his/her designee.

3175.3. **Progressive Discipline.** It is recommended that disciplinary action should be taken progressively. However, the District reserves the right to combine and/or omit steps or immediately issue an involuntary separation depending on the nature of the offense. The level of disciplinary action may also vary. Some factors that will be considered are whether the offense is repeated despite coaching, counseling or training, the employee's behavior or work record, and the impact the conduct and performance issues have on the District and its reputation. A recommendation for discipline by the immediate supervisor must first be consulted with the General Manager or his/her designee and Human Resources.

The following is a nonexclusive list of the types of disciplinary action which may be imposed.

1. **Oral or written warnings.** The recommended progression is from verbal warning, written warning and final written warning.
2. **Probation.** The placing of an employee in a position wherein his/her past and current performance is being reevaluated through a three (3) to six (6)- month Performance Improvement Plan (PIP). Failure to improve his/her performance during the probationary period will result in further disciplinary action.
3. **Suspension.** Involuntary leave without pay.
4. **Demotion.** Reduction from a position in one class to a position in another class having a lower salary range, affected for disciplinary purposes. (Demotions resulting from organizational changes and layoffs are not disciplinary.)
5. **Termination.** Discharge from service with the District.

3175.4 It is intended that discipline be imposed primarily for corrective purposes and to address deficiencies in work performance. Disciplinary actions will generally be kept confidential, but may be disclosed as required by law, or if the employee's interest in privacy is outweighed by another factor. The following is a nonexclusive and illustrative list of the more common causes for disciplinary action, provided however, these provisions are not intended nor shall they change or modify the at-will status of employees:

1. Action/s contrary to BCVWD Policies and Procedures Manual.
2. Inefficiency or incompetence in the performance of duties relative to the job description or assigned duties.

3. Disobedience or insubordination.
4. Dishonesty and fraud.
5. Consumption of alcoholic beverages, cannabis or drugs during work shift or on-call hours. Employees shall not use, carry or transport alcoholic beverages or narcotics during work shift, or on neither District property nor report for work while under the influence of alcohol or narcotics.
6. Disorderly or immoral conduct.
7. Discourteous treatment of the public.
8. Accepting gratuities or tips offered in exchange for District services rendered a customer or prospective customer.
9. Conviction of a felony, to the extent permitted by California's Fair Chance Act.
10. Tardiness.
11. Excessive absenteeism.
12. Neglect of duty.
13. Failure to follow safe working practices or failure to report promptly any injury.
14. Breach of confidentiality.

3175.5 Investigation Process. The Human Resources Department will initiate and conduct a thorough and objection investigation within five (5) workdays after a report from the immediate supervisor of the infraction by an employee that may result in a disciplinary action. The General Manager or his/her designee may place the employee involved on a paid administrative leave of absence pending investigation. An investigation summary report shall be presented by Human Resources Department to the General Manager or his/her designee and the Department Head outlining the findings and the recommendation for a decision. The General Manager or his/her designee will render a decision within three (3) workdays. Human Resources Department will keep a copy of the investigation summary report and shall not be provided to the employee for confidentiality purposes and to the extent applicable by law.

3175.6 Notice of Intent to Take Disciplinary Action or Termination. Once the General Manager or his/her designee has decided on disciplinary action or termination, a notice will be sent to the employee within 48 hours. The notice will specify the reasons for the intended disciplinary action and termination.

3175.7 Appeal Process. The employee has the right to appeal any disciplinary action. The appeal must be submitted in writing to Human Resources Department within five (5) business days of receiving the notice of disciplinary action or termination. When an appeal is submitted in writing, the Human Resources Department will schedule and conduct an Administrative Hearing together with the General Manager or his/her designee, the employee involved in a disciplinary action or termination and/or the employee's representative to plead his/her case within five (5) business days. Appeals not submitted within five (5) business days from notice of disciplinary action or terminations will render the decision as final.

3175.8 Notice of Final Decision. After the hearing, the General Manager or his/her designee in collaboration with the Department Head and Human Resources Department will review the result of the Administrative Hearing and make a final decision within three (3) business days. The final decision notice will be sent to the employee by Human Resources Department within two (2) business days after the date of the Administrative Hearing.

3175.9 Return of Property. Upon suspension or termination, the employee shall return all District property to his/her immediate supervisor and/or Human Resources Department.

3175.10 **At-will Employment.** These disciplinary action procedures and any other provided in this manual are not intended to change the at-will nature of the employment relationship with the District. Either an employee or the District may end the employment relationship at any time with or without cause and with or without notice. The District reserves the right to terminate the employment relationship, to demote or to otherwise take disciplinary and corrective action without resort to these disciplinary procedures. Nothing in these procedures or in this Manual is intended to create a property interest in employment with the District.

EXHIBIT C

POLICY TITLE: EMERGENCY PREPAREDNESS
POLICY NUMBER: 5005

5005.1 **Policy.** It is the commitment of the District to create and maintain an active emergency preparedness program that includes an emergency plan that will help manage the District's critical functions during any emergency situations, and protect the safety of staff and the community. The District will coordinate the emergency plan, function and response with those responders from the public and/or private entities and organizations charged with emergency response duties.

5005.2 **Emergency Defined.** Emergency means the actual or threatened existence of conditions of disaster or of extreme peril to the provision of critical District functions and the health and safety of staff or the public, caused by conditions such as fire, severe storm, riot, hazardous materials releases, earthquake, power outages, freezes, water supply contamination, acts of terror and other conditions which may be beyond the capability of the services, personnel, equipment, and facilities of this District, and may require the combined forces of other political subdivisions to help respond.

5005.3 **Emergency Preparedness.** The General Manager or his/her designee in consultation with the Board of Directors authorizes the establishment of an Emergency Preparedness Program, which consists of the nationally recognized four (4) phases of emergency management: mitigation, preparedness/planning, response, and recovery. District actions will include developing and maintaining a District-wide emergency plan, identifying and training District staff to activate and use the plan, and appointing District staff to critical positions identified in the emergency plan., The General Manager or his/her designee, in consultation with the Board of Directors will represent the District in negotiations or consultations with public and private agencies on matters pertaining to response to the emergency and recovery of damaged systems and financial costs incurred during the emergency.

5005.4 **Standardized Emergency Management System.** The California Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created by Government Code §8607 following the East Bay Hills Firestorm in 1991. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures, and training will follow the SEMS regulations, and coordinate with the District-wide emergency plan.

5005.5 **District Emergency Declaration.** When an emergency condition arises, the General Manager or his/her designee may, in consultation with the President of the Board of Directors, declare a "District Emergency." The Board must ratify the declaration within seven (7) days from the declaration of a District emergency at a regular, special or emergency Board meeting (Government Code §8630).

5005.6 **Authorization During District Emergencies.** The General Manager or his/her designee's Declaration of a District Emergency is a public acknowledgement of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the General Manager or his/her designee, may delegate to the General Manager or his/her designee the authority to suspend competitive bidding and enter into emergency contracts of up to two-hundred fifty thousand dollars (\$250,000), as authorized by Public Contract Code §20567 and §22050.

5005.7 **Mutual Aid.** The California Master Mutual Aid Agreement (Government Code §8561, §8615, and §8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The General Manager or his/her designee, in accordance with the Emergency Plan, may request mutual aid assistance from other local government and public agencies, or commit District resources to other agencies requesting aid. The General Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.

5005.8 **Continuity of Management.** The District's emergency plan will list at least two (2) successors to critical staff identified in the plan, including the General Manager or his/her designee. In the event the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary staff.

5005.9 **Status Reports.** Annually, the General Manager or his/her designee will provide a report to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within sixty (60) days of the occurrence of a declared District Emergency.

EXHIBIT D

POLICY TITLE: ENVIRONMENTAL HEALTH AND SAFETY COMPLIANCE PROGRAM
POLICY NUMBER: 5020

5020.1 **Purpose.** The District recognizes the importance of an effective environmental, health, and safety-compliance program for the well-being of each District employee, to the District’s customers, to the public at large, to the environment, and to the productivity of District operations. Therefore, it is the firm and continuing policy of the District that environmental, health and safety compliance and accident prevention shall be considered of primary importance in all phases of the District’s operation and administration, at all levels of the organization.

5020.2 **Policy.** Within the District, therefore, the General Manager or his/her designee is authorized to approve programs, standards, rules, and procedures to protect and promote the safety and health of District employees, customers, the public at large, the environment, and the productivity of District Operations. The General Manager or his/her designee shall review accidents and compliance issues, and recommend new or revised environmental, health, and/or safety programs, standards, rules, and procedures for approval by the Board and implementation within the District.

1. **Responsibility.** The Department Head and the Human Resources Manager shall make environmental, health, and safety compliance an integral part of their regular duties, including the provision of proper training for subordinates, materials, and equipment so that work can be performed safely and in compliance with regulations and other applicable standards.
2. **Compliance.** It is equally the duty of each employee to accept and follow established programs, standards, rules, and procedures, as well as instructions and directives relating to the efficient performance of their work. Every effort will be made to provide adequate training to employees. However, if an employee is ever in doubt about how to do a job safely and correctly, it is their duty to ask a qualified person for assistance. Everyone is responsible for housekeeping duties that pertain to their jobs. Unsafe conditions must be reported to the immediate supervisor or Human Resources for investigation.
3. **Investigation.** The Human Resources Department, in conjunction with the Department Head, shall promptly investigate any complaints regarding unsafe working conditions. Detailed investigation reports, including recommendations for corrective actions and improvements, shall be prepared and submitted to the General Manager or his/her designee for review and potential implementation.
4. **Scope.** By maintaining an effective environmental, health, and safety compliance program, the risk of personal injury, operational interruptions, and regulatory fines are reduced, and the mission of the District is manifested. The cooperation of all District employees is required.

5020.3 **No Retaliation.** The District strictly prohibits any form of retaliation against employees who report unsafe conditions, potential violations of environmental, health, or safety regulations, or who participate in investigations or compliance activities. Any employee who believes they have been subjected to retaliation should report it immediately to the Human Resources Manager or the General Manager or his/her designee. All reports of retaliation will be promptly investigated, and appropriate corrective action will be taken if allegations are substantiated.