

RESOLUTION 2025-10 08 ✓

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BEAUMONT-CHERRY VALLEY WATER DISTRICT
AMENDING THE DISTRICT'S POLICIES AND
PROCEDURES MANUAL PART I**

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 recommended revisions to the Policy and Procedures Manual based on advice given by Human Resources and 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 new or revised policies relevant and acceptable, and it to be in the best interests of the District that the following actions be taken,

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

The BCVWD Policies and Procedures Manual Part I Policy 3111 Leave for Crime Victims and Family Members is replaced in entirety by the revised **Policy 3111 Leave for Crime Victims and Family Members, and Victims of Domestic Violence, Sexual Assault, and Stalking** attached hereto as Exhibit A.

ADOPTED this 12th day of March, 2025, by the following vote:

AYES: DOVINGTON, HOFFMAN, RAMIREZ, SLAWSON, WILLIAMS

NOES:

ABSTAIN:

ABSENT:



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

ATTEST:



Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

Attachment: Exhibit A Policy 3111 Leave for Crime Victims and Family Members, and Victims of Domestic Violence, Sexual Assault, and Stalking

POLICY TITLE: LEAVE FOR CRIME VICTIMS AND FAMILY MEMBERS, AND VICTIMS OF DOMESTIC VIOLENCE, SEXUAL ASSAULT AND STALKING
POLICY NUMBER: 3111

3111.1 Policy. All full-time and part-time employees, regardless of tenure, are eligible for leave for certain purposes enumerated in this policy if they or a family member are a victim of a qualifying act of violence, domestic violence, sexual assault, or stalking. Family members are limited to: a spouse, domestic partner, child, sibling, parent, grandparent, grandchild, or designated person. Eligible employees who are a victim of a crime, or whose family members are a victim of a crime, are entitled to take leave to participate in judicial proceedings, such as court hearings or trials. This policy is intended to reflect the requirements of AB 2499 (Government Code section 12945.8), and any conflicts between the policy and the statute shall be resolved in favor of the law. The District does, however, have the discretion to provide a more generous leave policy.

3111.2 Reasons for Taking Leave. An employee who is a victim, or has a family member who is a victim, is entitled to leave from work for any of the following purposes, whether for themselves or the family member:

- a. To obtain relief, including a restraining order or other injunctive relief, or to ensure the health, safety, and welfare of the victim.
- b. To seek or obtain medical attention or to recover from injuries caused by a qualifying act of violence.
- c. To seek or obtain services from a domestic violence shelter, program, rape crisis center, or victim services organization as a result of a qualifying act of violence.
- d. To seek or obtain psychological counseling or mental health services related to an experience of a qualifying act of violence.
- e. To participate in safety planning or to take other measures to increase safety from other future qualifying acts of violence.
- f. To relocate or engage in the process of securing a new residence due to a qualifying act of violence, including securing new housing or enrolling children in a new school or daycare.
- g. To provide care to a family member who is recovering from a qualifying act of violence.
- h. To seek or obtain civil or criminal legal services in relation to a qualifying act of violence.
- i. To prepare for, participate in, or attend any administrative, civil, or criminal legal proceeding related to the qualifying act of violence, or to appear in court to testify under a subpoena or court order if the employee or a family member is a victim of any crime.
- j. To seek, obtain, or provide childcare or care to a care-dependent adult, if the care is necessary to provide safety to the child or care-dependent adult as a result of the qualifying act of violence.

3111.3 Definitions. For the purposes of this policy, the following terms are defined as follows:

- a. A *crime* is defined as any crime or public offense that is a misdemeanor or felony, or would constitute a misdemeanor or felony if it were committed in California.
- b. *Domestic violence* is defined as abuse by a spouse or domestic partner, or former spouse or domestic partner, a cohabitant or former cohabitant, a person with whom the victim has or has had a dating or intimate relationship, a person with whom the victim has had a child, a parent (if the victim is a child), or any other person related by blood or affinity within the second degree.
- c. *Sexual assault* is defined as any form of non-consensual sexual act or behavior, including rape, sexual battery, or other acts of sexual violence as proscribed by State, federal, or tribal law, including when the victim lacks the capacity to consent.
- d. *Stalking* means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others, or suffer substantial emotional distress.
- e. A *child* means a biological, adopted, or foster child, a stepchild, a legal ward, the child of a domestic partner, or a person to whom the employee stands in loco parentis.
- f. A *designated person* means 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 leave, and is limited to one person designated per 12-month period.

- g. A *parent* means a biological, adoptive, or foster parent, a stepparent, a legal guardian, a parent-in-law, or other person who stood in loco parentis to the employee when the employee was a child.
- h. A *grandparent* means a parent of the employee's parent.
- i. A *grandchild* means a child of the employee's child.
- j. A *sibling* means a person related to the employee by blood, adoption, or affinity through a common legal or biological parent.
- k. A *victim* is a person against whom a qualifying act of violence has been committed; or, for purposes of appearing in court to testify in a judicial proceeding, a victim of any crime.
- l. A *qualifying act of violence* means domestic violence, sexual assault, or stalking; or an act, conduct, or pattern of conduct that includes any of the following: (1) an individual causes bodily injury or death to another individual; (2) an individual draws, brandishes, or uses a firearm or other dangerous weapon with respect to another individual; or (3) an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause bodily injury or death.

3111.4 **Leave Time for Crime Victims and Family Members.** Employees are entitled to up to a total of 12 weeks of leave for the reasons listed in section 3111.2 above, except that for leave taken to assist a family member under 3111.2(f) may be limited to 5 days, and leave taken to assist a family member under 3111.2(j) may be limited to 10 days. Subject to these limitations, the amount of leave should be that amount which is reasonable or required to deal with the particular qualifying reason for leave.

3111.5 **Leave Interaction with FMLA/CFRA.** If the employee is eligible for FMLA/CFRA leave, then leave under this policy shall run concurrently with FMLA/CFRA including provisions of Designated Persons under CFRA (See Policy 3090 Family and Medical Leave).

3111.5.1 **Notice of Concurrent Leave under FMLA/CFRA.** If the leave qualifies under FMLA or CFRA, the Human Resources will notify the employee that the time off will be designated and counted against his/her FMLA/CFRA entitlement. The process will then be referred under Policy 3090 Family and Medical Leave.

3111.6 **Use of Accrued Leaves.** Employees covered by this policy are not obligated to use their accrued sick leave, vacation leave, or administrative leave. However, they may choose to use any available accrued paid time off, such as vacation leave, sick leave, or other forms of paid leave, at their discretion. If said leave is concurrent with FMLA/CFRA as determined by Human Resources, the use of accrued leaves will follow the stipulations of Policy 3090 Family and Medical Leave.

3111.7 **Leave Request Process.** In order to be eligible for leave, the employee must provide documentation to Human Resources, with reasonable advance notice, and the amount of leave the employee intends to take. When advance notice is not feasible or an unscheduled absence occurs, the employee must, within a reasonable time after the absence, provide the District with documentation evidencing the qualifying need for leave and, if possible, the amount of leave needed. Documentation may include:

- a. The court order or notice from a government agency conducting a judicial proceeding.
- b. A police report indicating that the employee or family member is a victim.
- c. Documentation from a licensed medical professional or health care provider (including mental health), domestic violence counselor, sexual assault counselor, victim advocate, or counselor certifying that the employee or family member was a victim and was undergoing or seeking services related to the qualifying act of violence.
- d. Any other documentation that reasonably verifies that the employee or a family member was a victim of the qualifying act of violence, including, but not limited to, a written statement signed by the employee or an individual acting on the employee's behalf.

3111.7.1 If a court proceeding under this section is completed before the end of the employee's regularly scheduled shift, the employee must report to work if requested by the supervisor.

3111.8 **Confidentiality.** To the extent allowed by law, the District shall keep confidential any records regarding an employee's leave or request for leave under this policy.

3111.9 **Reasonable Accommodation.** Upon request by the employee, the District will make reasonable accommodation for an employee who is a victim, or whose family member is a victim, of a qualifying act of violence if necessary to ensure the safety of the employee while at work, unless the accommodation would cause the District undue hardship. The District will follow the reasonable accommodation process provided in Government Code section 12945.8, and may require documentation as part of that process.

3111.10 **Return to Work.** Before returning to work, the employee should notify Human Resources or his/her supervisor of the expected return date. If the supervisor receives the message first, this must be passed on to Human Resources immediately. If the leave needs to be extended, the employee must provide updated documentation and request additional leave in a timely manner.

3111.11 **Non-Retaliation.** The District strictly prohibits any form of retaliation or discrimination against employees who request or take leave under this policy or who report incidents of domestic violence, sexual assault, or stalking. Employees are encouraged to report any concerns of retaliation immediately to Human Resources or General Manager or his/her designee.