



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, August 19, 2025 - 4:30 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.gov/document-category/personnel-committee-agendas/>

PERSONNEL COMMITTEE MEETING – AUGUST 19, 2025

Call to Order: Chair Covington

Roll Call

	John Covington, Chair
	Lona Williams

	Andy Ramirez (alternate)
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PERSONNEL COMMITTEE MEETING – AUGUST 19, 2025 - *continued*

Public Comment

PUBLIC COMMENT: RAISE HAND OR PRESS *9 to request to speak when prompted. If you are present in the Conference Room, please fill out a Request to Speak card and deliver it to the Recording Secretary.

At this time, any person may address the Committee on matters within its jurisdiction. However, state law prohibits the Committee from discussing or taking action on any item not listed on the agenda. Any 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 unanimous vote of the legislative body 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

ACTION ITEMS

2. **Acceptance of Personnel Committee Meeting minutes**

Minutes may be accepted by consensus

- a. July 15, 2025 Regular Meeting (pages 4 - 10)

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

Association Representatives		
Andrew Becerra	Luis Lomeli	Ericka Enriquez

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

5. **Human Resources Department Report** (pages 11 - 12)

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

a.	Policy 2020	Sexual Harassment	pages 13 - 72
b.	Policy 2025	Whistleblower Protection	pages 73 - 86
c.	Policy 7013	Personally Identifiable Information (PII)	pages 87 - 93
d.	Policy 7014	Artificial Intelligence (AI)	pages 94 – 98
e.	Policy 7015	Security Awareness and Training	pages 99 – 103
f.	Policy 7016	Internet of Things (IoT)	pages 104 - 108
g.	Policy 7017	Non-IT Approved Software Purchasing Policy	pages 109 – 113
h.	Policy 3005	Compensation	p ages 114-118

PERSONNEL COMMITTEE MEETING – AUGUST 19, 2025 - *continued*

7. **Update on Policy Tracking Matrix** (pages 119 - 123)
 - a. Status of Policy Revisions / Updates
8. **2025 Annual Engagement Survey Through Great Place to Work Results** (pages 124 - 132)
9. **Action List for Future Meetings**
 - Employee Association topics
 - Policy manual updates (ongoing)
10. **Next Meeting Date: September 16, 2025**
11. **Adjournment**

NOTICES

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 an open meeting of the 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 Board Members, 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/>. (GC 54957.5)

REVISIONS TO THE AGENDA - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the 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.

REQUIREMENTS RE: DISABLED ACCESS - In accordance with Government Code §54954.2(a), and the Americans with Disabilities Act (ADA), 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. Notification of at least 48 hours in advance of the meeting will generally enable staff to make reasonable arrangements to ensure accessibility. The 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 Personnel Committee of Beaumont-Cherry Valley Water District and to its website at least 72 hours in advance of the meeting (Government Code §54954.2(a)).



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

MINUTES OF THE PERSONNEL COMMITTEE MEETING
Tuesday, July 15, 2025, at 4:30 p.m.

CALL TO ORDER

Chair Covington called the meeting to order at 4:35 p.m.

ROLL CALL

<i>Directors present:</i>	<i>John Covington, Lona Williams</i>
<i>Directors absent:</i>	<i>None</i>
<i>Staff present:</i>	<i>General Manager Dan Jagers Director of Finance and Administration Sylvia Molina Director of Information Technology Robert Rasha Director of Operations James Bean Human Resources Manager Ren Berioso Water Utility Superintendent Julian Herrera Executive Assistant Lynda Kerney</i>
<i>BCVWD Employee Association reps:</i>	<i>Ericka Enriquez, Luis Lomeli</i>
<i>Members of the Public:</i>	<i>None</i>

PUBLIC COMMENT: None.

ACTION ITEMS

- 1. Adjustments to the Agenda:** None.
- 2. Acceptance of Personnel Committee Meeting minutes**
 - a. June 17, 2025 Regular Meeting

The Committee accepted the meeting minutes 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: None

4. Report / Update from BCVWD Exempt Employees: None.

5. Report from Human Resources Department

Human Resources Manager Ren Berioso presented highlights of the report:

- Currently 45 employees
- Notable anniversaries including Mike Morales (24 years) and Bill Clayton (10 years)
- A candidate for the Engineering Intern position has been identified
- YTD Turnover rate is 6.19 percent (an improvement over 2024)

Per the Committee's request, Berioso presented the District's turnover rate (6.19 percent) in comparison to other agencies. , and whether temporary employees should be included.

6. Policies and Procedures Manual Updates / Revisions

Human Resources Manager Ren Berioso presented the proposed revisions to the following policies:

a.	Policy 3000	Employee Status
b.	Policy 3005	Compensation
c.	Policy 3010	Employee Performance Evaluation
d.	Policy 3180	Nepotism, Employment of Relatives and Fraternization

a. Policy 3000 Employee Status

Policy 3000 was last updated in 2021. Changes were needed to reflect current District practices regarding employee classifications and probationary procedures. A key revision was changing all instances of "introductory" to "probationary" for consistency with public agency norms. New subsections were added under Section 3000.3 to differentiate probationary rules for newly hired, rehired, promoted, transferred, demoted, and reclassified employees.

Director Covington confirmed the changes were mostly minor and acknowledged the clarity added by relocating language and defining different categories of probationary employees. GM Jagers emphasized that policy language should reflect operational reality and flexibility while setting a professional standard.

A key area of discussion centered on reclassifications. Berioso explained that if an employee's role changes significantly a six-month probationary period would apply. Covington asked whether employees could reject reclassification, and Berioso replied that employees typically accept due to increased pay, though the option to resign exists if they decline.

A new section states that probationary employees are not eligible for merit increases, and Jagers highlighted the need for flexibility in exceptional cases. He emphasized the importance of retaining high-performing employees and suggested this flexibility be addressed under the compensation policy (Policy 3005).

The Committee recommended Policy 3000 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 3005 Compensation

The revisions to Policy 3005 aim to codify the District's current compensation practices, including clarifying the roles of HR and Finance in reviewing Personnel Action Forms (PAFs) before final General Manager approval. Changes to Section 3005.2.A reflect these internal processes and specify that compensation approvals must be based on written justification and budget oversight.

Director Covington proposed simplifying the wording in Section 3005.2.A by reducing repetitive "ands" and using commas for clarity. Berioso further explained the relocation and rewording of step increase provisions to align with current practices—employees may move up one step annually following satisfactory evaluations, with added criteria for transition to regular status or reclassification.

A new section added grants the General Manager authority to approve compensation adjustments beyond standard steps, including increases for retention or market alignment. Jagers emphasized the need to "throw a Hail Mary" in unique cases to retain valuable staff. He suggested explicitly including the words "or timing" to the General Manager's authority to allow mid-cycle increases when necessary. The Personnel Committee members and staff representatives expressed support.

The Committee recommended Policy 3005 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 3010 Employee Performance Evaluation

Berioso explained that the policy serves as the bridge between employment status (Policy 3000) and compensation (Policy 3005). The revisions clarify expectations by explicitly tying performance evaluations to the employee's job description, required certifications, safety standards, and other position-specific qualifications.

In response to Director Covington, Berioso confirmed the anniversary date resets upon hire, rehire, promotion, transfer, or reclassification. He stressed that evaluations now also consider whether the employee meets position benchmarks—such as holding required licenses—in addition to performance quality.

Additional revisions included refinements to probationary evaluation procedures, which are now aligned with Policy 3000. Berioso emphasized that Performance Improvement Plans (PIPs), while corrective in nature, are not disciplinary actions and must not exceed six months. Legal Counsel contributed language clarifying that performance evaluations—regardless of score—are not disciplinary.

A new “No Retaliation” clause was added under Section 3010.9 to protect employees who participate in or respond to evaluations. Berioso explained this provision reinforces open communication and fairness.

The Committee recommended Policy 3010 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.	

d. Policy 3180 Nepotism, Employment of Relatives and Fraternization

Revisions to Policy 3180 were prompted by a review of the Ethics Policy (Policy 4095) and a recommendation from District Legal Counsel to eliminate redundancy by consolidating nepotism-related provisions into a single, comprehensive policy. Berioso explained that the revised policy clarifies its applicability to both Board Members and employees, expanding definitions and requirements to strengthen safeguards against conflicts of interest, favoritism, and perceptions of bias in hiring and supervisory relationships.

One of the significant changes is the addition of a restriction on staff, mirroring an existing rule for Board Members, prohibiting them from recommending relatives for employment at the District. This update ensures consistent standards for ethical behavior across all levels of the organization. Berioso also noted Legal Counsel’s suggestion to revise the definition of “supervisory employee” to include anyone with the authority to influence others’ work or employment conditions, regardless of formal title. This broader definition is intended to prevent any supervisory influence over a relative or intimate partner’s employment.

The revised policy incorporates a required disclosure mechanism for relationships that could present a conflict of interest. Additionally, Berioso highlighted Legal Counsel’s recommendation to strike outdated language, suggesting the General Manager decide who should separate when a conflict arises between two related employees. A change adding potential offer of a severance package contingent upon the employee signing a claim waiver was rejected by the Committee.

The Committee recommended Policy 3180 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.	

7. Update on Policy Tracking Matrix

Berioso reviewed the dashboard.

The Committee acknowledged the August presentation of policies:

2020	Sexual Harassment
2025	Whistleblower Protection
3225	Employee Leave Donation Program
7013	Personally Identifiable Information
7014	Artificial Intelligence (AI)

by the following vote:

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

8. CalPERS Health Insurance Increases FY 2026

Berioso presented the CalPERS health premium rates for Fiscal Year 2026, summarizing projected rate increases and noting an average increase of 5.97% for HMO plans and 12.47% for PPO plans. Berioso directed attention to tables within the report showing side-by-side comparisons of 2025 and 2026 rates for various plan types and subscriber tiers, with the average cost per employee (including dependents) estimated at \$1,920 per month. Based on current enrollment and assuming no changes in staffing or plan selection, the District anticipates a 7.84% increase in total costs for 2026.

Director Covington inquired whether the District has a cap on how much it pays toward health insurance. General Manager Jagers responded that under the current MOU and exempt employee agreements, the District pays 100% of CalPERS health premiums. Covington then explored why employees might opt for higher-cost PPO plans over more affordable HMO options. Berioso explained that employees typically stay with plans that offer convenient access to their preferred providers, such as Kaiser or HMOs with quick referral systems. He added that some employees switch to PPOs if their medical needs require more specialized care not available through their HMO.

Covington asked whether employees were free to select the highest-cost plans at will. Berioso confirmed that during open enrollment, employees may change plans through an online system, with changes becoming effective January 1. Covington noted that this flexibility, combined with the District's full plan cost coverage, may lead to increased financial exposure for the District. He pondered influences in plan choice.

Director Covington recalled that the District had previously explored alternatives to CalPERS for providing employee health benefits, including a presentation from Keenan & Associates, but noted that no further action had been taken at the time. He suggested that

with rising costs and MOU negotiations approaching, the District should revisit whether CalPERS remains the most cost-effective option. Covington encouraged early discussion and analysis to ensure the District is making the best financial decision for both employees and ratepayers.

Director Williams asked whether plans come with deductibles. Berioso responded that HMO plans have zero deductibles, while PPO plans include them—typically \$1,000 for individuals or \$2,000 for families. Covington remarked on the significant value of the benefit, especially for employees with families, and supported continuing the discussion on cost-effective options. He reiterated a previous recommendation to evaluate whether CalPERS remains the most economical provider, suggesting the District revisit alternatives such as a cafeteria-style plan or contribution cap. Jagers agreed, stating that health insurance comprises approximately \$1.2 million—or 5%—of the District’s \$24 million annual budget, and acknowledged the need to prepare for MOU negotiations well ahead of 2026.

9. Quarterly Risk Management Report – Apr-Jun

Berioso reviewed the report and acknowledged a spike in workers’ compensation claims over the last three quarters. He and Water Utility Superintendent Julian Herrera provided some explanation of the incidents and how they were handled, and the follow up action to prevent. He assured that all OSHA requirements are being followed.

General Manager Jagers pointed out this is taken seriously and is not the result of management creating a more injury prone condition or pressure to perform. These were accidents and not the fault of the employees, Berioso added. The District is doing more than the minimum as far as trainings and additional Personal Protective Equipment (PPE).

Director Williams asked about impact to the District’s standing with the ACWA / JPIA insurance program. Berioso said the report had not yet been received, so any impact is yet unknown. He reminded of the District’s recent Presidential Award for low number of incidents.

There are four loss and damage claims this quarter, Berioso continued; all minor vehicle accidents, plus a hit hydrant. He emphasized added training, field inspections, and constant reminders. One claim for property damage was resolved with the removal of a tree. Herrera described the minor incidents, none of which escalated to an insurance claim. Berioso noted that a vehicle damage claim of almost \$8,000 had been discussed by the Finance & Audit Committee.

The Committee received and filed the Quarterly Risk Management Report by the following vote:

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

10. Launch of the 2025 Annual Engagement Survey Through Great Place to Work

Berioso announced the launch of the annual survey. He reviewed the areas showing needed improvement from the prior survey and highlighted activities done in response. The cost of the survey is \$3,364, a slight increase from 2024.

11. Action List for Future Meetings

- Employee Association topics
- Policy manual updates (ongoing)

12. Next Meeting Date: August 19, 2025. *Director Covington noted he may not be in attendance.*

ADJOURNMENT: 6:22 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
August 19, 2025**

Item 5

HUMAN RESOURCES REPORT

TO: Personnel Committee
FROM: Ren Berioso, Human Resources and Risk Manager
SUBJECT: Human Resources Report for the Month of July 2025

Table 1: Personnel

The table below represents the District's current Workforce.

As of July 31, 2025

Total Current Employees (Excluding Board Members)	48
Full-Time Employees	46
Part-Time	1
Temporary	0
Interns	1
Separations	1
Retired Employee(s)	0

Table 2: New Hires

The table below represents new hires.

As of July 31, 2025

Employee Name	Job Title	Department
Luca Macias	Engineering Intern	Engineering

Table 3: Anniversaries*

The table below represents BCVWD employee anniversaries.

As of July 31, 2025

Employee Name	Department	Years of Service
Robert M. Rasha Jr.	IT and Cybersecurity	11 years
Evan Ward	Engineering	5 years
Gregory McAnally	Operations	1 year

**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 table below represents promotions or Division/Title Changes.

As of July 31, 2025

Employee Name	Former Title	Changed to
Mason Madrigal	Temporary Water Utility Worker I	Regular Water Utility Worker I

Table 5: Recruitment

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

As of July 31, 2025

Position	Department	Update
Engineering Intern	Engineering	Candidate was hired 7/28/2025

Tables 6 to 7: Separation/Retirement

Table 6 below represents employees separating from BCVWD.

As of July 31, 2025

Employee Name	Position Held	Department	Last Day
Donta Wiggins	Temp Water Utility Worker I	Operations	7/24/2025

Table 7 below represents the monthly and year-to-date Turnover Rate comparing 2024 and 2025

Turnover Rate as of July 31, 2025	0%	No Separation for this month
2025 Turnover Rate Year-to-Date	8.25%	4 Separations as of July 31, 2025
Turnover Rate as of July 31, 2024	0%	No Separation for this month
2024 Turnover Rate Year-to-Date	8.99%	4 Separations as of July 31, 2024

Table 9: Communications

The table below represents HR communications to BCVWD employees.

As of July 31, 2025

Communication	Topic
HR Memo 25-021 Gentle Reminder – 2025 Annual Engagement Survey	Engagement
HR Memo 25-022 Fire Extinguisher Drill – Live Fire Simulation on July 17	Safety

Staff Report Prepared by Ren Berioso, Human Resources and Risk Manager



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2025**

Item 6a

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Policies and Procedures Manual Updates / Revisions: Policy 2020 Sexual Harassment

Staff Recommendation

Review the revisions to Policy 2020 Sexual Harassment and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

Staff proposes revisions to Policy 2020 Sexual Harassment to update and strengthen the District's procedures for preventing, reporting, and responding to incidents of sexual harassment in the workplace. The proposed updates include clarified disciplinary procedures, expanded complaint response processes, and the addition of new sections addressing allegations involving the General Manager, Third-Party Sexual Harassment, False and Malicious Complaints, and protections against retaliation. These revisions are intended to enhance internal accountability, improve employee protections, and reflect current workplace expectations. The revised policy was reviewed by District Legal Counsel to ensure compliance with Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (FEHA), and other applicable laws.

Background

At the April 14, 2021 Regular Board Meeting, the Board of Directors adopted Policy Number 2020 Sexual Harassment through Resolution No. 2021-06 that replaced Part I, Section 7.

Discussion

The policy establishes the District's commitment to maintaining a workplace free from sexual harassment and outlines key components such as definitions, reporting procedures, and training requirements. While the foundational structure of the policy remains sound and compliant, a recent review by Human Resources identified the need for clarification and enhancement in the Complaint Response Process and Disciplinary Procedures and Sanctions sections to better align with evolving legal standards and workplace expectations.

To strengthen employee protections and internal accountability, the revised policy includes expanded procedures when the General Manager is the subject of a complaint, and introduces new sections covering Third-Party Sexual Harassment, False and Malicious Complaints, and a robust No Retaliation clause. These additions ensure that the policy reflects best practices in employee relations and reinforces the District's zero-tolerance approach. Legal Counsel has reviewed the policy to ensure compliance with applicable employment laws, including Title VII of the Civil Rights Act of 1964 and the California Fair Employment and Housing Act (FEHA), resulting in a more comprehensive and enforceable framework.



Table A, Summary of Policy Changes, outlines the proposed changes to the current policy that are in reference to the redlined draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider	Fiscal Impact of Section
1	Entire Policy Sections	None	Not Applicable	Refined the policy language.	No fiscal impact.
2	Section 2020.2	Title VII Civil Rights Act CA FEHA	The District follows the law.	Legal Counsel improved the section.	No fiscal impact.
3	Section 2020.5	Title VII Civil Rights Act CA FEHA	The District follows the law.	HR staff and Legal Counsel added more language to protect impacted employees and the District.	No fiscal impact.
4	Section 2020.6	Title VII Civil Rights Act CA FEHA	The District follows the law.	HR staff and Legal Counsel modified some language in compliance with applicable laws.	No fiscal impact.
5	No Section	Title VII Civil Rights Act CA FEHA	The District follows the law.	Proposed adding Section 2020.8 if the complaint involves the General Manager.	The cost of hiring a third-party investigator as determined by the Board.
6	No Section	Title VII Civil Rights Act CA FEHA	The District follows the law.	Proposed adding Section 2020.9 if the harasser is a third-party towards the employee.	No fiscal impact.



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider	Fiscal Impact of Section
7	No Section	Title VII Civil Rights Act CA FEHA	The District follows the law.	Proposed adding Section 2020.10 for those employees who knowingly make false allegations or provide false statements during investigation.	No fiscal impact.
8	No Section	Title VII Civil Rights Act CA FEHA	The District follows the law.	Proposed adding Section 2020.11 that provides a no retaliation for employees reporting sexual harassment claims.	No fiscal impact.

Fiscal Impact

There is no fiscal impact in the revision of this policy. The use of external investigators, when required by the Board, are already accounted for in the annual operating budget.

Attachments

1. Redlined version Policy 2020 Sexual Harassment
2. Side-by-Side version Policy 2020 Sexual Harassment
3. Cleaned version Policy 2020 Sexual Harassment
4. Title VII Civil Rights Act
5. CA Fair Employment Housing Act (FEHA) FAQ's

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager

BEAUMONT-CHERRY VALLEY WATER DISTRICT

POLICY TITLE: SEXUAL HARASSMENT**POLICY NUMBER: 2020**

2020.1 **Purpose and Applicability.** Acts of sexual harassment by employees, supervisors, or managers, are prohibited and are subject to sanctions and disciplinary measures, up to and including termination of employment. The District is committed to providing a workplace that is free of unlawful discrimination and harassment. ~~The In keeping with this policy, the~~ District is committed to providing a workplace that is free of sexual harassment (including harassment based on gender, pregnancy, childbirth or related medical conditions). The District strictly prohibits and will not tolerate harassment of employees by officers, managers, supervisors, or co-workers. Similarly, the District will not tolerate harassment by its employees or non-employees with whom District employees have a business, service, or professional relationship. The District will seek to protect employees from harassment by non-employees in the workplace or in work related situations.

2020.2 **Definition.** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct by an individual is used as a term or condition of employment; ~~or:~~
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual; ~~or:~~
3. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

~~3.A.~~ **Prohibited conduct may include, but is not limited to:**

- ~~4.1.~~ Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, comments, or graphic commentaries on the person's body; sexually degrading words to describe the person, or propositions of a sexual nature.
- ~~5.2.~~ Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures.
- ~~6.3.~~ Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis, sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person.
- ~~7.4.~~ Direct or indirect threats or suggestions of sexual relations or sexual contact are made.
- ~~58.~~ Retaliation for having reported or threatened to report harassment.

2020.3 All employees shall be informed of the District's sexual harassment policy and complaint process again when any complaint is filed. Also, the policy and the complaint process set forth herein shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

1. All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by Human Resources during new hire orientation.
2. An annual bulletin shall be prepared distributed and signed by all employees informing them of the District's sexual harassment policy. The Human Resources department is responsible for the communication and tracking of the annual bulletin.
3. Within 14 working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees re-informing them of the District's sexual harassment policy.

2020.4 **Training.** All supervisors ~~sy classifications and Directors~~ shall attend two hours of sexual harassment prevention training every two years. All other employees shall attend one hour of sexual harassment prevention training every two years. The training shall be conducted in accordance with the ~~California Department of Fair Employment and Housing~~ Civil Rights Department regulations and shall include a component on harassment based on gender, gender identity, gender expression, and sexual orientation, as well as abusive conduct.

2020.5 **Complaint Process.** Any employee who believes they ~~are the victim of~~ have experienced sexual harassment should notify the other employee that such behavior is offensive and ask them to immediately stop the behavior. It is important to let fellow employees know when behavior is offensive because the District hires people from a variety of ~~cultural and ethnic~~ backgrounds. However, employees are not required to confront the offending employee directly if they feel uncomfortable, and may go directly to a supervisor, manager, or Human Resources or the General Manager or designee. Complaints of workplace harassment ~~in employment~~ should be reported in writing as soon as possible to any supervisory employee, and/or Human Resources, ~~Personnel. If the complaint is directed against the General Manager, the complaint shall be filed with the Personnel Committee of the Board of Directors.~~

1. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager, Human Resources or General Manager or designee.
2. The complaint should include details of the incident, names of individuals involved, and names of any witnesses.
3. A ~~formal~~ complaint ~~is~~ should be made in writing. Said form should be submitted by the employee to any supervisory employee, preferably the immediate supervisor. While written complaints are strongly encouraged, the District will investigate all complaints, including ~~those that are not written or that are anonymous~~ verbal complaints. ~~However, the ability to investigate and remedy unwritten or anonymous complaints may be compromised if insufficient information is available for the investigation.~~
4. An employee may file a ~~formal or informal confidential~~ complaint without fear of reprisal. While the District will make reasonable efforts to keep complaints confidential, there may be circumstances under which the District cannot maintain complete confidentiality, in order to investigate or remedy the situation.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

5. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.

6. An employee who has experienced sexual harassment is entitled to report the incident(s) directly to the California Civil Rights Department or the Equal Employment Opportunity Commission, regardless of whether the employee has filed a complaint with the District.

California Civil Rights Department: (800) 884-1684
<https://calcivilrights.ca.gov/contactus/>

5. Equal Employment Opportunity Commission: (213) 785-3090
<https://www.eeoc.gov/filing-charge-discrimination>

2020.6 **Complaint Response Process.** Any supervisory employee who receives a ~~formal~~ sexual harassment complaint shall at all times maintain strict confidentiality and shall personally deliver said complaint immediately and directly to Human Resources, the General Manager, or the General Manager's designee.

1. Within 72 hours of the filing of a ~~formal or informal~~ complaint, ~~even if it is withdrawn,~~ an investigation shall commence and be conducted by Human Resources, the General Manager, or the General Manager's designee, regarding the alleged harassment.

4-2. The District shall aim to complete the investigation within thirty (30) working days, unless extenuating circumstances exist. All investigations shall be conducted in compliance with ~~California Government Code § 12940 and the Fair Employment and Housing Regulations~~the Fair Employment and Housing Act and applicable regulations.

2-3. The investigation ~~may~~ shall include a written statement from the alleged harasser.

3-4. A written record of any investigation of an alleged sexual harassment shall be maintained by Human Resources. Findings will be sent to the General Manager, or ~~their~~ designee. The General Manager, or ~~their~~ designee, shall immediately inform, in total confidentiality, the Personnel Committee of the Board of Directors.

4-5. All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.

5-6. The person initiating the complaint has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

6-7. All parties concerned will be advised of the results of the investigation to the extent permitted by District policy and applicable law.

2020.7 **Disciplinary Procedures and Sanctions.** Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the General Manager against the harasser where sexual harassment is found, including mandatory sexual harassment training to prevent future incidents. The complainant will be advised once the investigation is complete and will be provided with a summary of the ~~results~~ findings of the investigation, ~~including whether~~

Commented [RTG1]: I don't think you can force the alleged harasser to write anything. I would remove this.

Commented [BR(2R1)]: This is now changed to "may" instead of "shall"

BEAUMONT-CHERRY VALLEY WATER DISTRICT

~~corrective action was taken and the general nature of that action.~~ The complainant will not be entitled to a copy of the confidential investigation report or the specific details of corrective action, consistent with employee privacy and confidential personnel matters. Others involved in the investigation may also be advised once the investigation is complete and provided with a summary of other information appropriate to their involvement.

~~1. Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, etc.~~

1. Action taken to remedy a sexual harassment situation shall be done in a manner to protect potential future victims. ~~Where appropriate, a~~ An employee ~~involved in a confirmed incident~~ who experiences sexual harassment shall be removed from supervision of a person verified to have committed a harassment activity engaged in sexual harassment against that employee.

2. Disciplinary action, up to and including termination, may be taken against an employee found to have committed sexual harassment.

~~Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.~~

2020.8 Allegations Involving the General Manager. If the General Manager is alleged to be the subject of the complaint, the matter shall be referred directly to the Personnel Committee of the Board of Directors. The Human Resources Department shall forward the ~~formal or informal~~ complaint to the Personnel Committee within thirty (30) working hours from the time the complaint is received.

1. The Personnel Committee shall then be responsible for initiating the investigation process in accordance with the procedures set forth in this policy and ensuring the matter is handled promptly, fairly, and confidentially. The Personnel Committee shall conduct the investigation through a qualified external investigator or legal counsel, independent of the District's internal chain of command, to ensure impartiality and integrity in the process.
2. The complainant shall not be required to report the conduct to the General Manager at any time.
3. The complainant has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.
4. If the allegations are substantiated, any disciplinary action shall be determined by the full Board of Directors in accordance with applicable laws and procedures, and such determination shall occur in a ~~closed session meeting~~ manner consistent with the Brown Act and other relevant public agency requirements.

2020.9 Third-Party Sexual Harassment. Consistent with California law, the District prohibits sexual harassment against employees by third parties, including vendors, customers, contractors, volunteers, and members of the public. Employees who experience or witness such harassment should report the conduct to Human Resources. The District will take steps to address and prevent further misconduct, including terminating relationships or restricting access as appropriate.

Commented [RTG3]: I am not sure what this means. Reinstatement and back pay would be appropriate if someone was wrongfully terminated, but how would it come into play with someone who complained about harassment?

Commented [BR(4R3)]: This will be stricken out. I agree that this does not make sense.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

2020.10 **False or Malicious Complaints.** The District encourages good-faith reporting of all incidents covered under this policy. Employees who knowingly make false allegations or provide knowingly false statements during an investigation may be subject to disciplinary action. However, no adverse action will be taken against individuals whose complaints are made in good faith ~~but are unsubstantiated.~~

2020.11 **No Retaliation.** The District strictly prohibits retaliation in any form against any applicant, employee, intern, volunteer, or contractor who engages in any of the following protected activities:

1. Reporting sexual harassment or any violation of this policy;
2. Participating in any investigation, proceeding, or hearing conducted by the District or a state or federal agency;
3. Assisting others in asserting rights protected by the California Fair Employment and Housing Act (FEHA), Title VII of the Civil Rights Act, or other applicable law.

Prohibited retaliation includes but is not limited to: adverse employment actions such as termination, demotion, denial of benefits, negative performance evaluations, threats, intimidation, harassment, or other conduct that could reasonably deter a person from engaging in protected activity. These actions are not considered retaliation if the reason for the action was unrelated to the employee's engagement in protected activity.

Any employee who believes he/she has been retaliated against should promptly report the conduct to Human Resources, General Manager or an uninvolved manager or supervisor. The District will investigate all claims of retaliation and take remedial action if appropriate. Violators may be subject to disciplinary action, up to and including termination of employment.

3.

CURRENT POLICY

POLICY TITLE: SEXUAL HARASSMENT
POLICY NUMBER: 2020

2020.1 Acts of sexual harassment by employees, supervisors, or managers, are prohibited and are subject to sanctions and disciplinary measures, up to and including termination of employment. The District is committed to providing a workplace that is free of unlawful discrimination and harassment. In keeping with this policy, the District is committed to providing a workplace that is free of sexual harassment (including harassment based on gender, pregnancy, childbirth or related medical conditions). The District strictly prohibits and will not tolerate harassment of employees by officers, managers, supervisors, or co-workers. Similarly, the District will not tolerate harassment by its employees or non-employees with whom District employees have a business, service, or professional relationship. The District will seek to protect employees from harassment in the workplace or in work related situations.

2020.2 **Definition.** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct by an individual is used as a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual.
3. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.
4. Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, comments, or graphic commentaries on the person's body; sexually degrading works to describe the person, or propositions of a sexual nature.
5. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures.
6. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis, sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person.
7. Direct or indirect threats or suggestions of sexual relations or sexual contact are made.
8. Retaliation for having reported or threatened to report harassment.

2020.3 All employees shall be informed of the District's sexual harassment policy and complaint process again when any complaint is filed. Also, the policy and the complaint process set forth herein shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

1. All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by Human Resources during new hire orientation.

PROPOSED POLICY

POLICY TITLE: SEXUAL HARASSMENT
POLICY NUMBER: 2020

2020.1 **Purpose and Applicability.** Acts of sexual harassment by employees, supervisors, or managers, are prohibited and are subject to sanctions and disciplinary measures, up to and including termination of employment. The District is committed to providing a workplace that is free of unlawful discrimination and harassment. ~~The District is committed to providing a workplace that is free of sexual harassment (including harassment based on gender, pregnancy, childbirth or related medical conditions). The District strictly prohibits and will not tolerate harassment of employees by officers, managers, supervisors, or co-workers. Similarly, the District will not tolerate harassment by its employees or non-employees with whom District employees have a business, service, or professional relationship. The District will seek to protect employees from harassment by non-employees in the workplace or in work related situations.~~

2020.2 **Definition.** Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct by an individual is used as a term or condition of employment or.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual or.
3. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

~~3-A. Prohibited conduct may include, but is not limited to:~~

~~4-1. Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, comments, or graphic commentaries on the person's body; sexually degrading works to describe the person, or propositions of a sexual nature.~~

~~5-2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures.~~

~~6-3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person.~~

~~7-4. Direct or indirect threats or suggestions of sexual relations or sexual contact are made.~~

~~58. Retaliation for having reported or threatened to report harassment.~~

2020.3 All employees shall be informed of the District's sexual harassment policy and complaint process again when any complaint is filed. Also, the policy and the complaint process set forth herein shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

2. An annual bulletin shall be prepared distributed and signed by all employees informing them of the District's sexual harassment policy. The Human Resources department is responsible for the communication and tracking of the annual bulletin.

3. Within 14 working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees re-informing them of the District's sexual harassment policy.

2020.4 Training. All supervisors and Directors shall attend two hours of sexual harassment prevention training every two years. All other employees shall attend one hour of sexual harassment prevention training every two years. The training shall be conducted in accordance with the Department of Fair Employment and Housing regulations and shall include a component on harassment based on gender, gender identity, gender expression, and sexual orientation, as well as abusive conduct.

2020.5 Complaint Process. Any employee who believes they are the victim of sexual harassment should notify the other employee that such behavior is offensive and ask them to immediately stop the behavior. It is important to let fellow employees know when behavior is offensive because the District hires people from a variety of cultural and ethnic backgrounds. Complaints of harassment in employment should be reported in writing as soon as possible to any supervisory employee, and/or Human Resources Personnel. If the complaint is directed against the General Manager, the complaint shall be filed with the Personnel Committee of the Board of Directors.

1. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager.

2. The complaint should include details of the incident, names of individuals involved, and names of any witnesses.

3. A formal complaint is made in writing. Said form should be submitted by the employee to any supervisory employee, preferably the immediate supervisor. While written complaints are strongly encouraged, the District will investigate all complaints, including those that are not written or that are anonymous. However, the ability to investigate and remedy unwritten or anonymous complaints may be compromised if insufficient information is available for the investigation.

4. An employee may file a formal or informal confidential complaint without fear of reprisal.

5. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.

2020.6 Complaint Response Process. Any supervisory employee who receives a formal sexual harassment complaint shall at all times maintain strict confidentiality and shall personally deliver said complaint immediately and directly to Human Resources, the General Manager, or the General Manager's designee.

1. Within 72 hours of the filing of a formal or informal complaint, even if it is withdrawn, an investigation shall commence and be conducted by Human Resources, the General Manager, or the General Manager's designee, regarding the alleged harassment.

1. All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by Human Resources during new hire orientation.

2. An annual bulletin shall be prepared distributed and signed by all employees informing them of the District's sexual harassment policy. The Human Resources department is responsible for the communication and tracking of the annual bulletin.

3. Within 14 working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees re-informing them of the District's sexual harassment policy.

2020.4 Training. All supervisors, ~~classifications~~ ~~and Directors~~ shall attend two hours of sexual harassment prevention training every two years. All other employees shall attend one hour of sexual harassment prevention training every two years. The training shall be conducted in accordance with the California Department of Fair Employment and Housing Civil Rights Department regulations and shall include a component on harassment based on gender, gender identity, gender expression, and sexual orientation, as well as abusive conduct.

2020.5 Complaint Process. Any employee who believes they ~~are the victim of~~ ~~have experienced~~ sexual harassment should notify the other employee that such behavior is offensive and ask them to immediately stop the behavior. It is important to let fellow employees know when behavior is offensive because the District hires people from a variety of cultural and ethnic backgrounds. However, employees are not required to confront the offending employee directly if they feel uncomfortable, and may go directly to a supervisor, manager, ~~or Human Resources or the General Manager or designee~~. Complaints of workplace harassment in employment should be reported in writing as soon as possible to any supervisory employee, and/or Human Resources. ~~Personnel. If the complaint is directed against the General Manager, the complaint shall be filed with the Personnel Committee of the Board of Directors.~~

1. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager, Human Resources or General Manager or designee.

2. The complaint should include details of the incident, names of individuals involved, and names of any witnesses.

3. A ~~formal~~ ~~complaint~~ ~~is~~ should be made in writing. Said form should be submitted by the employee to any supervisory employee, preferably the immediate supervisor. While written complaints are strongly encouraged, the District will investigate all complaints, including those that are not written or that are anonymous/verbal complaints. ~~However, the ability to investigate and remedy unwritten or anonymous complaints may be compromised if insufficient information is available for the investigation.~~

4. An employee may file a ~~formal or informal~~ ~~confidential~~ complaint without fear of reprisal. While the District will make reasonable efforts to keep complaints confidential, there may be circumstances under which the District cannot maintain complete confidentiality, in order to investigate or remedy the situation.

2. The investigation shall include a written statement from the alleged harasser.
3. A written record of any investigation of an alleged sexual harassment shall be maintained. Findings will be sent to the General Manager, or their designee. The General Manager, or their designee, shall immediately inform, in total confidentiality, the Personnel Committee of the Board of Directors.
4. All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.
5. The person initiating the complaint has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.
6. All parties concerned will be advised of the results of the investigation to the extent permitted by District policy and applicable law.

2020.7 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the General Manager against the harasser where sexual harassment is found, including mandatory sexual harassment training to prevent future incidents. The complainant will be advised once the investigation is complete and will be provided with a summary of the results of the investigation, including whether corrective action was taken and the general nature of that action. The complainant will not be entitled to a copy of the confidential investigation report or the specific details of corrective action, consistent with employee privacy and confidential personnel matters. Others involved in the investigation may also be advised once the investigation is complete and provided with a summary of other information appropriate to their involvement.

1. Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, etc.
2. Action taken to remedy a sexual harassment situation shall be done in a manner to protect potential future victims. An employee involved in a confirmed incident shall be removed from supervision of a person verified to have committed a harassment activity.
3. Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.

5. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.

6. An employee who has experienced sexual harassment is entitled to report the incident(s) directly to the California Civil Rights Department or the Equal Employment Opportunity Commission, regardless of whether the employee has filed a complaint with the District.

California Civil Rights Department: (800) 884-1894
<https://calcivilrights.ca.gov/contactus/>

6. Equal Employment Opportunity Commission: (213) 785-3090
<https://www.eeoc.gov/filing-charge-discrimination>

2020.6 Complaint Response Process. Any supervisory employee who receives a ~~femal~~ sexual harassment complaint shall at all times maintain strict confidentiality and shall personally deliver said complaint immediately and directly to Human Resources, the General Manager, or the General Manager's designee.

1. Within 72 hours of the filing of a ~~femal or if femal~~ complaint, ~~even if it is withdrawn,~~ an investigation shall commence and be conducted by Human Resources, the General Manager, or the General Manager's designee, regarding the alleged harassment.

4-2. ~~The District shall aim to complete the investigation within thirty (30) working days, unless extenuating circumstances exist. All investigations shall be conducted in compliance with California Government Code § 12940 and the Fair Employment and Housing Regulations.~~

2-3. The investigation ~~may~~ ~~shall~~ include a written statement from the alleged harasser.

3-4. A written record of any investigation of an alleged sexual harassment shall be maintained ~~by Human Resources~~. Findings will be sent to the General Manager, or ~~their~~ designee. The General Manager, or ~~their~~ designee, shall immediately inform, in total confidentiality, the Personnel Committee of the Board of Directors.

4-5. All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.

5-6. The person initiating the complaint has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

6-7. All parties concerned will be advised of the results of the investigation to the extent permitted by District policy and applicable law.

2020.7 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the General Manager against the harasser where sexual harassment is found, including mandatory sexual harassment training to prevent future incidents. The complainant will be advised once the investigation is complete and will be provided with a summary of the ~~results~~ ~~findings~~ of the investigation, ~~including whether~~

corrective action was taken and the general nature of that action. The complainant will not be entitled to a copy of the confidential investigation report or the specific details of corrective action, consistent with employee privacy and confidential personnel matters. Others involved in the investigation may also be advised once the investigation is complete and provided with a summary of other information appropriate to their involvement.

4. ~~Appropriate action shall be taken to remedy the victim's loss, if any, resulting from the harassment. Making the employee whole may involve reinstatement, back pay, etc.~~

1. Action taken to remedy a sexual harassment situation shall be done in a manner to protect potential future victims. ~~Where appropriate, an employee involved in a confirmed incident who experiences sexual harassment shall be removed from supervision of a person verified to have committed a harassment activity engaged in sexual harassment against that employee.~~

2. ~~Disciplinary action, up to and including termination, may be taken against an employee found to have committed sexual harassment.~~

~~Employees complaining of sexual harassment shall be protected thereafter from any form of reprisal and/or retaliation.~~

2020.8. **Allegations Involving the General Manager.** If the General Manager is alleged to be the subject of the complaint, the matter shall be referred directly to the Personnel Committee of the Board of Directors. The Human Resources Department shall forward the ~~formal or informal~~ complaint to the Personnel Committee within thirty (30) working hours from the time the complaint is received.

1. The Personnel Committee shall then be responsible for initiating the investigation process in accordance with the procedures set forth in this policy and ensuring the matter is handled promptly, fairly, and confidentially. The Personnel Committee shall conduct the investigation through a qualified external investigator or legal counsel, independent of the District's internal chain of command, to ensure impartiality and integrity in the process.

2. The complainant shall not be required to report the conduct to the General Manager at any time.

3. The complainant has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.

4. If the allegations are substantiated, any disciplinary action shall be determined by the full Board of Directors in accordance with applicable laws and procedures, and such determination shall occur in a ~~closed session meeting~~ manner consistent with the Brown Act and other relevant public agency requirements.

2020.9. **Third-Party Sexual Harassment.** Consistent with California law, the District prohibits sexual harassment against employees by third parties, including vendors, customers, contractors, volunteers, and members of the public. Employees who experience or witness such harassment should report the conduct to Human Resources. The District will take steps to address and prevent further misconduct, including terminating relationships or restricting access as appropriate.

2020.10 False or Malicious Complaints. The District encourages good-faith reporting of all incidents covered under this policy. Employees who knowingly make false allegations or provide knowingly false statements during an investigation may be subject to disciplinary action. However, no adverse action will be taken against individuals whose complaints are made in good faith ~~but are unsubstantiated.~~

2020.11 No Retaliation. The District strictly prohibits retaliation in any form against any applicant, employee, intern, volunteer, or contractor who engages in any of the following protected activities:

1. Reporting sexual harassment or any violation of this policy;
2. Participating in any investigation, proceeding, or hearing conducted by the District or a state or federal agency;
3. Assisting others in asserting rights protected by the California Fair Employment and Housing Act (FEHA), Title VII of the Civil Rights Act, or other applicable law.

Prohibited retaliation includes but is not limited to: adverse employment actions such as termination, demotion, denial of benefits, negative performance evaluations, threats, intimidation, harassment, or other conduct that could reasonably deter a person from engaging in protected activity. These actions are not considered retaliation if the reason for the action was unrelated to the employee's engagement in protected activity.

Any employee who believes he/she has been retaliated against should promptly report the conduct to Human Resources, General Manager or an uninvolved manager or supervisor. The District will investigate all claims of retaliation and take remedial action if appropriate. Violators may be subject to disciplinary action, up to and including termination of employment.

3.

BEAUMONT-CHERRY VALLEY WATER DISTRICT**POLICY TITLE: SEXUAL HARASSMENT****POLICY NUMBER: 2020**

2020.1 Purpose and Applicability. Acts of sexual harassment by employees, supervisors, or managers, are prohibited and are subject to sanctions and disciplinary measures, up to and including termination of employment. The District is committed to providing a workplace that is free of unlawful discrimination and harassment. The District is committed to providing a workplace that is free of sexual harassment (including harassment based on gender, pregnancy, childbirth or related medical conditions). The District strictly prohibits and will not tolerate harassment of employees by officers, managers, supervisors, or co-workers. Similarly, the District will not tolerate harassment by its employees or non-employees with whom District employees have a business, service, or professional relationship. The District will seek to protect employees from harassment by non-employees in the workplace or in work related situations.

2020.2 Definition. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct by an individual is used as a term or condition of employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual; or
3. Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment.

A. Prohibited conduct may include, but is not limited to:

1. Verbal conduct such as epithets, derogatory jokes or comments, slurs, unwanted sexual advances, invitations, comments, or graphic commentaries on the person's body; sexually degrading words to describe the person, or propositions of a sexual nature.
2. Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, or gestures.
3. Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race, or any other protected basis, sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person.
4. Direct or indirect threats or suggestions of sexual relations or sexual contact are made.
5. Retaliation for having reported or threatened to report harassment.

2020.3 All employees shall be informed of the District's sexual harassment policy and complaint process again when any complaint is filed. Also, the policy and the complaint process set forth herein shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

BEAUMONT-CHERRY VALLEY WATER DISTRICT

1. All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by Human Resources during new hire orientation.
2. An annual bulletin shall be prepared distributed and signed by all employees informing them of the District's sexual harassment policy. The Human Resources department is responsible for the communication and tracking of the annual bulletin.
3. Within 14 working days after any complaint has been filed in accordance with this policy, a bulletin shall be prepared and distributed to all employees re-informing them of the District's sexual harassment policy.

2020.4 Training. All supervisory classifications shall attend two hours of sexual harassment prevention training every two years. All other employees shall attend one hour of sexual harassment prevention training every two years. The training shall be conducted in accordance with the California Civil Rights Department regulations and shall include a component on harassment based on gender, gender identity, gender expression, and sexual orientation, as well as abusive conduct.

2020.5 Complaint Process. Any employee who believes they have experienced sexual harassment should notify the other employee that such behavior is offensive and ask them to immediately stop the behavior. It is important to let fellow employees know when behavior is offensive because the District hires people from a variety of backgrounds. However, employees are not required to confront the offending employee directly if they feel uncomfortable, and may go directly to a supervisor, manager, Human Resources or the General Manager or designee. Complaints of workplace harassment should be reported in writing as soon as possible to any supervisory employee, and/or Human Resources.

1. An employee is never required to make a complaint to a supervisor or manager who is alleged to be responsible for the harassment. The complaint may be made to an uninvolved supervisor or manager, Human Resources or General Manager or designee.
2. The complaint should include details of the incident, names of individuals involved, and names of any witnesses.
3. A complaint should be made in writing. Said form should be submitted by the employee to any supervisory employee, preferably the immediate supervisor. While written complaints are strongly encouraged, the District will investigate all complaints, including verbal complaints.
4. An employee may file a complaint without fear of reprisal. While the District will make reasonable efforts to keep complaints confidential, there may be circumstances under which the District cannot maintain complete confidentiality, in order to investigate or remedy the situation.
5. The investigation will be conducted in as confidential a manner as possible, consistent with a full, fair, and proper investigation.
6. An employee who has experienced sexual harassment is entitled to report the incident(s) directly to the California Civil Rights Department or the Equal Employment

BEAUMONT-CHERRY VALLEY WATER DISTRICT

Opportunity Commission, regardless of whether the employee has filed a complaint with the District.

California Civil Rights Department: (800) 884-1684
<https://calcivilrights.ca.gov/contactus/>

Equal Employment Opportunity Commission: (213) 785-3090
<https://www.eeoc.gov/filing-charge-discrimination>

2020.6 Complaint Response Process. Any supervisory employee who receives a sexual harassment complaint shall at all times maintain strict confidentiality and shall personally deliver said complaint immediately and directly to Human Resources, the General Manager, or the General Manager's designee.

1. Within thirty (30) hours of the filing of a complaint, an investigation shall commence and be conducted by Human Resources, the General Manager, or the General Manager's designee, regarding the alleged harassment.
2. The District shall aim to complete the investigation within thirty (30) working days, unless extenuating circumstances exist. All investigations shall be conducted in compliance with the Fair Employment and Housing Act and applicable regulations.
3. The investigation may include a written statement from the alleged harasser.
4. A written record of any investigation of an alleged sexual harassment shall be maintained by Human Resources. Findings will be sent to the General Manager, or designee. The General Manager, or designee, shall immediately inform, in total confidentiality, the Personnel Committee of the Board of Directors.
5. All discussions resulting from said investigation shall be kept confidential by all informed of said investigation.
6. The person initiating the complaint has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.
7. All parties concerned will be advised of the results of the investigation to the extent permitted by District policy and applicable law.

2020.7 Disciplinary Procedures and Sanctions. Upon conclusion of the investigation of an alleged sexual harassment, appropriate action shall be taken by the General Manager against the harasser where sexual harassment is found, including mandatory sexual harassment training to prevent future incidents. The complainant will be advised once the investigation is complete and will be provided with a summary of the findings of the investigation. The complainant will not be entitled to a copy of the confidential investigation report or the specific details of corrective action, consistent with employee privacy and confidential personnel matters. Others involved in the investigation may also be advised once the investigation is complete and provided with a summary of other information appropriate to their involvement.

1. Action taken to remedy a sexual harassment situation shall be done in a manner to protect potential future victims. Where appropriate, an employee who experiences

sexual harassment shall be removed from supervision of a person verified to have engaged in sexual harassment against that employee.

2. Disciplinary action, up to and including termination, may be taken against an employee found to have committed sexual harassment.

2020.8 Allegations Involving the General Manager. If the General Manager is alleged to be the subject of the complaint, the matter shall be referred directly to the Personnel Committee of the Board of Directors. The Human Resources Department shall forward the complaint to the Personnel Committee within thirty (30) working hours from the time the complaint is received.

1. The Personnel Committee shall then be responsible for initiating the investigation process in accordance with the procedures set forth in this policy and ensuring the matter is handled promptly, fairly, and confidentially. The Personnel Committee shall conduct the investigation through a qualified external investigator or legal counsel, independent of the District's internal chain of command, to ensure impartiality and integrity in the process.
2. The complainant shall not be required to report the conduct to the General Manager at any time.
3. The complainant has the right to be accompanied by an advocate when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions.
4. If the allegations are substantiated, any disciplinary action shall be determined by the full Board of Directors in accordance with applicable laws and procedures, and such determination shall occur in a manner consistent with the Brown Act and other relevant public agency requirements.

2020.9 Third-Party Sexual Harassment. Consistent with California law, the District prohibits sexual harassment against employees by third parties, including vendors, customers, contractors, volunteers, and members of the public. Employees who experience or witness such harassment should report the conduct to Human Resources. The District will take steps to address and prevent further misconduct, including terminating relationships or restricting access as appropriate.

2020.10 False or Malicious Complaints. The District encourages good-faith reporting of all incidents covered under this policy. Employees who knowingly make false allegations or provide knowingly false statements during an investigation may be subject to disciplinary action. However, no adverse action will be taken against individuals whose complaints are made in good faith.

2020.11 No Retaliation. The District strictly prohibits retaliation in any form against any applicant, employee, intern, volunteer, or contractor who engages in any of the following protected activities:

1. Reporting sexual harassment or any violation of this policy;
2. Participating in any investigation, proceeding, or hearing conducted by the District or a state or federal agency;

3. Assisting others in asserting rights protected by the California Fair Employment and Housing Act (FEHA), Title VII of the Civil Rights Act, or other applicable law.

Prohibited retaliation includes but is not limited to: adverse employment actions such as termination, demotion, denial of benefits, negative performance evaluations, threats, intimidation, harassment, or other conduct that could reasonably deter a person from engaging in protected activity. These actions are not considered retaliation if the reason for the action was unrelated to the employee's engagement in protected activity.

Any employee who believes he/she has been retaliated against should promptly report the conduct to Human Resources, General Manager or an uninvolved manager or supervisor. The District will investigate all claims of retaliation and take remedial action if appropriate. Violators may be subject to disciplinary action, up to and including termination of employment.

DRAFT



U.S. Equal Employment Opportunity Commission

Title VII of the Civil Rights Act of 1964

EDITOR'S NOTE: The following is the text of Title VII of the Civil Rights Act of 1964 (Title VII) (Pub. L. 88-352), as amended. Title VII is codified at 42 U.S.C. 2000e and in subsequent sections. Title VII amendments include those introduced by the _____ (<https://www.eeoc.gov/statutes/civil-rights-act-1991>) (CRA) and the _____ (<https://www.eeoc.gov/lilly-ledbetter-fair-pay-act-2009-original-text>). Editor's notes appear in italics and include cross-references to the codified version of Title VII. Title VII prohibits employment discrimination based on race, color, religion, sex and national origin.

An Act

To enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".

* * *

DEFINITIONS

SEC. 2000e. *[Section 701]*

For the purposes of this subchapter-

(a) The term "person" includes one or more individuals, governments, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under Title 11 *[originally, bankruptcy]*, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has fifteen or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or any department or agency of the District of Columbia subject by statute to procedures of the competitive service (as defined in section 2102 of Title 5 *[United States Code]*), or

(2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of Title 26 *[the Internal Revenue Code of 1986]*, except that during the first year after March 24, 1972 *[the date of enactment of the Equal Employment Opportunity Act of 1972]*, persons having fewer than twenty-five employees (and their agents) shall not be considered employers.

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes an agent of such a person.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint

council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) twenty-five or more during the first year after March 24, 1972 [*the date of enactment of the Equal Employment Opportunity Act of 1972*], or (B) fifteen or more thereafter, and such labor organization-

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended [*29 U.S.C. 151 et seq.*], or the Railway Labor Act, as amended [*45 U.S.C. 151 et seq.*];

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer, except that the term "employee" shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person

chosen by such officer to be on such officer's personal staff, or an appointee on the policy making level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency or political subdivision. With respect to employment in a foreign country, such term includes an individual who is a citizen of the United States.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959 [29 U.S.C. 401 *et seq.*], and further includes any governmental industry, business, or activity.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone, and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act [43 U.S.C. 1331 *et seq.*].

(j) The term "religion" includes all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate to an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business.

(k) The terms "because of sex" or "on the basis of sex" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in section 2000e-2(h) of this title [section 703(h)] shall be interpreted to permit otherwise. This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of

the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion: Provided, That nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.

(l) The term "complaining party" means the Commission, the Attorney General, or a person who may bring an action or proceeding under this subchapter.

(m) The term "demonstrates" means meets the burdens of production and persuasion.

(n) The term "respondent" means an employer, employment agency, labor organization, joint labor management committee controlling apprenticeship or other training or retraining program, including an on-the-job training program, or Federal entity subject to section 2000e-16 of this title.

APPLICABILITY TO FOREIGN AND RELIGIOUS EMPLOYMENT

SEC. 2000e-1. *[Section 702]*

(a) Inapplicability of subchapter to certain aliens and employees of religious entities

This subchapter shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

(b) Compliance with statute as violative of foreign law

It shall not be unlawful under section 2000e-2 or 2000e-3 of this title *[section 703 or 704]* for an employer (or a corporation controlled by an employer), labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to take any action otherwise prohibited by such section, with respect to an employee in a workplace in a foreign country if compliance with such section would cause such employer (or such corporation), such organization, such

agency, or such committee to violate the law of the foreign country in which such workplace is located.

(c) Control of corporation incorporated in foreign country

(1) If an employer controls a corporation whose place of incorporation is a foreign country, any practice prohibited by section 2000e-2 or 2000e-3 of this title *[section 703 or 704]* engaged in by such corporation shall be presumed to be engaged in by such employer.

(2) Sections 2000e-2 and 2000e-3 of this title *[sections 703 and 704]* shall not apply with respect to the foreign operations of an employer that is a foreign person not controlled by an American employer.

(3) For purposes of this subsection, the determination of whether an employer controls a corporation shall be based on-

(A) the interrelation of operations;

(B) the common management;

(C) the centralized control of labor relations; and

(D) the common ownership or financial control, of the employer and the corporation.

UNLAWFUL EMPLOYMENT PRACTICES

SEC. 2000e-2. *[Section 703]*

(a) Employer practices

It shall be an unlawful employment practice for an employer -

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) Employment agency practices

It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) Labor organization practices

It shall be an unlawful employment practice for a labor organization-

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) Training programs

It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to,

or employment in, any program established to provide apprenticeship or other training.

(e) Businesses or enterprises with personnel qualified on basis of religion, sex, or national origin; educational institutions with personnel of particular religion

Notwithstanding any other provision of this subchapter, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) Members of Communist Party or Communist-action or Communist-front organizations

As used in this subchapter, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950 [50 U.S.C. 781 *et seq.*].

(g) National security

Notwithstanding any other provision of this subchapter, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any

individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if-

- (1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and
- (2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Seniority or merit system; quantity or quality of production; ability tests; compensation based on sex and authorized by minimum wage provisions

Notwithstanding any other provision of this subchapter, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin. It shall not be an unlawful employment practice under this subchapter for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 206(d) of Title 29 [*section 6(d) of the Labor Standards Act of 1938, as amended*].

(i) Businesses or enterprises extending preferential treatment to Indians

Nothing contained in this subchapter shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment

practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Preferential treatment not to be granted on account of existing number or percentage imbalance

Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

(k) Burden of proof in disparate impact cases

(1) (A) An unlawful employment practice based on disparate impact is established under this subchapter only if-

(i) a complaining party demonstrates that a respondent uses a particular employment practice that causes a disparate impact on the basis of race, color, religion, sex, or national origin and the respondent fails to demonstrate that the challenged practice is job related for the position in question and consistent with business necessity; or

(ii) the complaining party makes the demonstration described in subparagraph (C) with respect to an alternative employment practice and the respondent refuses to adopt such alternative employment practice.

(B) (i) With respect to demonstrating that a particular employment practice causes a disparate impact as described in subparagraph (A)(i), the complaining party shall demonstrate that each particular challenged employment practice causes a disparate impact, except that if the complaining party can demonstrate to the court that the elements of a

respondent's decision making process are not capable of separation for analysis, the decision making process may be analyzed as one employment practice.

(ii) If the respondent demonstrates that a specific employment practice does not cause the disparate impact, the respondent shall not be required to demonstrate that such practice is required by business necessity.

(C) The demonstration referred to by subparagraph (A)(ii) shall be in accordance with the law as it existed on June 4, 1989, with respect to the concept of "alternative employment practice".

(2) A demonstration that an employment practice is required by business necessity may not be used as a defense against a claim of intentional discrimination under this subchapter.

(3) Notwithstanding any other provision of this subchapter, a rule barring the employment of an individual who currently and knowingly uses or possesses a controlled substance, as defined in schedules I and II of section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), other than the use or possession of a drug taken under the supervision of a licensed health care professional, or any other use or possession authorized by the Controlled Substances Act [21 U.S.C. 801 et seq.] or any other provision of Federal law, shall be considered an unlawful employment practice under this subchapter only if such rule is adopted or applied with an intent to discriminate because of race, color, religion, sex, or national origin.

(l) Prohibition of discriminatory use of test scores

It shall be an unlawful employment practice for a respondent, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of, employment related tests on the basis of race, color, religion, sex, or national origin.

(m) Impermissible consideration of race, color, religion, sex, or national origin in employment practices

Except as otherwise provided in this subchapter, an unlawful employment practice is established when the complaining party demonstrates that race, color, religion, sex,

or national origin was a motivating factor for any employment practice, even though other factors also motivated the practice.

(n) Resolution of challenges to employment practices implementing litigated or consent judgments or orders

(1) (A) Notwithstanding any other provision of law, and except as provided in paragraph (2), an employment practice that implements and is within the scope of a litigated or consent judgment or order that resolves a claim of employment discrimination under the Constitution or Federal civil rights laws may not be challenged under the circumstances described in subparagraph (B).

(B) A practice described in subparagraph (A) may not be challenged in a claim under the Constitution or Federal civil rights laws-

(i) by a person who, prior to the entry of the judgment or order described in subparagraph (A), had-

(I) actual notice of the proposed judgment or order sufficient to apprise such person that such judgment or order might adversely affect the interests and legal rights of such person and that an opportunity was available to present objections to such judgment or order by a future date certain; and

(II) a reasonable opportunity to present objections to such judgment or order; or

(ii) by a person whose interests were adequately represented by another person who had previously challenged the judgment or order on the same legal grounds and with a similar factual situation, unless there has been an intervening change in law or fact.

(2) Nothing in this subsection shall be construed to-

(A) alter the standards for intervention under rule 24 of the Federal Rules of Civil Procedure or apply to the rights of parties who have successfully

intervened pursuant to such rule in the proceeding in which the parties intervened;

(B) apply to the rights of parties to the action in which a litigated or consent judgment or order was entered, or of members of a class represented or sought to be represented in such action, or of members of a group on whose behalf relief was sought in such action by the Federal Government;

(C) prevent challenges to a litigated or consent judgment or order on the ground that such judgment or order was obtained through collusion or fraud, or is transparently invalid or was entered by a court lacking subject matter jurisdiction; or

(D) authorize or permit the denial to any person of the due process of law required by the Constitution.

(3) Any action not precluded under this subsection that challenges an employment consent judgment or order described in paragraph (1) shall be brought in the court, and if possible before the judge, that entered such judgment or order. Nothing in this subsection shall preclude a transfer of such action pursuant to section 1404 of Title 28 [*United States Code*].

OTHER UNLAWFUL EMPLOYMENT PRACTICES

SEC. 2000e-3. [*Section 704*]

(a) Discrimination for making charges, testifying, assisting, or participating in enforcement proceedings

It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this subchapter, or because he has made a charge, testified,

assisted, or participated in any manner in an investigation, proceeding, or hearing under this subchapter.

(b) Printing or publication of notices or advertisements indicating prohibited preference, limitation, specification, or discrimination; occupational qualification exception

It shall be an unlawful employment practice for an employer, labor organization, employment agency, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, or relating to admission to, or employment in, any program established to provide apprenticeship or other training by such a joint labor-management committee, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 2000e-4. *[Section 705]*

(a) Creation; composition; political representation; appointment; term; vacancies; Chairman and Vice Chairman; duties of Chairman; appointment of personnel; compensation of personnel

There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party. Members of the Commission shall be appointed by the President by and with the advice and consent of the Senate for a term of five years. Any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed, and all

members of the Commission shall continue to serve until their successors are appointed and qualified, except that no such member of the Commission shall continue to serve (1) for more than sixty days when the Congress is in session unless a nomination to fill such vacancy shall have been submitted to the Senate, or (2) after the adjournment sine die of the session of the Senate in which such nomination was submitted. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and, except as provided in subsection (b) of this section, shall appoint, in accordance with the provisions of Title 5 *[United States Code]* governing appointments in the competitive service, such officers, agents, attorneys, administrative law judges *[originally, hearing examiners]*, and employees as he deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of Title 5 *[United States Code]*, relating to classification and General Schedule pay rates: Provided, That assignment, removal, and compensation of administrative law judges *[originally, hearing examiners]* shall be in accordance with sections 3105, 3344, 5372, and 7521 of Title 5 *[United States Code]*.

(b) General Counsel; appointment; term; duties; representation by attorneys and Attorney General

(1) There shall be a General Counsel of the Commission appointed by the President, by and with the advice and consent of the Senate, for a term of four years. The General Counsel shall have responsibility for the conduct of litigation as provided in sections 2000e-5 and 2000e-6 of this title *[sections 706 and 707]*. The General Counsel shall have such other duties as the Commission may prescribe or as may be provided by law and shall concur with the Chairman of the Commission on the appointment and supervision of regional attorneys. The General Counsel of the Commission on the effective date of this Act shall continue in such position and perform the functions specified in this subsection until a successor is appointed and qualified.

(2) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court, provided that the Attorney General shall conduct all litigation to

which the Commission is a party in the Supreme Court pursuant to this subchapter.

(c) Exercise of powers during vacancy; quorum

A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(d) Seal; judicial notice

The Commission shall have an official seal which shall be judicially noticed.

(e) Reports to Congress and the President

The Commission shall at the close of each fiscal year report to the Congress and to the President concerning the action it has taken *[originally, the names, salaries, and duties of all individuals in its employ]* and the moneys it has disbursed. It shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(f) Principal and other offices

The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this subchapter.

(g) Powers of Commission

The Commission shall have power-

- (1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;
- (2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;
- (3) to furnish to persons subject to this subchapter such technical assistance as they may request to further their compliance with this

subchapter or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this subchapter, to assist in such effectuation by conciliation or such other remedial action as is provided by this subchapter;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this subchapter and to make the results of such studies available to the public;

(6) to intervene in a civil action brought under section 2000e-5 of this title [section 706] by an aggrieved party against a respondent other than a government, governmental agency or political subdivision.

(h) Cooperation with other departments and agencies in performance of educational or promotional activities; outreach activities

(1) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

(2) In exercising its powers under this subchapter, the Commission shall carry out educational and outreach activities (including dissemination of information in languages other than English) targeted to-

(A) individuals who historically have been victims of employment discrimination and have not been equitably served by the Commission; and

(B) individuals on whose behalf the Commission has authority to enforce any other law prohibiting employment discrimination, concerning rights and obligations under this subchapter or such law, as the case may be.

(i) Personnel subject to political activity restrictions

All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 7324 of Title 5 [originally, section 9 of the Act of August 2,

1939, as amended (the Hatch Act)], notwithstanding any exemption contained in such section.

(j) Technical Assistance Training Institute

(1) The Commission shall establish a Technical Assistance Training Institute, through which the Commission shall provide technical assistance and training regarding the laws and regulations enforced by the Commission.

(2) An employer or other entity covered under this subchapter shall not be excused from compliance with the requirements of this subchapter because of any failure to receive technical assistance under this subsection.

(3) There are authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 1992.

(k) EEOC Education, Technical Assistance, and Training Revolving Fund

(1) There is hereby established in the Treasury of the United States a revolving fund to be known as the "EEOC Education, Technical Assistance, and Training Revolving Fund" (hereinafter in this subsection referred to as the "Fund") and to pay the cost (including administrative and personnel expenses) of providing education, technical assistance, and training relating to laws administered by the Commission. Monies in the Fund shall be available without fiscal year limitation to the Commission for such purposes.

(2)(A) The Commission shall charge fees in accordance with the provisions of this paragraph to offset the costs of education, technical assistance, and training provided with monies in the Fund. Such fees for any education, technical assistance, or training--

(i) shall be imposed on a uniform basis on persons and entities receiving such education, assistance, or training,

(ii) shall not exceed the cost of providing such education, assistance, and training, and

(iii) with respect to each person or entity receiving such education, assistance, or training, shall bear a reasonable relationship to the cost of

providing such education, assistance, or training to such person or entity.

(B) Fees received under subparagraph (A) shall be deposited in the Fund by the Commission.

(C) The Commission shall include in each report made under subsection (e) of this section information with respect to the operation of the Fund, including information, presented in the aggregate, relating to--

(i) the number of persons and entities to which the Commission provided education, technical assistance, or training with monies in the Fund, in the fiscal year for which such report is prepared,

(ii) the cost to the Commission to provide such education, technical assistance, or training to such persons and entities, and

(iii) the amount of any fees received by the Commission from such persons and entities for such education, technical assistance, or training.

(3) The Secretary of the Treasury shall invest the portion of the Fund not required to satisfy current expenditures from the Fund, as determined by the Commission, in obligations of the United States or obligations guaranteed as to principal by the United States. Investment proceeds shall be deposited in the Fund.

(4) There is hereby transferred to the Fund \$1,000,000 from the Salaries and Expenses appropriation of the Commission.

ENFORCEMENT PROVISIONS

SEC. 2000e-5. *[Section 706]*

(a) Power of Commission to prevent unlawful employment practices

The Commission is empowered, as hereinafter provided, to prevent any person from engaging in any unlawful employment practice as set forth in section 2000e-2 or 2000e-3 of this title *[section 703 or 704]*.

(b) Charges by persons aggrieved or member of Commission of unlawful employment practices by employers, etc.; filing; allegations; notice to respondent; contents of notice; investigation by Commission; contents of charges; prohibition on disclosure

of charges; determination of reasonable cause; conference, conciliation, and persuasion for elimination of unlawful practices; prohibition on disclosure of informal endeavors to end unlawful practices; use of evidence in subsequent proceedings; penalties for disclosure of information; time for determination of reasonable cause

Whenever a charge is filed by or on behalf of a person claiming to be aggrieved, or by a member of the Commission, alleging that an employer, employment agency, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs, has engaged in an unlawful employment practice, the Commission shall serve a notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) on such employer, employment agency, labor organization, or joint labor-management committee (hereinafter referred to as the "respondent") within ten days, and shall make an investigation thereof. Charges shall be in writing under oath or affirmation and shall contain such information and be in such form as the Commission requires. Charges shall not be made public by the Commission. If the Commission determines after such investigation that there is not reasonable cause to believe that the charge is true, it shall dismiss the charge and promptly notify the person claiming to be aggrieved and the respondent of its action. In determining whether reasonable cause exists, the Commission shall accord substantial weight to final findings and orders made by State or local authorities in proceedings commenced under State or local law pursuant to the requirements of subsections (c) and (d) of this section. If the Commission determines after such investigation that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such informal endeavors may be made public by the Commission, its officers or employees, or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Any person who makes public information in violation of this subsection shall be fined not more than \$1,000 or imprisoned for not more than one year, or both. The Commission shall make its determination on reasonable cause as promptly as possible and, so far as practicable, not later than one hundred and twenty days from the filing of the charge or, where applicable under subsection (c) or (d) of this section, from the date upon which the Commission is authorized to take action with respect to the charge.

(c) State or local enforcement proceedings; notification of State or local authority; time for filing charges with Commission; commencement of proceedings

In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) of this section by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

(d) State or local enforcement proceedings; notification of State or local authority; time for action on charges by Commission

In the case of any charge filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(e) Time for filing charges; time for service of notice of charge on respondent; filing of charge by Commission with State or local agency; seniority system

(1) A charge under this section shall be filed within one hundred and eighty days after the alleged unlawful employment practice occurred and notice of the charge (including the date, place and circumstances of the alleged unlawful employment practice) shall be served upon the person against whom such charge is made within ten days thereafter, except

that in a case of an unlawful employment practice with respect to which the person aggrieved has initially instituted proceedings with a State or local agency with authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, such charge shall be filed by or on behalf of the person aggrieved within three hundred days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(2) For purposes of this section, an unlawful employment practice occurs, with respect to a seniority system that has been adopted for an intentionally discriminatory purpose in violation of this subchapter (whether or not that discriminatory purpose is apparent on the face of the seniority provision), when the seniority system is adopted, when an individual becomes subject to the seniority system, or when a person aggrieved is injured by the application of the seniority system or provision of the system.

(3)(A) For purposes of this section, an unlawful employment practice occurs, with respect to discrimination in compensation in violation of this title, when a discriminatory compensation decision or other practice is adopted, when an individual becomes subject to a discriminatory compensation decision or other practice, or when an individual is affected by application of a discriminatory compensation decision or other practice, including each time wages, benefits, or other compensation is paid, resulting in whole or in part from such a decision or other practice.

(B) In addition to any relief authorized by section 1977A of the Revised Statutes (42 U.S.C. 1981a), liability may accrue and an aggrieved person may obtain relief as provided in subsection (g)(1), including recovery of back pay for up to two years preceding the filing of the charge, where the unlawful employment practices that have occurred during the charge filing period are similar or related to unlawful employment

practices with regard to discrimination in compensation that occurred outside the time for filing a charge.

(f) Civil action by Commission, Attorney General, or person aggrieved; preconditions; procedure; appointment of attorney; payment of fees, costs, or security; intervention; stay of Federal proceedings; action for appropriate temporary or preliminary relief pending final disposition of charge; jurisdiction and venue of United States courts; designation of judge to hear and determine case; assignment of case for hearing; expedition of case; appointment of master

(1) If within thirty days after a charge is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) or (d) of this section, the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission may bring a civil action against any respondent not a government, governmental agency, or political subdivision named in the charge. In the case of a respondent which is a government, governmental agency, or political subdivision, if the Commission has been unable to secure from the respondent a conciliation agreement acceptable to the Commission, the Commission shall take no further action and shall refer the case to the Attorney General who may bring a civil action against such respondent in the appropriate United States district court. The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission or the Attorney General in a case involving a government, governmental agency, or political subdivision. If a charge filed with the Commission pursuant to subsection (b) of this section is dismissed by the Commission, or if within one hundred and eighty days from the filing of such charge or the expiration of any period of reference under subsection (c) or (d) of this section, whichever is later, the Commission has not filed a civil action under this section or the Attorney General has not filed a civil action in a case involving a government, governmental agency, or political subdivision, or the Commission has not entered into a conciliation agreement to which the person aggrieved is a party, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, shall so notify the person aggrieved and within ninety days after the giving of such notice a civil action may be brought against the respondent named in the charge (A) by

the person claiming to be aggrieved or (B) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, to intervene in such civil action upon certification that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (c) or (d) of this section or further efforts of the Commission to obtain voluntary compliance.

(2) Whenever a charge is filed with the Commission and the Commission concludes on the basis of a preliminary investigation that prompt judicial action is necessary to carry out the purposes of this Act, the Commission, or the Attorney General in a case involving a government, governmental agency, or political subdivision, may bring an action for appropriate temporary or preliminary relief pending final disposition of such charge. Any temporary restraining order or other order granting preliminary or temporary relief shall be issued in accordance with rule 65 of the Federal Rules of Civil Procedure. It shall be the duty of a court having jurisdiction over proceedings under this section to assign cases for hearing at the earliest practicable date and to cause such cases to be in every way expedited.

(3) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this subchapter. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such

district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of Title 28 [*United States Code*], the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

(4) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

(5) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited. If such judge has not scheduled the case for trial within one hundred and twenty days after issue has been joined, that judge may appoint a master pursuant to rule 53 of the Federal Rules of Civil Procedure.

(g) Injunctions; appropriate affirmative action; equitable relief; accrual of back pay; reduction of back pay; limitations on judicial orders

(1) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include, but is not limited to, reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice), or any other equitable relief as the court deems appropriate. Back pay liability shall not accrue from a date more than two years prior to the filing of a charge with the Commission. Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable.

(2) (A) No order of the court shall require the admission or reinstatement of an individual as a member of a union, or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex, or national origin or in violation of section 2000e-3(a) of this Title [section 704(a)].

(B) On a claim in which an individual proves a violation under section 2000e-2(m) of this title [section 703(m)] and a respondent demonstrates that the respondent would have taken the same action in the absence of the impermissible motivating factor, the court-

(i) may grant declaratory relief, injunctive relief (except as provided in clause (ii)), and attorney's fees and costs demonstrated to be directly attributable only to the pursuit of a claim under section 2000e-2(m) of this title [section 703(m)]; and

(ii) shall not award damages or issue an order requiring any admission, reinstatement, hiring, promotion, or payment, described in subparagraph (A).

(h) Provisions of chapter 6 of Title 29 not applicable to civil actions for prevention of unlawful practices

The provisions of chapter 6 of title 29 [*the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved March 23, 1932 (29 U.S.C. 105-115)*] shall not apply with respect to civil actions brought under this section.

(i) Proceedings by Commission to compel compliance with judicial orders In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under this section, the Commission may commence proceedings to compel compliance with such order.

(j) Appeals

Any civil action brought under this section and any proceedings brought under subsection (i) of this section shall be subject to appeal as provided in sections 1291 and 1292, Title 28 [*United States Code*].

(k) Attorney's fee; liability of Commission and United States for costs

In any action or proceeding under this subchapter the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee (including expert fees) as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

CIVIL ACTIONS BY THE ATTORNEY GENERAL

SEC. 2000e-6. [*Section 707*]

(a) Complaint

Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this subchapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) Jurisdiction; three-judge district court for cases of general public importance: hearing, determination, expedition of action, review by Supreme Court; single judge district court: hearing, determination, expedition of action

The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three

judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

(c) Transfer of functions, etc., to Commission; effective date; prerequisite to transfer; execution of functions by Commission

Effective two years after March 24, 1972 [*the date of enactment of the Equal Employment Opportunity Act of 1972*], the functions of the Attorney General under this section shall be transferred to the Commission, together with such personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with such functions unless the President submits, and neither House of Congress vetoes, a reorganization plan pursuant to chapter 9 of Title 5 [*United States Code*], inconsistent with the provisions of this subsection. The Commission shall carry out such functions in accordance with subsections (d) and (e) of this section.

(d) Transfer of functions, etc., not to affect suits commenced pursuant to this section prior to date of transfer

Upon the transfer of functions provided for in subsection (c) of this section, in all suits commenced pursuant to this section prior to the date of such transfer, proceedings shall continue without abatement, all court orders and decrees shall remain in effect, and the Commission shall be substituted as a party for the United States of America, the Attorney General, or the Acting Attorney General, as appropriate.

(e) Investigation and action by Commission pursuant to filing of charge of discrimination; procedure

Subsequent to March 24, 1972 [*the date of enactment of the Equal Employment Opportunity Act of 1972*], the Commission shall have authority to investigate and act on a charge of a pattern or practice of discrimination, whether filed by or on behalf of a person claiming to be aggrieved or by a member of the Commission. All such actions shall be conducted in accordance with the procedures set forth in section 2000e-5 of this title [*section 706*].

EFFECT ON STATE LAWS

SEC. 2000e-7. [*Section 708*]

Nothing in this subchapter shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this subchapter.

INVESTIGATIONS

SEC. 2000e-8. [*Section 709*]

(a) Examination and copying of evidence related to unlawful employment practices

In connection with any investigation of a charge filed under section 2000e-5 of this title [*section 706*], the Commission or its designated representative shall at all

reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this subchapter and is relevant to the charge under investigation.

(b) Cooperation with State and local agencies administering State fair employment practices laws; participation in and contribution to research and other projects; utilization of services; payment in advance or reimbursement; agreements and rescission of agreements

The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may, for the purpose of carrying out its functions and duties under this subchapter and within the limitation of funds appropriated specifically for such purpose, engage in and contribute to the cost of research and other projects of mutual interest undertaken by such agencies, and utilize the services of such agencies and their employees, and, notwithstanding any other provision of law, pay by advance or reimbursement such agencies and their employees for services rendered to assist the Commission in carrying out this subchapter. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this subchapter.

(c) Execution, retention, and preservation of records; reports to Commission; training program records; appropriate relief from regulation or order for undue hardship; procedure for exemption; judicial action to compel compliance

Every employer, employment agency, and labor organization subject to this subchapter shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this subchapter or the regulations or orders thereunder. The Commission shall, by regulation, require each

employer, labor organization, and joint labor-management committee subject to this subchapter which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purposes of this subchapter, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which applications were received, and to furnish to the Commission upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may apply to the Commission for an exemption from the application of such regulation or order, and, if such application for an exemption is denied, bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief. If any person required to comply with the provisions of this subsection fails or refuses to do so, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, or the Attorney General in a case involving a government, governmental agency or political subdivision, have jurisdiction to issue to such person an order requiring him to comply.

(d) Consultation and coordination between Commission and interested State and Federal agencies in prescribing recordkeeping and reporting requirements; availability of information furnished pursuant to recordkeeping and reporting requirements; conditions on availability

In prescribing requirements pursuant to subsection (c) of this section, the Commission shall consult with other interested State and Federal agencies and shall endeavor to coordinate its requirements with those adopted by such agencies. The Commission shall furnish upon request and without cost to any State or local agency charged with the administration of a fair employment practice law information obtained pursuant to subsection (c) of this section from any employer, employment agency, labor organization, or joint labor-management committee subject to the jurisdiction of such agency. Such information shall be furnished on condition that it not be made public by the recipient agency prior to the institution of a proceeding under State or local law involving such information. If this condition is violated by a

recipient agency, the Commission may decline to honor subsequent requests pursuant to this subsection.

(e) Prohibited disclosures; penalties

It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this subchapter involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than one year.

CONDUCT OF HEARINGS AND INVESTIGATIONS PURSUANT TO SECTION 161 OF Title 29

SEC. 2000e-9. *[Section 710]*

For the purpose of all hearings and investigations conducted by the Commission or its duly authorized agents or agencies, section 161 of Title 29 *[section 11 of the National Labor Relations Act]* shall apply.

POSTING OF NOTICES; PENALTIES

SEC. 2000e-10. *[Section 711]*

(a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or, summaries of, the pertinent provisions of this subchapter and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than \$100 for each separate offense.

VETERANS' SPECIAL RIGHTS OR PREFERENCE

SEC. 2000e-11. *[Section 712]*

Nothing contained in this subchapter shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

REGULATIONS; CONFORMITY OF REGULATIONS WITH ADMINISTRATIVE PROCEDURE PROVISIONS; RELIANCE ON INTERPRETATIONS AND INSTRUCTIONS OF COMMISSION

SEC. 2000e-12. *[Section 713]*

(a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this subchapter. Regulations issued under this section shall be in conformity with the standards and limitations of subchapter II of chapter 5 of Title 5 *[originally, the Administrative Procedure Act]*.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this subchapter if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this subchapter regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A)

after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this subchapter.

APPLICATION TO PERSONNEL OF COMMISSION OF SECTIONS 111 AND 1114 OF TITLE 18; PUNISHMENT FOR VIOLATION OF SECTION 1114 OF TITLE 18

SEC. 2000e-13. *[Section 714]*

The provisions of sections 111 and 1114, Title 18 *[United States Code]*, shall apply to officers, agents, and employees of the Commission in the performance of their official duties. Notwithstanding the provisions of sections 111 and 1114 of Title 18 *[United States Code]*, whoever in violation of the provisions of section 1114 of such title kills a person while engaged in or on account of the performance of his official functions under this Act shall be punished by imprisonment for any term of years or for life.

TRANSFER OF AUTHORITY

[Administration of the duties of the Equal Employment Opportunity Coordinating Council was transferred to the Equal Employment Opportunity Commission effective July 1, 1978, under the President's Reorganization Plan of 1978.]

EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL; ESTABLISHMENT;

COMPOSITION; DUTIES; REPORT TO PRESIDENT AND CONGRESS

SEC. 2000e-14. [Section 715]

[Original introductory text: There shall be established an Equal Employment Opportunity Coordinating Council (hereinafter referred to in this section as the Council) composed of the Secretary of Labor, the Chairman of the Equal Employment Opportunity Commission, the Attorney General, the Chairman of the United States Civil Service Commission, and the Chairman of the United States Civil Rights Commission, or their respective delegates.]

The Equal Employment Opportunity Commission *[originally, Council]* shall have the responsibility for developing and implementing agreements, policies and practices designed to maximize effort, promote efficiency, and eliminate conflict, competition, duplication and inconsistency among the operations, functions and jurisdictions of the various departments, agencies and branches of the Federal Government responsible for the implementation and enforcement of equal employment opportunity legislation, orders, and policies. On or before October 1 *[originally, July 1]* of each year, the Equal Employment Opportunity Commission *[originally, Council]* shall transmit to the President and to the Congress a report of its activities, together with such recommendations for legislative or administrative changes as it concludes are desirable to further promote the purposes of this section.

PRESIDENTIAL CONFERENCES; ACQUAINTANCE OF LEADERSHIP WITH PROVISIONS FOR EMPLOYMENT RIGHTS AND OBLIGATIONS; PLANS FOR FAIR ADMINISTRATION; MEMBERSHIP

SEC. 2000e-15. [Section 716]

[Original text: (a) This title shall become effective one year after the date of its enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

(c)] The President shall, as soon as feasible after July 2, 1964 [the date of enactment of this title], convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this subchapter to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this subchapter when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this subchapter.

TRANSFER OF AUTHORITY

[Enforcement of Section 717 was transferred to the Equal Employment Opportunity Commission from the Civil Service Commission (Office of Personnel Management) effective January 1, 1979 under the President's Reorganization Plan No. 1 of 1978.]

EMPLOYMENT BY FEDERAL GOVERNMENT

SEC. 2000e-16. *[Section 717]*

(a) Discriminatory practices prohibited; employees or applicants for employment subject to coverage

All personnel actions affecting employees or applicants for employment (except with regard to aliens employed outside the limits of the United States) in military

departments as defined in section 102 of Title 5 *[United States Code]*, in executive agencies *[originally, other than the General Accounting Office]* as defined in section 105 of Title 5 *[United States Code]* (including employees and applicants for employment who are paid from nonappropriated funds), in the United States Postal Service and the Postal Regulatory Commission, in those units of the Government of the District of Columbia having positions in the competitive service, and in those units of the judicial branch of the Federal Government having positions in the competitive service, in the Smithsonian Institution, and in the Government Printing Office, the Government Accountability Office, and the Library of Congress shall be made free from any discrimination based on race, color, religion, sex, or national origin.

(b) Equal Employment Opportunity Commission; enforcement powers; issuance of rules, regulations, etc.; annual review and approval of national and regional equal employment opportunity plans; review and evaluation of equal employment opportunity programs and publication of progress reports; consultations with interested parties; compliance with rules, regulations, etc.; contents of national and regional equal employment opportunity plans; authority of Librarian of Congress

Except as otherwise provided in this subsection, the Equal Employment Opportunity Commission *[originally, Civil Service Commission]* shall have authority to enforce the provisions of subsection (a) of this section through appropriate remedies, including reinstatement or hiring of employees with or without back pay, as will effectuate the policies of this section, and shall issue such rules, regulations, orders and instructions as it deems necessary and appropriate to carry out its responsibilities under this section. The Equal Employment Opportunity Commission *[originally, Civil Service Commission]* shall-

(1) be responsible for the annual review and approval of a national and regional equal employment opportunity plan which each department and agency and each appropriate unit referred to in subsection (a) of this section shall submit in order to maintain an affirmative program of equal employment opportunity for all such employees and applicants for employment;

(2) be responsible for the review and evaluation of the operation of all agency equal employment opportunity programs, periodically obtaining and publishing (on at least a semiannual basis) progress reports from each such department, agency, or unit; and

(3) consult with and solicit the recommendations of interested individuals, groups, and organizations relating to equal employment opportunity.

The head of each such department, agency, or unit shall comply with such rules, regulations, orders, and instructions which shall include a provision that an employee or applicant for employment shall be notified of any final action taken on any complaint of discrimination filed by him thereunder. The plan submitted by each department, agency, and unit shall include, but not be limited to-

(1) provision for the establishment of training and education programs designed to provide a maximum opportunity for employees to advance so as to perform at their highest potential; and

(2) a description of the qualifications in terms of training and experience relating to equal employment opportunity for the principal and operating officials of each such department, agency, or unit responsible for carrying out the equal employment opportunity program and of the allocation of personnel and resources proposed by such department, agency, or unit to carry out its equal employment opportunity program.

With respect to employment in the Library of Congress, authorities granted in this subsection to the Equal Employment Opportunity Commission [*originally, Civil Service Commission*] shall be exercised by the Librarian of Congress.

(c) Civil action by employee or applicant for employment for redress of grievances; time for bringing of action; head of department, agency, or unit as defendant

Within 90 days of receipt of notice of final action taken by a department, agency, or unit referred to in subsection (a) of this section, or by the Equal Employment Opportunity Commission [*originally, Civil Service Commission*] upon an appeal from a decision or order of such department, agency, or unit on a complaint of discrimination based on race, color, religion, sex or national origin, brought pursuant to subsection (a) of this section, Executive Order 11478 or any succeeding Executive orders, or after one hundred and eighty days from the filing of the initial charge with the department, agency, or unit or with the Equal Employment Opportunity Commission [*originally, Civil Service Commission*] on appeal from a decision or order of such department, agency, or unit until such time as final action may be taken by a department, agency, or unit, an employee or applicant for employment, if aggrieved

by the final disposition of his complaint, or by the failure to take final action on his complaint, may file a civil action as provided in section 2000e-5 of this title [section 706], in which civil action the head of the department, agency, or unit, as appropriate, shall be the defendant.

(d) Section 2000e-5(f) through (k) of this title applicable to civil actions

The provisions of section 2000e-5(f) through (k) of this title [section 706(f) through (k)], as applicable, shall govern civil actions brought hereunder, and the same interest to compensate for delay in payment shall be available as in cases involving nonpublic parties.

(e) Government agency or official not relieved of responsibility to assure nondiscrimination in employment or equal employment opportunity

Nothing contained in this Act shall relieve any Government agency or official of its or his primary responsibility to assure nondiscrimination in employment as required by the Constitution and statutes or of its or his responsibilities under Executive Order 11478 relating to equal employment opportunity in the Federal Government.

(f) Section 2000e-5(e)(3) [Section 706(e)(3)] shall apply to complaints of discrimination in compensation under this section.

PROCEDURE FOR DENIAL, WITHHOLDING, TERMINATION, OR SUSPENSION OF GOVERNMENT CONTRACT SUBSEQUENT TO ACCEPTANCE BY GOVERNMENT OF AFFIRMATIVE ACTION PLAN OF EMPLOYER; TIME OF ACCEPTANCE OF PLAN

SEC. 2000e-17. [Section 718]

No Government contract, or portion thereof, with any employer, shall be denied, withheld, terminated, or suspended, by any agency or officer of the United States under any equal employment opportunity law or order, where such employer has an affirmative action plan which has previously been accepted by the Government for the same facility within the past twelve months without first according such employer full hearing and adjudication under the provisions of section 554 of Title 5 [United States Code], and the following pertinent sections: Provided, That if such employer has deviated substantially from such previously agreed to affirmative action plan, this section shall not apply: Provided further, That for the purposes of this section an affirmative action plan shall be deemed to have been accepted by the Government at the time the appropriate compliance agency has accepted such plan unless within forty-five days thereafter the Office of Federal Contract Compliance has disapproved such plan.

SEXUAL HARASSMENT

FACT SHEET

DFEH



Sexual harassment is a form of discrimination based on sex/gender (including pregnancy, childbirth, or related medical conditions), gender identity, gender expression, or sexual orientation. Individuals of any gender can be the target of sexual harassment. Unlawful sexual harassment does not have to be motivated by sexual desire. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity.

THERE ARE TWO TYPES OF SEXUAL HARASSMENT

1. **“Quid pro quo”** (Latin for “this for that”) sexual harassment is when someone conditions a job, promotion, or other work benefit on your submission to sexual advances or other conduct based on sex.
2. **“Hostile work environment”** sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interferes with your work performance or creates an intimidating, hostile, or offensive work environment. You may experience sexual harassment even if the offensive conduct was not aimed directly at you.

The harassment must be severe or pervasive to be unlawful. A single act of harassment may be sufficiently severe to be unlawful.

SEXUAL HARASSMENT INCLUDES MANY FORMS OF OFFENSIVE BEHAVIORS

BEHAVIORS THAT MAY BE SEXUAL HARASSMENT:

1. Unwanted sexual advances
2. Offering employment benefits in exchange for sexual favors
3. Leering; gestures; or displaying sexually suggestive objects, pictures, cartoons, or posters
4. Derogatory comments, epithets, slurs, or jokes
5. Graphic comments, sexually degrading words, or suggestive or obscene messages or invitations
6. Physical touching or assault, as well as impeding or blocking movements

Actual or threatened retaliation for rejecting advances or complaining about harassment is also unlawful.

Employees or job applicants who believe that they have been sexually harassed or retaliated against may file a complaint of discrimination with DFEH within three years of the last act of harassment or retaliation.

DFEH serves as a neutral fact-finder and attempts to help the parties voluntarily resolve disputes. If DFEH finds sufficient evidence to establish that discrimination occurred and settlement efforts fail, the Department may file a civil complaint in state or federal court to address the causes of the discrimination and on behalf of the complaining party. DFEH may seek court orders changing the employer's policies and practices, punitive damages, and attorney's fees and costs if it prevails in litigation. Employees can also pursue the matter through a private lawsuit in civil court after a complaint has been filed with DFEH and a Right-to-Sue Notice has been issued.

EMPLOYER RESPONSIBILITY & LIABILITY

All employers, regardless of the number of employees, are covered by the harassment provisions of California law. Employers are liable for harassment by their supervisors or agents. All harassers, including both supervisory and non-supervisory personnel, may be held personally liable for harassment or for aiding and abetting harassment. The law requires employers to take reasonable steps to prevent harassment. If an employer fails to take such steps, that employer can be held liable for the harassment. In addition, an employer may be liable for the harassment by a non-employee (for example, a client or customer) of an employee, applicant, or person providing services for the employer. An employer will only be liable for this form of harassment if it knew or should have known of the harassment, and failed to take immediate and appropriate corrective action.

Employers have an affirmative duty to take reasonable steps to prevent and promptly correct discriminatory and harassing conduct, and to create a workplace free of harassment.

A program to eliminate sexual harassment from the workplace is not only required by law, but it is the most practical way for an employer to avoid or limit liability if harassment occurs.

SEXUAL HARASSMENT

FACT SHEET



CIVIL REMEDIES

- **Damages for emotional distress from each employer or person in violation of the law**
- **Hiring or reinstatement**
- **Back pay or promotion**
- **Changes in the policies or practices of the employer**

ALL EMPLOYERS MUST TAKE THE FOLLOWING ACTIONS TO PREVENT HARASSMENT AND CORRECT IT WHEN IT OCCURS:

- 1.** Distribute copies of this brochure or an alternative writing that complies with Government Code 12950. This pamphlet may be duplicated in any quantity.
- 2.** Post a copy of the Department's employment poster entitled "California Law Prohibits Workplace Discrimination and Harassment."
- 3.** Develop a harassment, discrimination, and retaliation prevention policy in accordance with 2 CCR 11023. The policy must:
 - Be in writing.
 - List all protected groups under the FEHA.
 - Indicate that the law prohibits coworkers and third parties, as well as supervisors and managers with whom the employee comes into contact, from engaging in prohibited harassment.
 - Create a complaint process that ensures confidentiality to the extent possible; a timely response; an impartial and timely investigation by qualified personnel; documentation and tracking for reasonable progress; appropriate options for remedial actions and resolutions; and timely closures.
 - Provide a complaint mechanism that does not require an employee to complain directly to their immediate supervisor. That complaint mechanism must include, but is not limited to including: provisions for direct communication, either orally or in writing, with a designated company representative; and/or a complaint hotline; and/or access to an ombudsperson; and/or identification of DFEH and the United States Equal Employment Opportunity Commission as additional avenues for employees to lodge complaints.
 - Instruct supervisors to report any complaints of misconduct to a designated company representative, such as a human resources manager, so that the company can try to resolve the claim internally. Employers with 50 or more employees are required to

include this as a topic in mandated sexual harassment prevention training (see 2 CCR 11024).

- Indicate that when the employer receives allegations of misconduct, it will conduct a fair, timely, and thorough investigation that provides all parties appropriate due process and reaches reasonable conclusions based on the evidence collected.
- Make clear that employees shall not be retaliated against as a result of making a complaint or participating in an investigation.

4. Distribute its harassment, discrimination, and retaliation prevention policy by doing one or more of the following:

- Printing the policy and providing a copy to employees with an acknowledgement form for employees to sign and return.
- Sending the policy via email with an acknowledgment return form.
- Posting the current version of the policy on a company intranet with a tracking system to ensure all employees have read and acknowledged receipt of the policy.
- Discussing policies upon hire and/or during a new hire orientation session.
- Using any other method that ensures employees received and understand the policy.

5. If the employer's workforce at any facility or establishment contains ten percent or more of persons who speak a language other than English as their spoken language, that employer shall translate the harassment, discrimination, and retaliation policy into every language spoken by at least ten percent of the workforce.

6. In addition, employers who do business in California and employ 5 or more part-time or full-time employees must provide at least one hour of training regarding the prevention of sexual harassment, including harassment based on gender identity, gender expression, and sexual orientation, to each non-supervisory employee; and two hours of such training to each supervisory employee. Training must be provided within six months of assumption of employment. Employees must be trained during calendar year 2020, and, after January 1, 2021, training must be provided again every two years. Please see Gov. Code 12950.1 and 2 CCR 11024 for further information.

TO FILE A COMPLAINT

Department of Fair Employment and Housing

dfeh.ca.gov

Toll Free: 800.884.1684

TTY: 800.700.2320

DFEH-185-ENG / April 2020



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2025**

Item 6b

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Policies and Procedures Manual Updates / Revisions: Policy 2025 Whistleblower Protection

Staff Recommendation

Review the revisions to Policy 2025 Whistleblower Protection and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

Staff proposes revisions to Policy 2025 Whistleblower Protection to update and strengthen the District's standards, protections, and reporting processes in alignment with California Labor Code Section 1102.5. A comprehensive review by Human Resources (HR) staff identified the need for enhancements to better reflect current legal requirements and workplace best practices. The revisions incorporate employee awareness measures through training and posting requirements, add provisions addressing knowingly false or malicious reports, and expand reporting procedures when allegations involve staff or the General Manager, including the use of an external investigator. District Legal Counsel reviewed the updated policy to ensure compliance with applicable laws, mitigate legal risks, and reinforce the District's commitment to integrity, transparency, and the protection of individuals who report unlawful or unethical activities in good faith.

Background

At the April 14, 2021 Regular Board Meeting, the Board of Directors adopted Policy 2025 Whistleblower Protection through Resolution 2021-06 to encourage employees, Board members, third-party contractors, and other affiliated individuals to report illegal, fraudulent, or policy-violating actions without fear of retaliation. In July 2025, HR staff conducted a comprehensive review of the policy to ensure continued compliance with California Labor Code Section 1102.5, which provides robust protections for whistleblowers. This review identified opportunities to refine and modernize the language, address gaps in employee awareness, and clarify procedures for handling complaints, particularly those involving leadership positions. While the existing framework provided a strong foundation, updates were needed to better align with current legal requirements and recognized workplace best practices.

Discussion

The proposed revisions strengthen the District's standards, protections, and reporting processes through several key changes. These include incorporating training and posting requirements under California law to ensure employees are informed of their rights and responsibilities, adding provisions to address knowingly false or malicious complaints, and clarifying reporting procedures when allegations involve staff or the General Manager, including the requirement for an external



investigator when necessary. District Legal Counsel reviewed the policy to ensure compliance with applicable laws and to mitigate potential legal risks. Collectively, these updates reinforce the District's commitment to integrity, transparency, and protecting individuals who, in good faith, report unlawful or unethical activities

Table A, Summary of Policy Changes, outlines the proposed changes to the current policy that are in reference to the redlined draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
1	Entire Policy Sections	None	Not Applicable	Refined the policy language.
2	Section 2025.4	California Labor Code Section 1102.5	The District follows the law.	Proposed adding a section for training and posting requirements per law.
3	Section 2025.6	California Labor Code Section 1102.5	The District follows the law.	Proposed adding employees who provide false or malicious content may be subject to disciplinary action.
4	Section 2025.10	California Labor Code Section 1102.5	The District follows the law.	Proposed adding language include investigation time frame, claim involving the General Manager, appeal process, and report of violations directly to the Labor Commissioner (per Legal Counsel)

Fiscal Impact: None.

Attachments

1. Redlined version Policy 2025 Whistleblower Protection
2. Side-by-Side version Policy 2025 Whistleblower Protection
3. Cleaned version Policy 2025 Whistleblower Protection
4. California Labor Code Section 1102.5

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager

POLICY TITLE: WHISTLEBLOWER PROTECTION**POLICY NUMBER: 2025**

2025.1 **Policy Statement.** The District is committed to the highest standards of financial reporting and lawful and ethical behavior. Protecting the integrity of the District is of paramount importance. Additionally, the District is committed to full compliance with all state and federal statutes, rules, and regulations by all employees and members of the Board of Directors. This policy is intended to be consistent with California Labor Code Section 1102.5.

2025.2 **Purpose.** The purpose of this policy is to encourage and enable Board members, employees, temporary employees, consultants, vendors, and others affiliated with the District to report any action or suspected action taken within the District that is illegal, fraudulent, or in violation of any adopted policy of the District, to a source within the District before turning to outside parties for resolution.

2025.3 **Definition.** A "Whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing, or inquiry, where the employee has reasonable cause to believe that the information discloses violations of state or federal statute, violation or noncompliance with a local, state, or federal rule or regulation, or unsafe working conditions or work practices in the employee's employment or place of employment. A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

2025.4 **Scope.** This policy applies to any matter which is related to the District's business and does not relate to private acts of an individual not connected to the business of the District. This policy is intended to supplement but not replace the District's other related policies such as harassment and discrimination (Policies 2000, 2005, 2015, and 2020), any grievance procedure, or to any applicable state and federal laws governing whistleblowing. This policy is also designed to support employee awareness through training and posting requirements under applicable California law.

2025.5 Board members and employees are prohibited from taking an adverse action against another employee who has engaged in protected activity.

2025.6 **Protected employees.** An employee, or a person acting on behalf of the employee, who reports or is about to report, or is perceived to have reported or be about to report, verbally or in writing, a violation or suspected violation of this policy, unless the employee knows the report is false. Additionally, employees are protected when the employee is requested by the District or any agency or officer thereof, to participate in an investigation, hearing, or inquiry held by the District, agency, or official, are protected under this policy. Employees who submit false or malicious reports may be subject to disciplinary action. However, employees shall not be disciplined solely because a report made in good faith is later found to be incorrect.

2025.7 **Retaliation Prohibited.** No District Board member or employee may take the following actions against any other employee or Board member because the latter employee or Board member in good faith engaged in certain kinds of protected activity:

1. Terminate, demote, suspend, or take other similar adverse employment action.
2. Threaten, or otherwise discriminate against an employee regarding the employee's

BEAUMONT-CHERRY VALLEY WATER DISTRICT

compensation, terms, conditions of employment, work location assignment, or privileges.

3. Subject to coercion or disciplinary action.

2025.8 To protect the District's integrity and the public's trust, the District may take official action to enforce and punish violations of standards of this policy.

2025.9 **Protected Activity.**

1. Disclosure of information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate.
2. Refusal to participate in an activity that would result in violation of a state or federal statute, or a violation of noncompliance with local, state, or federal rule or regulation.
3. Filing a complaint for investigation with the California Office of the Controller's Whistleblower Program, the District Attorney, the Grand Jury, Cal/OSHA, or any other agency or District department or person with authority to receive or process whistleblower complaints alleging:
 - a. Improper governmental activity
 - b. Misuse of funds
 - c. Deficiencies in quality and delivery of services
 - d. Wasteful or inefficient practices
 - e. Unlawful activity in connection with a District contract
 - f. Abuse of authority
 - g. Specified or substantial danger to public health or safety
 - h. Use of a District office, position, or resource for personal gain
 - i. Any other similar type of complaint
4. This protection extends to those whose allegations that are made in good faith but prove to be mistaken.
5. The District reserves the right to discipline employees who make bad faith, knowingly false, or vexatious complaints, reports, or inquiries or who otherwise abuse this policy.
6. Complaints or concerns expressed to co-workers who do not have the authority to act on whistleblower complaints are not protected activity under this policy.

2028.10 **Reporting.**

1. All persons who witness or experience improper activity of the type enumerated by this policy shall report the activity in order to facilitate early, effective, and impartial investigation and intervention by the District.
2. Any whistleblower who believes they are being retaliated against must contact the Human Resources department, the General Manager, or the General Manager's designee immediately.
3. Matters reported internally will be investigated by Human Resources, the General Manager or ~~their~~ designee. An investigation shall commence within twenty (20) calendar days of the filing of informal or formal complaint, and be completed within sixty (60)

calendar days unless circumstances reasonably require more time. The District will provide a full report on matters raised under this policy to the Board of Directors.

- 3.4. If the complaint involves the General Manager, the matter shall be forwarded by Human Resources to the Board of Directors who shall consider engaging an external entity to conduct the investigation. The external investigation should also be completed within sixty (60) calendar days, unless circumstances reasonably require more time.
5. Complaints, reports, or inquiries may be made under this policy on a confidential or anonymous basis. The report should provide sufficient information and specific facts. The District will conduct a prompt and objective review and investigation of the allegation.
6. Upon completion of the investigation, the whistleblower will receive a general summary of findings within seven (7) calendar days, to the extent permissible by law and confidentiality standards. If dissatisfied, the whistleblower may submit a written appeal to the President of the Board of Directors within fifteen (15) calendar days of receiving notice of findings.
7. Employees may report violations of this policy to the Labor Commissioner, regardless of whether they have filed an internal complaint.

Labor Commissioner's Office: (833) 526-4636

4. <https://www.dir.ca.gov/dlse/HowToFileRetaliationComplaint.htm>

CURRENT POLICY

POLICY TITLE: WHISTLEBLOWER PROTECTION
POLICY NUMBER: 2025

2025.1 The District is committed to the highest standards of financial reporting and lawful and ethical behavior. Protecting the integrity of the District is of paramount importance. Additionally, the District is committed to full compliance with all state and federal statutes, rules, and regulations by all employees and members of the Board of Directors.

2025.2 The purpose of this policy is to encourage and enable Board members, employees, temporary employees, consultants, vendors, and others affiliated with the District to report any action or suspected action taken within the District that is illegal, fraudulent, or in violation of any adopted policy of the District, to a source within the District before turning to outside parties for resolution.

2025.3 **Definition.** A "Whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing, or inquiry, where the employee has reasonable cause to believe that the information discloses violations of state or federal statute, violation or noncompliance with a local, state, or federal rule or regulation, or unsafe working conditions or work practices in the employee's employment or place of employment. A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

2025.4 This policy applies to any matter which is related to the District's business and does not relate to private acts of an individual not connected to the business of the District. This policy is intended to supplement but not replace the District's other related policies such as harassment and discrimination (Policies 2000, 2005, 2015, and 2020), any grievance procedure, or to any applicable state and federal laws governing whistleblowing.

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2. Threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions of employment, work location assignment, or privileges.
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PROPOSED POLICY

POLICY TITLE: WHISTLEBLOWER PROTECTION
POLICY NUMBER: 2025

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2025.2 **Purpose.** The purpose of this policy is to encourage and enable Board members, employees, temporary employees, consultants, vendors, and others affiliated with the District to report any action or suspected action taken within the District that is illegal, fraudulent, or in violation of any adopted policy of the District, to a source within the District before turning to outside parties for resolution.

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3. Filing a complaint for investigation with the California Office of the Controller's Whistleblower Program, the District Attorney, the Grand Jury, Cal/OSHA, or any other agency or District department or person with authority to receive or process whistleblower complaints alleging:
 - a. Improper governmental activity
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 - c. Deficiencies in quality and delivery of services
 - d. Wasteful or inefficient practices
 - e. Unlawful activity in connection with a District contract
 - f. Abuse of authority
 - g. Specified or substantial danger to public health or safety
 - h. Use of a District office, position, or resource for personal gain
 - i. Any other similar type of complaint
4. This protection extends to those whose allegations that are made in good faith but prove to be mistaken.
5. The District reserves the right to discipline employees who make bad faith, knowingly false, or vexatious complaints, reports, or inquiries or who otherwise abuse this policy.
6. Complaints or concerns expressed to co-workers who do not have the authority to act on whistleblower complaints are not protected activity under this policy.

2028.10 Reporting.

1. All persons who witness or experience improper activity of the type enumerated by this policy shall report the activity in order to facilitate early, effective, and impartial investigation and intervention by the District.
2. Any whistleblower who believes they are being retaliated against must contact the Human Resources department, the General Manager, or the General Manager's designee immediately.
3. Matters reported internally will be investigated by the General Manager or their designee. The District will provide a full report on matters raised under this policy to the Board of Directors.
4. Complaints, reports, or inquiries may be made under this policy on a confidential or anonymous basis. The report should provide sufficient information and specific facts. The District will conduct a prompt and objective review and investigation of the allegation.

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POLICY TITLE: WHISTLEBLOWER PROTECTION
POLICY NUMBER: 2025

2025.1 Policy Statement. The District is committed to the highest standards of financial reporting and lawful and ethical behavior. Protecting the integrity of the District is of paramount importance. Additionally, the District is committed to full compliance with all state and federal statutes, rules, and regulations by all employees and members of the Board of Directors. This policy is intended to be consistent with California Labor Code Section 1102.5.

2025.2 Purpose. The purpose of this policy is to encourage and enable Board members, employees, temporary employees, consultants, vendors, and others affiliated with the District to report any action or suspected action taken within the District that is illegal, fraudulent, or in violation of any adopted policy of the District, to a source within the District before turning to outside parties for resolution.

2025.3 Definition. A "Whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing, or inquiry, where the employee has reasonable cause to believe that the information discloses violations of state or federal statute, violation or noncompliance with a local, state, or federal rule or regulation, or unsafe working conditions or work practices in the employee's employment or place of employment. A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

2025.4 Scope. This policy applies to any matter which is related to the District's business and does not relate to private acts of an individual not connected to the business of the District. This policy is intended to supplement but not replace the District's other related policies such as harassment and discrimination (Policies 2000, 2005, 2015, and 2020), any grievance procedure, or to any applicable state and federal laws governing whistleblowing. This policy is also designed to support employee awareness through training and posting requirements under applicable California law.

2025.5 Board members and employees are prohibited from taking an adverse action against another employee who has engaged in protected activity.

2025.6 Protected employees. An employee, or a person acting on behalf of the employee, who reports or is about to report, or is perceived to have reported or be about to report, verbally or in writing, a violation or suspected violation of this policy, unless the employee knows the report is false. Additionally, employees are protected when the employee is requested by the District or any agency or officer thereof, to participate in an investigation, hearing, or inquiry held by the District, agency, or official, are protected under this policy. Employees who submit false or malicious reports may be subject to disciplinary action. However, employees shall not be disciplined solely because a report made in good faith is later found to be incorrect.

2025.7 Retaliation Prohibited. No District Board member or employee may take the following actions against any other employee or Board member because the latter employee or Board member in good faith engaged in certain kinds of protected activity:

1. Terminate, demote, suspend, or take other similar adverse employment action.
2. Threaten, or otherwise discriminate against an employee regarding the employee's

compensation, terms, conditions of employment, work location assignment, or privileges.

3. Subject to coercion or disciplinary action.

2025.8 To protect the District's integrity and the public's trust, the District may take official action to enforce and punish violations of standards of this policy.

2025.9 **Protected Activity.**

1. Disclosure of information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate.
2. Refusal to participate in an activity that would result in violation of a state or federal statute, or a violation of noncompliance with local, state, or federal rule or regulation.
3. Filing a complaint for investigation with the California Office of the Controller's Whistleblower Program, the District Attorney, the Grand Jury, Cal/OSHA, or any other agency or District department or person with authority to receive or process whistleblower complaints alleging:
 - a. Improper governmental activity
 - b. Misuse of funds
 - c. Deficiencies in quality and delivery of services
 - d. Wasteful or inefficient practices
 - e. Unlawful activity in connection with a District contract
 - f. Abuse of authority
 - g. Specified or substantial danger to public health or safety
 - h. Use of a District office, position, or resource for personal gain
 - i. Any other similar type of complaint
4. This protection extends to those whose allegations that are made in good faith but prove to be mistaken.
5. The District reserves the right to discipline employees who make bad faith, knowingly false, or vexatious complaints, reports, or inquiries or who otherwise abuse this policy.
6. Complaints or concerns expressed to co-workers who do not have the authority to act on whistleblower complaints are not protected activity under this policy.

2028.10 **Reporting.**

1. All persons who witness or experience improper activity of the type enumerated by this policy shall report the activity in order to facilitate early, effective, and impartial investigation and intervention by the District.
2. Any whistleblower who believes they are being retaliated against must contact the Human Resources department, the General Manager, or the General Manager's designee immediately.
3. Matters reported internally will be investigated by Human Resources, the General Manager or designee. An investigation shall commence within twenty (20) calendar days of the filing of informal or formal complaint, and be completed within sixty (60) calendar

BEAUMONT-CHERRY VALLEY WATER DISTRICT

days unless circumstances reasonably require more time.

4. If the complaint involves the General Manager, the matter shall be forwarded by Human Resources to the Board of Directors who shall consider engaging an external entity to conduct the investigation. The external investigation should also be completed within sixty (60) calendar days, unless circumstances reasonably require more time.
5. Complaints, reports, or inquiries may be made under this policy on a confidential or anonymous basis. The report should provide sufficient information and specific facts. The District will conduct a prompt and objective review and investigation of the allegation.
6. Upon completion of the investigation, the whistleblower will receive a general summary of findings within seven (7) calendar days, to the extent permissible by law and confidentiality standards. If dissatisfied, the whistleblower may submit a written appeal to the President of the Board of Directors within fifteen (15) calendar days of receiving notice of findings.
7. Employees may report violations of this policy to the Labor Commissioner, regardless of whether they have filed an internal complaint.

Labor Commissioner's Office: (833) 526-4636

<https://www.dir.ca.gov/dlse/HowToFileRetaliationComplaint.htm>

State of California

LABOR CODE

Section 1102.5

1102.5. (a) An employer, or any person acting on behalf of the employer, shall not make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, to a person with authority over the employee, or to another employee who has authority to investigate, discover, or correct the violation or noncompliance, or from providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(b) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for disclosing information, or because the employer believes that the employee disclosed or may disclose information, to a government or law enforcement agency, to a person with authority over the employee or another employee who has the authority to investigate, discover, or correct the violation or noncompliance, or for providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation, regardless of whether disclosing the information is part of the employee's job duties.

(c) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal rule or regulation.

(d) An employer, or any person acting on behalf of the employer, shall not retaliate against an employee for having exercised their rights under subdivision (a), (b), or (c) in any former employment.

(e) A report made by an employee of a government agency to their employer is a disclosure of information to a government or law enforcement agency pursuant to subdivisions (a) and (b).

(f) (1) In addition to other remedies available, an employer is liable for a civil penalty not exceeding ten thousand dollars (\$10,000) per employee for each violation of this section to be awarded to the employee who was retaliated against.

(2) In assessing this penalty, the Labor Commissioner shall consider the nature and seriousness of the violation based on the evidence obtained during the course of the investigation. The Labor Commissioner's consideration of the nature and

seriousness of the violation shall include, but is not limited to, the type of violation, the economic or mental harm suffered, and the chilling effect on the exercise of employment rights in the workplace, and shall be considered to the extent evidence obtained during the investigation concerned any of these or other relevant factors.

(g) This section does not apply to rules, regulations, or policies that implement, or to actions by employers against employees who violate, the confidentiality of the lawyer-client privilege of Article 3 (commencing with Section 950) of, or the physician-patient privilege of Article 6 (commencing with Section 990) of, Chapter 4 of Division 8 of the Evidence Code, or trade secret information.

(h) An employer, or a person acting on behalf of the employer, shall not retaliate against an employee because the employee is a family member of a person who has, or is perceived to have, engaged in any acts protected by this section.

(i) For purposes of this section, “employer” or “a person acting on behalf of the employer” includes, but is not limited to, a client employer as defined in paragraph (1) of subdivision (a) of Section 2810.3 and an employer listed in subdivision (b) of Section 6400.

(j) The court is authorized to award reasonable attorney’s fees to a plaintiff who brings a successful action for a violation of these provisions.

(Amended by Stats. 2023, Ch. 612, Sec. 2. (SB 497) Effective January 1, 2024.)

WHISTLEBLOWERS ARE PROTECTED

6b Att 5

It is the public policy of the State of California to encourage employees to notify an appropriate government or law enforcement agency, person with authority over the employee, or another employee with authority to investigate, discover, or correct the violation or noncompliance, and to provide information to and testify before a public body conducting an investigation, hearing or inquiry, when they have reason to believe their employer is violating a state or federal statute, or violating or not complying with a local, state or federal rule or regulation.

Who is protected?

Pursuant to [California Labor Code Section 1102.5](#), employees are the protected class of individuals. "Employee" means any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California. [\[California Labor Code Section 1106\]](#)

What is a whistleblower?

A "whistleblower" is an employee who discloses information to a government or law enforcement agency, person with authority over the employee, or to another employee with authority to investigate, discover, or correct the violation or noncompliance, or who provides information to or testifies before a public body conducting an investigation, hearing or inquiry, where the employee has reasonable cause to believe that the information discloses:

1. A violation of a state or federal statute,
2. A violation or noncompliance with a local, state or federal rule or regulation, or
3. With reference to employee safety or health, unsafe working conditions or work practices in the employee's employment or place of employment.

A whistleblower can also be an employee who refuses to participate in an activity that would result in a violation of a state or federal statute, or a violation of or noncompliance with a local, state or federal rule or regulation.

What protections are afforded to whistleblowers?

1. An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from being a whistleblower.
2. An employer may not retaliate against an employee who is a whistleblower.
3. An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of a state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.
4. An employer may not retaliate against an employee for having exercised his or her rights as a whistleblower in any former employment.

Under [California Labor Code Section 1102.5](#), if an employer retaliates against a whistleblower, the employer may be required to reinstate the employee's employment and work benefits, pay lost wages, and take other steps necessary to comply with the law.

How to report improper acts

If you have information regarding possible violations of state or federal statutes, rules, or regulations, or violations of fiduciary responsibility by a corporation or limited liability company to its shareholders, investors, or employees, **call the California State Attorney General's Whistleblower Hotline at 1-800-952-5225**. The Attorney General will refer your call to the appropriate government authority for review and possible investigation.



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2025**

Item 6c

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Policies and Procedures Manual Updates / Revisions: Establishing Information Technology and Cybersecurity Policy 7013 Personally Identifiable Information (PII)

Staff Recommendation

Review the proposed Information Technology (IT) and Cybersecurity Policy 7013 Personally Identifiable Information (PII) and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

Staff proposes IT and Cybersecurity Policy 7013 Personally Identifiable Information (PII) to establish clear guidelines for safeguarding the sensitive personal information of employees, customers, vendors, and other stakeholders. The policy aligns with the National Institute of Standards and Technology (NIST) guidance, particularly NIST Special Publication 800-122, and the California Public Records Act (CPRA), ensuring the secure collection, storage, access, disclosure, and disposal of PII. It defines roles and responsibilities, outlines technical and procedural safeguards, and mandates training to maintain compliance with federal and state privacy laws while preserving public trust.

Background

At the November 19, 2024 meeting, the Director of IT requested the Personnel Committee to review the Employee IT and Cybersecurity Policy Handbook to ensure alignment with the District's strategic goals, legal requirements, and regulatory standards. In partnership with IT and Cybersecurity, Human Resources (HR) staff facilitated the review and presented the proposed policy draft to Legal Counsel to ensure compliance with applicable labor laws. The handbook and the IT and Cybersecurity Policy Manual, both updated annually, outline technology policies, security measures, and employee expectations aligned with the NIST framework and industry best practices. These efforts have strengthened BCVWD's cybersecurity framework and contributed to the District receiving the MISAC award for excellence in IT and Cybersecurity governance for the past two years.

Discussion

As part of the ongoing review process of all District policies, HR staff, in partnership with IT and Cybersecurity Department presented the proposed policy draft to Legal Counsel to ensure compliance with applicable Federal, State and local labor laws.

The Personally Identifiable Information (PII) policy is significant because it formalizes best practices for handling sensitive personal data throughout its lifecycle - from collection to secure disposal. It applies to all BCVWD personnel, contractors, and vendors who have access to PII in



any form, setting clear limitations on access, transmission, and disclosure. The policy also establishes vendor compliance requirements, ensures regular privacy training, and mandates reporting of suspected breaches to safeguard against identity theft, fraud, and other privacy risks.

Table A, Summary of Policy Changes, outlines the proposed changes to the current policy that are in reference to the redlined draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
1	No Section	NIST, CPRA	BCVWD follows applicable privacy laws and best practices for sensitive data handling.	Consider establishing Section 7013.1 Introduction
2	No Section	NIST	BCVWD safeguards PII through established IT security measures.	Consider establishing Section 7013.2 Purpose
3	No Section	NIST	Access to PII is limited to authorized personnel.	Consider establishing Section 7013.3 Scope
4	No Section	NIST	PII collected only when legally required or operationally essential.	Consider establishing Section 7013.4.1.a to c Collection and Minimization
5	No Section	NIST	Electronic and physical PII is stored securely in controlled-access environments.	Consider establishing Section 7013.4.2.a to c Storage and Classification
6	No Section	NIST	Access granted only for legitimate business needs; unencrypted transmission prohibited.	Consider establishing Section 7013.4.3.a to d Access and Use
7	No Section	NIST, CPRA	Vendors and third parties comply with privacy agreements.	Consider establishing Section 7013.4.4.a to c Disclosure and Third Parties



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
8	No Section	NIST, CPRA	PII retained only as long as necessary and securely disposed of.	Consider establishing Section 7013.4.5.a to c Retention and Disposal
9	No Section	NIST	Employees receive annual privacy training; breaches are reported promptly.	Consider establishing Section 7013.4.6.a to c Training and Awareness
10	No Section	NIST	Policy reviewed annually or as needed to reflect changes in laws or risks.	Consider establishing Section 7013.5 Review and Revision Policy

Fiscal Impact None.

Attachments

1. Proposed new Policy 7013: Personally Identifiable Information (PII) policy
2. NIST: Understanding the Cybersecurity Framework

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager

POLICY TITLE: PERSONALLY IDENTIFIABLE INFORMATION (PII)
POLICY NUMBER: 7013

7013.1 Introduction. Beaumont-Cherry Valley Water District (BCVWD) is committed to safeguarding the Personally Identifiable Information (PII) of its employees, customers, vendors, and other stakeholders. As a public utility and California Special District, BCVWD recognizes its responsibility to protect sensitive information in alignment with the National Institute of Standards and Technology (NIST) guidance (particularly NIST SP 800-122) and the California Public Records Act (CPRA), while maintaining operational transparency and accountability.

7013.2 Purpose . The purpose of this policy is to establish clear roles, responsibilities, and safeguards for collecting, storing, processing, accessing, and disposing of PII. This policy ensures BCVWD protects PII from unauthorized disclosure, use, or loss while maintaining compliance with applicable federal and state privacy laws.

7013.3 Scope. This policy applies to all BCVWD personnel, contractors, consultants, and third-party vendors who have access to systems, documents, or platforms that contain PII. It covers PII in physical or electronic form, including but not limited to:

- Full names (when combined with other data)
- Social Security Numbers (SSNs)
- Driver's license or state ID numbers
- Passport or visa numbers
- Financial account or credit/debit card information
- Medical or health-related data
- Employee ID numbers or HR records
- Utility customer account information (e.g., usage history, billing data)

7013.4 Policy Details

7013.4.1 Collection and Minimization

- a. PII collection must be limited to what is legally required or operationally essential.
- b. Departments must justify any new collection of PII through a business case approved by the organization and the Information Technology and Cybersecurity Department.
- c. Data minimization principles must be followed, collecting the least amount of PII necessary to perform a task.

7013.4.2 Storage and Classification

- a. PII must be classified and protected accordingly to prevent unauthorized access.
- b. Electronic PII must be stored on secure, access-controlled systems managed by the Information Technology and Cybersecurity Department.
- c. Physical PII must be secured in locked cabinets or restricted areas with controlled access.

7013.4.3 Access and Use

- a. Access to PII is limited to employees with a demonstrated business need, governed by Role-Based Access Control (RBAC).
- b. PII may not be transmitted via unencrypted email, portable media, or unsecured networks.
- c. PII must never be entered into unauthorized applications, websites, or artificial intelligence tools (see Policy 7014 – AI Policy).
- d. Use of PII for training, testing, or demonstration purposes is prohibited unless it has been properly anonymized or masked.

7013.4.4 Disclosure and Third Parties

- a. PII may only be shared externally when required by law, approved by District counsel, or governed by a data sharing agreement.
- b. All vendors and third-party service providers handling PII must sign agreements requiring compliance with this policy and applicable laws, including CPRA.
- c. Public records requests involving PII must be reviewed in accordance with CPRA exemptions and handled by designated staff.

7013.4.5 Retention and Disposal

- a. PII must be retained only as long as necessary for operational, legal, or regulatory purposes.
- b. Disposal of PII must be performed using approved secure methods (e.g., digital wiping, document shredding, etc.).
- c. Logs of disposal activities must be retained for audit purposes.

7013.4.6 Training and Awareness

- a. All employees must complete annual privacy and security training that includes the handling of PII.
- b. Departments must provide targeted guidance to employees who handle PII in high-risk areas such as Human Resources, Finance, and Information Technology and Cybersecurity.
- c. Any suspected PII breach or exposure must be reported immediately to the Information Technology and Cybersecurity Department for appropriate response.

7013.5 Review and Revision Policy. The Information Technology and Cybersecurity Department will review the “Personally Identifiable Information (PII) Policy” annually, or as needed in response to changes in law or technology. This review ensures ongoing compliance with NIST, CPRA, and other applicable federal and state privacy regulations. Revisions will be made to ensure continuous improvement of PII handling practices and to address emerging privacy risks.

Understanding

THE NIST CYBERSECURITY FRAMEWORK

You may have heard about the NIST Cybersecurity Framework, but what exactly is it?

And does it apply to you?

NIST is the National Institute of Standards and Technology at the U.S. Department of Commerce. The NIST Cybersecurity Framework helps

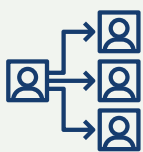
businesses of all sizes better understand, manage, and reduce their cybersecurity risk and protect their networks and data. The Framework is voluntary. It gives your business an outline of best practices to help you decide where to focus your time and money for cybersecurity protection.

You can put the NIST Cybersecurity Framework to work in your business in these five areas: Identify, Protect, Detect, Respond, and Recover.

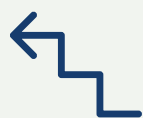
1. IDENTIFY

Make a list of all equipment, software, and data you use, including laptops, smartphones, tablets, and point-of-sale devices.

Create and share a company cybersecurity policy that covers:



Roles and responsibilities for employees, vendors, and anyone else with access to sensitive data.



Steps to take to protect against an attack and limit the damage if one occurs.

2. PROTECT

- Control who logs on to your network and uses your computers and other devices.
- Use security software to protect data.
- Encrypt sensitive data, at rest and in transit.
- Conduct regular backups of data.
- Update security software regularly, automating those updates if possible.
- Have formal policies for safely disposing of electronic files and old devices.
- Train everyone who uses your computers, devices, and network about cybersecurity. You can help employees understand their personal risk in addition to their crucial role in the workplace.

LEARN MORE AT:
FTC.gov/SmallBusiness



FEDERAL TRADE
COMMISSION

NIST
National Institute of
Standards and Technology
U.S. Department of Commerce



Homeland
Security

3. DETECT



Monitor your computers for unauthorized personnel access, devices (like USB drives), and software.



Check your network for unauthorized users or connections.



Investigate any unusual activities on your network or by your staff.

4. RESPOND

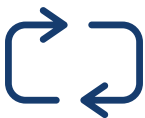
Have a plan for:

- Notifying customers, employees, and others whose data may be at risk.
- Keeping business operations up and running.
- Reporting the attack to law enforcement and other authorities.
- Investigating and containing an attack.
- Updating your cybersecurity policy and plan with lessons learned.
- Preparing for inadvertent events (like weather emergencies) that may put data at risk.

Test your plan regularly.

5. RECOVER

After an attack:



Repair and restore the equipment and parts of your network that were affected.



Keep employees and customers informed of your response and recovery activities.

For more information on the NIST Cybersecurity Framework and resources for small businesses, go to NIST.gov/CyberFramework and NIST.gov/Programs-Projects/Small-Business-Corner-SBC.

LEARN MORE AT:



FEDERAL TRADE
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NIST
National Institute of
Standards and Technology
U.S. Department of Commerce



Homeland
Security



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2025**

Item 6d

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Policies and Procedures Manual Updates / Revisions: Establishing Information Technology and Cybersecurity Policy 7014 Artificial Intelligence (AI)

Staff Recommendation

Review the proposed Information Technology (IT) and Cybersecurity Policy 7014 Artificial Intelligence and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

Staff proposes IT and Cybersecurity Policy 7014 Artificial Intelligence (policy) to establish clear guidelines for the ethical, secure, and authorized use of artificial intelligence (AI) technologies within BCVWD operations. The policy ensures compliance with state and federal regulations, aligns with the National Institute of Standards and Technology (NIST) Cybersecurity Framework and Artificial Intelligence Risk Management Framework (AI RMF 1.0), and safeguards District data while maintaining public trust. It addresses governance, data protection, output validation, procurement controls, employee responsibilities, and compliance oversight.

Background

At the November 19, 2024 meeting, the Director of IT and Cybersecurity requested the Personnel Committee to review the Employee IT and Cybersecurity Policy Handbook to ensure alignment with the District's strategic goals, legal requirements, and regulatory standards. In partnership with IT and Cybersecurity, Human Resources (HR) staff facilitated the review and presented the proposed policy draft to Legal Counsel to ensure compliance with applicable labor laws. The handbook and the IT and Cybersecurity Policy Manual, both updated annually, outline technology policies, security measures, and employee expectations aligned with the NIST framework and industry best practices. These efforts have strengthened BCVWD's cybersecurity framework and contributed to the District receiving the MISAC award for excellence in IT and Cybersecurity governance for the past two years.

Discussion

As part of the ongoing review process of all District policies, HR staff, in partnership with IT and Cybersecurity Department presented the proposed policy draft to Legal Counsel to ensure compliance with applicable Federal, State and local labor laws.

The Artificial Intelligence policy is significant because it establishes ethical, secure, and transparent practices for the use of AI tools, ensuring they are only used with proper authorization, protect sensitive information, and deliver reliable, human-validated outputs. It sets clear



boundaries for acceptable use, vendor compliance, and oversight mechanisms to mitigate risks related to bias, misinformation, and data privacy.

Table A, Summary of Policy Changes, outlines the proposed changes to the current policy that are in reference to the redlined draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
1	No Section	NIST, AI RMF 1.0, CPRA	BCVWD follows applicable laws and best practices for IT governance.	Consider establishing Section 7014.1 Introduction
2	No Section	NIST, AI RMF 1.0	BCVWD ensures responsible technology adoption.	Consider establishing Section 7014.2 Purpose
3	No Section	NIST, AI RMF 1.0	BCVWD uses multiple AI tools only when authorized.	Consider establishing Section 7014.3 Scope
4	No Section	NIST, CPRA	AI tool use is restricted to IT-approved and vetted solutions.	Consider establishing Section 7014.4.1.a to d Governance Oversight
5	No Section	CPRA	Sensitive or personal data is protected and only de-identified data is used in AI.	Consider establishing Section 7014.4.2.a to c Data Protection and Input Restrictions
6	No Section	NIST	Human validation is required for AI-generated outputs used in official communications	Consider establishing Section 7014.4.3.a to b Output Validation Records
7	No Section	NIST	Vendor AI solutions are reviewed and risk-assessed by IT	Consider establishing Section 7014.4.4.a to c Procurement and Vendor Controls



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
8	No Section	NIST, CPRA	Employees are trained on ethical AI use and required to report misuse	Consider establishing Section 7014.4.5.a to c Employee Responsibilities
9	No Section	NIST	IT oversees AI use and enforces policy compliance	Consider establishing Section 7014.4.6.a to c Compliance and Oversight
10	No Section	NIST	Policy is reviewed annually or as needed.	Consider establishing Section 7014.5 Review and Revision Policy

Fiscal Impact None.

Attachments

1. Proposed new Policy 7014: Artificial Intelligence (AI) policy

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager

POLICY TITLE: **ARTIFICIAL INTELLIGENCE (AI)**
POLICY NUMBER: **7014**

7014.1 Introduction. Beaumont-Cherry Valley Water District (BCVWD) relies on Information Technology (IT) resources as essential tools for conducting business efficiently and securely. This policy ensures these resources are used responsibly, ethically, and in alignment with the National Institute of Standards and Technology (NIST) Cybersecurity Framework and Artificial Intelligence Risk Management Framework (AI RMF 1.0). As a California Special District, BCVWD adheres to state regulations, including compliance with the California Public Records Act (CPRA) to ensure transparency and accountability in public records management. This policy recognizes the rapid growth and integration of artificial intelligence (AI) in modern IT environments and establishes foundational principles for the responsible use of AI across the District.

7014.2 Purpose . The purpose of this policy is to provide guidance for the ethical, secure, and authorized use of artificial intelligence technologies by BCVWD employees, contractors, and vendors. It aims to protect District data, maintain public trust, and establish governance over AI use that aligns with state law, cybersecurity best practices, and evolving industry standards.

7014.3 Scope. This policy applies to all forms of AI technologies, including but not limited to: Generative AI tools (e.g., ChatGPT, Claude, Gemini), Predictive analytics and machine learning models, AI embedded within third-party applications and services, Image recognition, document summarization, or automated decision support tools. The policy governs use by employees, contractors, and vendors in any capacity involving District data, systems, communications, or services.

7014.4 Policy Details

7014.4.1 Governance Oversight

- a. Use of any AI tool for official District business must be approved by the Information Technology Department.
- b. Unauthorized use of AI tools on District systems or with District data is prohibited.
- c. AI systems must be evaluated for data privacy risks, output reliability, and compliance with security policies prior to use.
- d. The District may prohibit use of certain AI tools deemed insecure, untrustworthy, or misaligned with regulatory requirements.

7014.4.2 Data Protection and Input Restrictions

- a. No personally identifiable information (PII), personnel records, customer data, infrastructure details, or confidential internal documents may be entered into AI systems, whether public or private, without prior approval.
- b. Only de-identified, publicly available, or non-sensitive data may be used with AI tools, and only for legitimate business functions.
- c. AI tools must not be used to generate, analyze, or infer sensitive characteristics about individuals or groups without a documented business case and prior written approval.

7014.4.3 Output Validation and Records

- a. AI-generated content used for any external communication, decision-making, or recordkeeping must be reviewed and validated by a human to ensure accuracy.
- b. Employees must ensure all AI-generated outputs meet BCVWD standards for accuracy, professionalism, and compliance with legal obligations.

7014.4.4 Procurement and Vendor Controls

- a. Any vendor solution incorporating AI functionality must undergo review and risk assessment by the Information Technology Department.
- b. AI components in vendor platforms must comply with the same security, privacy, and data protection requirements as other IT services.
- c. Contracts must address data ownership, model transparency, and vendor accountability for misuse or incorrect outputs.

7014.4.5 Employee Responsibilities

- a. Employees must use AI in a manner that upholds BCVWD values, avoids bias or discrimination, and ensures public trust.
- b. Any suspected misuse of AI, violation of this policy, or output that could impact public records or operations must be reported to the Information Technology Department.
- c. Training on safe and appropriate AI use will be provided as part of the District's ongoing cybersecurity awareness training efforts.

7014.4.6 Compliance and Oversight

- a. The Information Technology Department will maintain oversight over the use of AI and emerging technologies and may periodically audit use cases for compliance.
- b. This policy will be updated regularly to reflect changes in technology, regulations, and risk environments.
- c. Violations of this policy may result in disciplinary action, up to and including loss of system access or employment consequences, as outlined in the Acceptable Use Policy policy.

7014.5 Review and Revision Policy. The Information Technology Department will review the "Artificial Intelligence Policy" at least annually or as needed based on technological advancements, regulatory updates, and risk assessments. The review will ensure continued alignment with the National Institute of Standards and Technology (NIST) Artificial Intelligence Risk Management Framework (AI RMF), applicable state and federal laws, and BCVWD's mission to deliver secure and ethical digital services.



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2025**

Item 6e

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Policies and Procedures Manual Updates / Revisions: Establishing Information Technology and Cybersecurity Policy 7015 Security Awareness and Training

Staff Recommendation

Review the proposed Information Technology (IT) and Cybersecurity Policy 7015 Security Awareness and Training and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

Staff proposes IT and Cybersecurity Policy 7015 Security Awareness and Training to establish standards for delivering cybersecurity education and awareness to all individuals with access to BCVWD's technology infrastructure. The policy aligns with the National Institute of Standards and Technology (NIST) Cybersecurity Framework and NIST Special Publication 800-50, ensuring that employees, contractors, and third parties understand their security responsibilities, are able to recognize cyber threats, and can respond appropriately. It outlines program structure, training delivery, role-based education, continuous awareness measures, compliance monitoring, and responsibilities.

Background

At the November 19, 2024 meeting, the Director of IT and Cybersecurity requested the Personnel Committee to review the Employee IT and Cybersecurity Policy Handbook to ensure alignment with the District's strategic goals, legal requirements, and regulatory standards. In partnership with IT, Human Resources (HR) staff facilitated the review and presented the proposed policy draft to Legal Counsel to ensure compliance with applicable labor laws. The handbook and the IT and Cybersecurity Policy Manual, both updated annually, outline technology policies, security measures, and employee expectations aligned with the NIST framework and industry best practices. These efforts have strengthened BCVWD's cybersecurity framework and contributed to the District receiving the MISAC award for excellence in IT and Cybersecurity governance for the past two years.

Discussion

As part of the ongoing review process of all District policies, HR staff, in partnership with IT and Cybersecurity Department presented the proposed policy draft to Legal Counsel to ensure compliance with applicable Federal, State and local labor laws.

The Security Awareness and Training policy is significant because it establishes a structured approach to cybersecurity education for all system users. It sets clear expectations for annual mandatory training, mid-year refreshers, micro-learning opportunities, and role-specific sessions



for employees in positions with elevated security responsibilities. The policy also mandates continuous reinforcement through bulletins, alerts, and awareness campaigns, while ensuring compliance through monitoring, audits, and incident-driven program improvements.

Table A, Summary of Policy Changes, outlines the proposed changes to the current policy that are in reference to the redlined draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
1	No Section	NIST, CPRA	BCVWD aligns training initiatives with recognized security frameworks.	Consider establishing Section 7015.1 Introduction
2	No Section	NIST	BCVWD educates users on cybersecurity responsibilities and threat response.	Consider establishing Section 7015.2 Purpose
3	No Section	NIST	All employees and contractors with system access participate in training.	Consider establishing Section 7015.3 Scope
4	No Section	NIST	Annual training with supplemental sessions provided.	Consider establishing Section 7015.4.1.a to d Security Awareness and Training Program Structure
5	No Section	NIST	Role-specific content for elevated security positions.	Consider establishing Section 7015.4.3.a to b Role-Based and Specialized Training
6	No Section	NIST	Training provided via secure platforms with tracked participation	Consider establishing Section 7015.4.2.a to c Training Delivery and Tracking
7	No Section	NIST	Ongoing awareness efforts through bulletins and campaigns.	Consider establishing Section 7015.4.4.a to c Reinforcement and Continuous Awareness



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
8	No Section	NIST	IT monitors compliance and updates training based on incidents.	Consider establishing Section 7015.4.5.a to c Compliance Monitoring and Oversight
9	No Section	NIST	Employees receive annual privacy training; breaches are reported promptly.	Consider establishing Section 7015.4.6.a to c Responsibilities
10	No Section	NIST	Policy reviewed annually for emerging threats and changes.	Consider establishing Section 7015.5 Review and Revision Policy

Fiscal Impact None.

Attachments

1. Proposed new Policy 7015: Security Awareness and Training

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager

POLICY TITLE: SECURITY AWARENESS AND TRAINING
POLICY NUMBER: 7015

7015.1 Introduction. Beaumont-Cherry Valley Water District (BCVWD) relies on Information Technology (IT) resources as essential tools for conducting business efficiently and securely. To mitigate human risk and ensure effective cybersecurity, BCVWD maintains a proactive Security Awareness and Training Program. This policy aligns with the National Institute of Standards and Technology (NIST) Cybersecurity Framework and NIST Special Publication 800-50 to promote awareness, accountability, and readiness among employees, contractors, and leadership. As a California Special District, BCVWD also complies with relevant state laws, including the California Public Records Act (CPRA), and embraces its role in protecting public trust and information systems.

7015.2 Purpose . The purpose of this policy is to establish standards for delivering security awareness and training to all individuals who access BCVWD information systems. The goal is to ensure users understand their cybersecurity responsibilities and are equipped to recognize and respond appropriately to cyber threats.

7015.3 Scope. This policy applies to all BCVWD employees, contractors, and third parties who are granted access to the District's technology infrastructure, including computers, mobile devices, applications, cloud services, and sensitive data. It covers onboarding, continuous training, and role-specific education related to information security risks and responsibilities.

7015.4 Policy Details

7015.4.1 Security Awareness and Training Program Structure

- a. All users must complete mandatory cybersecurity training annually as a condition of continued access to District systems.
- b. Refresher training will be delivered mid-year (at six-month intervals) to reinforce key concepts and address emerging threats.
- c. Micro-training and situational updates will be provided throughout the year, customized by department or function (e.g., Information Technology, Finance, Human Resources, Customer Service, Accounts Payable/Receivable, Executives).
- d. Training content will cover core threat topics, including but not limited to:
 - Phishing and social engineering
 - Password and credential protection
 - Safe use of mobile and remote access
 - Insider threats and data misuse
 - Ransomware and malware prevention
 - Public sector-specific risks

7015.4.2 Training Delivery and Tracking

- a. Training will be administered by the Information Technology and Cybersecurity Department utilizing an easy-to-access learning management or secure training platform.
- b. Participation in training is mandatory and will be logged, tracked, and audited by the Information Technology and Cybersecurity Department.
- c. Failure to complete required training within designated timeframes may result in temporary suspension of system access or additional corrective action.

7015.4.3 Role Based and Specialized Training

- a. Additional role-specific training will be provided to personnel in positions with elevated security responsibilities or access to sensitive information, such as:

- Information Technology administrators
 - Finance and payroll personnel
 - Human Resources and confidential records custodians
 - Customer-facing staff managing account data
 - Executives with decision-making or incident response authority
- b. These training courses will be updated as job roles evolve, threat vectors change, or regulations are revised.

7015.4.4 Reinforcement and Continuous Awareness

- a. The Information Technology and Cybersecurity Department will distribute periodic security bulletins, tips, or alerts to reinforce a security-first culture.
- b. Posters, email campaigns, and desktop notices may also be used to promote ongoing awareness.
- c. Users are encouraged to report suspicious activities or questions to the IT Department without fear of reprisal.

7015.4.5 Compliance Monitoring and Oversight

- a. The Information Technology and Cybersecurity Department will regularly monitor compliance with this policy, review training metrics, and assess the effectiveness of training content.
- b. Periodic audits may be conducted to verify participation and measure employee readiness.
- c. Lessons learned from incident response activities will be used to refine the training program.

7015.4.6 Responsibilities

- a. The Information Technology and Cybersecurity Department is responsible for designing, updating, and delivering the training curriculum.
- b. Human Resources and Department supervisors are responsible for ensuring their teams complete assigned training and meet all deadlines assigned by the Information Technology and Cybersecurity Department.
- c. All users are responsible for completing required training and following secure practices in daily operations.

7015.5 Review and Revision Policy. The Information Technology and Cybersecurity Department will review the "Security Awareness and Training Policy" annually to ensure it remains current and responsive to emerging threats, evolving technologies, and regulatory changes. During the review process, the policy will be evaluated for alignment with the NIST Cybersecurity Framework and NIST SP 800-50. Necessary updates or revisions will be made to ensure the policy continues to meet the District's risk management and compliance requirements.



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2025**

Item 6f

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Policies and Procedures Manual Updates / Revisions: Establishing Information Technology and Cybersecurity Policy 7016 Internet of Things (IoT) Security

Staff Recommendation

Review the proposed Information Technology (IT) and Cybersecurity Policy 7016 Internet of Things (IoT) Security and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

Staff proposes IT and Cybersecurity Policy 7016 Internet of Things (IoT) Security to establish a comprehensive framework for managing and securing IoT devices across BCVWD's infrastructure. The policy aligns with the National Institute of Standards and Technology (NIST) standards, including NIST SP 800-213 and the NIST Cybersecurity Framework (CSF), and ensures adherence to the California Public Records Act (CPRA). It defines requirements for governance, procurement, network segmentation, monitoring, data handling, and risk management to safeguard against cyber-physical threats, unauthorized access, and operational disruptions.

Background

At the November 19, 2024 meeting, the Director of IT and Cybersecurity requested the Personnel Committee to review the Employee IT and Cybersecurity Policy Handbook to ensure alignment with the District's strategic goals, legal requirements, and regulatory standards. In partnership with IT, Human Resources (HR) staff facilitated the review and presented the proposed policy draft to Legal Counsel to ensure compliance with applicable labor laws. The handbook and the IT and Cybersecurity Policy Manual, both updated annually, outline technology policies, security measures, and employee expectations aligned with the NIST framework and industry best practices. These efforts have strengthened BCVWD's cybersecurity framework and contributed to the District receiving the MISAC award for excellence in IT and Cybersecurity governance for the past two years.

Discussion

As part of the ongoing review process of all District policies, HR staff, in partnership with IT and Cybersecurity Department presented the proposed policy draft to Legal Counsel to ensure compliance with applicable Federal, State and local labor laws.

The Internet of Things (IoT) Security policy is significant because it ensures that IoT devices used within BCVWD's operations are deployed, configured, and maintained securely. It sets standards for ownership, procurement, network segmentation, monitoring, and data protection while



prohibiting unauthorized personal devices from connecting to operational networks. The policy also includes requirements for vendor documentation, firmware management, and decommissioning of insecure devices, as well as procedures for risk assessment and incident response.

Table A, Summary of Policy Changes, outlines the proposed changes to the current policy that are in reference to the redlined draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
1	No Section	NIST, CPRA	BCVWD manages IoT devices in alignment with security frameworks.	Consider establishing Section 7016.1 Introduction
2	No Section	NIST	BCVWD defines security requirements for IoT deployment and operation.	Consider establishing Section 7016.2 Purpose
3	No Section	NIST	Policy applies to all IoT devices connected to BCVWD systems.	Consider establishing Section 7016.3 Scope
4	No Section	NIST	IoT devices are approved and maintained by IT; personal devices restricted.	Consider establishing Section 7016.4.1.a to c Governance and Ownership
5	No Section	NIST	Device acquisitions reviewed by IT; baseline security standards enforced.	Consider establishing Section 7016.4.2.a to e Procurement and Authorization
6	No Section	NIST	IoT devices deployed in segmented zones with RBAC and MFA	Consider establishing Section 7016.4.3.a to c Network Segmentation and Access Control
7	No Section	NIST	Devices inventoried, monitored, and updated by IT.	Consider establishing Section 7016.4.4.a to c Monitoring and Maintenance



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
8	No Section	NIST	IoT devices prohibited from collecting PII without authorization.	Consider establishing Section 7016.4.5.a to b Data Handling and Security
9	No Section	NIST	IoT deployments undergo risk assessment; vulnerable devices decommissioned.	Consider establishing Section 7016.4.6.a to c Risk Management and Resilience
10	No Section	NIST	Policy reviewed annually to address evolving threats and best practices	Consider establishing Section 7016.5 Review and Revision Policy

Fiscal Impact None.

Attachments

1. Proposed new Policy 7016: Internet of Things (IoT) (policy)

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager

POLICY TITLE: INTERNET OF THINGS (IoT) SECURITY
POLICY NUMBER: 7016

7016.1 Introduction. Beaumont-Cherry Valley Water District (BCVWD) recognizes the growing integration of Internet of Things (IoT) technologies across critical infrastructure and operations, including sensors, smart meters, wireless devices, and environmental monitoring systems. This policy establishes a security framework for the management and control of IoT devices in alignment with the National Institute of Standards and Technology (NIST) standards, including NIST SP 800-213 and the NIST Cybersecurity Framework (CSF). As a California Special District, BCVWD also adheres to the California Public Records Act (CPRA) to ensure transparency and accountability in data management and public trust.

7016.2 Purpose . The purpose of this policy is to define security requirements for the deployment, management, and operation of all IoT devices used by BCVWD. The policy is designed to mitigate the risk of unauthorized access, data breaches, and cyber-physical system vulnerabilities resulting from improperly configured or unmanaged IoT assets.

7016.3 Scope. This policy applies to all IoT devices connected to BCVWD's networks or systems, including, but not limited to:

- Smart meters and pressure sensors
- Surveillance and security cameras
- Building automation and HVAC systems
- Water treatment instrumentation and telemetry
- Remote monitoring systems (e.g., SCADA components)
- Embedded systems and field-deployed hardware
- Industrial IoT devices
- Voice assistants or smart displays, if ever deployed
- Mobile-connected devices such as GPS trackers
- Any network-connected or Bluetooth-enabled physical device
- Any third-party IoT systems integrated into BCVWD infrastructure

7016.4 Policy Details

7016.4.1 Governance and Ownership

- a. All IoT devices must be owned, approved, configured, and maintained by the Information Technology and Cybersecurity Department.
- b. Personal or employee-owned IoT devices (e.g., smartwatches, fitness trackers, home assistants, or IP cameras) are prohibited from connecting to BCVWD's secure network infrastructure.
- c. In cases where personal devices are authorized under the Bring Your Own Device (BYOD) Policy, they may only connect to designated guest wireless networks, which are logically segmented and isolated from BCVWD's operational networks.

7016.4.2 Procurement and Authorization

- a. All IoT device acquisitions must be reviewed and approved by the Information Technology and Cybersecurity Department.
- b. Devices must meet baseline security and interoperability standards, including:
 - Support for firmware upgrades and patching
 - Device authentication mechanisms
 - Secure transmission protocols (e.g., TLS)
 - Minimal attack surface by default

- c. Vendors must provide documentation regarding firmware lifecycle, known vulnerabilities, and any embedded third-party code.

7016.4.3 Network Segmentation and Access Control

- a. All IoT devices must be deployed in logically segmented network zones to minimize lateral movement and reduce potential impact from device compromise.
- b. Role-based access controls (RBAC) must be applied to limit device access to essential personnel.
- c. Default credentials must be changed prior to deployment; multi-factor authentication (MFA) must be enforced where supported.

7016.4.4 Monitoring and Maintenance

- a. IoT devices must be registered in the District's Asset Inventory and managed by the Information Technology and Cybersecurity Department.
- b. All IoT devices must be monitored for unusual behavior, unauthorized access attempts, or connectivity issues using automated alerting and logging systems.
- c. Firmware and software must be updated promptly in response to security advisories or patches issued by manufacturers.

7016.4.5 Data Handling and Security

- a. IoT devices must not collect, transmit, or store personally identifiable information (PII), customer account data, or employee records unless expressly authorized and protected through encryption and role-based access.
- b. Where anonymized data is collected (e.g., environmental readings), it must be verified to contain no indirectly identifying information.

7016.4.6 Risk Management and Resilience

- a. IoT deployment must undergo cybersecurity risk assessment prior to installation, including evaluation of physical risks and cybersecurity exposure.
- b. Devices that are deemed obsolete, unsupported, or vulnerable must be decommissioned by the Information Technology and Cybersecurity Department.
- c. IoT-related incidents will be managed under the Incident Response Policy and must be reported immediately to the Information Technology and Cybersecurity Department.

7016.5 Review and Revision Policy. The Information Technology and Cybersecurity Department will review the "IoT Security Policy" annually to ensure alignment with evolving NIST guidance, industry best practices, regulatory mandates, and the expanding IoT threat landscape. Revisions will be made to ensure the policy remains effective in mitigating risk and securing BCVWD's infrastructure and public trust.



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2025**

Item 6g

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Policies and Procedures Manual Updates / Revisions: Establishing Information Technology and Cybersecurity Policy 7017 Non-IT Approved Software Purchasing Policy

Staff Recommendation

Review the proposed Information Technology (IT) and Cybersecurity Policy 7017 Non-IT Approved Software Purchasing Policy and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

Staff proposes IT and Cybersecurity Policy 7017 Non-IT Approved Software Purchasing Policy to establish a secure, compliant, and standardized process for software acquisition and use across BCVWD. The policy ensures that no software, is purchased, downloaded, or used without review and explicit approval from the Information Technology and Cybersecurity Department regardless of the cost. Aligning with the National Institute of Standards and Technology (NIST) best practices, the California Public Records Act (CPRA), and the District's cybersecurity framework, this policy mitigates third-party risk, ensures system compatibility, and safeguards sensitive information, including personally identifiable information (PII).

Background

At the November 19, 2024 meeting, the Director of IT and Cybersecurity requested the Personnel Committee to review the Employee IT Policy Handbook to ensure alignment with the District's strategic goals, legal requirements, and regulatory standards. In partnership with IT and Cybersecurity, Human Resources (HR) staff facilitated the review and presented the proposed policy draft to Legal Counsel to ensure compliance with applicable labor laws. The handbook and the IT and Cybersecurity Policy Manual, both updated annually, outline technology policies, security measures, and employee expectations aligned with the NIST framework and industry best practices. These efforts have strengthened BCVWD's cybersecurity framework and contributed to the District receiving the MISAC award for excellence in IT and Cybersecurity governance for the past two years.

As part of the ongoing review process of all District policies, HR staff, in partnership with IT and Cybersecurity Department presented the proposed policy draft to Legal Counsel to ensure compliance with applicable Federal, State and local labor laws.

Discussion

The Internet of Things (IoT) Security policy is significant because it ensures that IoT devices used within BCVWD's operations are deployed, configured, and maintained securely. It sets standards for ownership, procurement, network segmentation, monitoring, and data protection while



prohibiting unauthorized personal devices from connecting to operational networks. The policy also includes requirements for vendor documentation, firmware management, and decommissioning of insecure devices, as well as procedures for risk assessment and incident response.

Table A, Summary of Policy Changes, outlines the proposed changes to the current policy that are in reference to the redlined draft version attached herewith.

Table A – Summary of Policy Changes

TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
1	No Section	NIST, CPRA	B BCVWD follows best practices for secure software procurement.	Consider establishing Section 7017.1 Introduction
2	No Section	NIST	BCVWD mitigates third-party software risks and ensures compliance.	Consider establishing Section 7017.2 Purpose
3	No Section	NIST	Applies to all employees, contractors, and vendors seeking to acquire or use software.	Consider establishing Section 7017.3 Scope
4	No Section	NIST	All software requires prior IT review and approval.	Consider establishing Section 7017.4.1.a to d Software Procurement and Approval
5	No Section	NIST	Vendor and software security reviewed before approval.	Consider establishing Section 7017.4.2.a to g Third-Party Risk Assessments
6	No Section	NIST	Software handling PII must meet security requirements.	Consider establishing Section 7017.4.3.a to c Data Protection and Privacy
7	No Section	NIST	Approved software must integrate securely with District systems.	Consider establishing Section 7017.4.4.a to c Integration and Compatibility



TABLE A	Policy Section	State / Federal Law requirement	BCVWD current practice	Policy Section and Language to Consider
8	No Section	NIST	Personal software use prohibited without IT approval.	Consider establishing Section 7017.4.5.a to b BYOD and Personal Software
9	No Section	NIST	Unapproved software removed; violations subject to discipline.	Consider establishing Section 7017.4.6.a to b Unauthorized Software Use
10	No Section	NIST	Annual review or as needed to address new threats and regulations.	Consider establishing Section 7017.5 Review and Revision Policy

Fiscal Impact None.

Attachments

1. Proposed new Policy 7017: Non-IT Approved Software Purchasing Policy

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager

POLICY TITLE: NON-IT APPROVED SOFTWARE PURCHASING POLICY
POLICY NUMBER: 7017

7017.1 Introduction. Beaumont-Cherry Valley Water District (BCVWD) prioritizes the secure, efficient, and compliant acquisition and use of software throughout the organization. In accordance with National Institute of Standards and Technology (NIST) best practices and the District's cybersecurity risk management framework, all software procurement and deployment must be carefully vetted to prevent data exposure, ensure interoperability, and reduce third-party risk. This policy ensures that no software is purchased, installed, or used without the involvement and explicit approval of the Information Technology and Cybersecurity Department.

7017.2 Purpose . The purpose of this policy is to:

- Prevent the introduction of unvetted or insecure software into BCVWD systems.
- Ensure data security, confidentiality, and privacy (including PII protection).
- Ensure compliance with NIST, CPRA, and internal cybersecurity requirements.
- Evaluate third-party software providers for risk related to data access, encryption, and storage.
- Maintain operational integrity, system compatibility, and centralized support.

7017.3 Scope. This policy applies to all BCVWD departments, employees, contractors, consultants, and third-party vendors who seek to acquire or utilize software, including desktop applications, mobile apps, SaaS platforms, cloud-based tools, and browser plugins, within the District's technology environment.

7017.4 Policy Details

7017.4.1 Software Procurement and Approval

- a. All software purchases, subscriptions, or free installations must be submitted in advance for review and approval by the Information Technology and Cybersecurity Department.
- b. No department or individual is authorized to purchase, download, or use software, regardless of cost, without prior authorization.
- c. Procurement requests must include a description of business need, technical requirements, and intended users.
- d. The IT Department will evaluate software for compatibility with District systems and cybersecurity standards.

7017.4.2 Third-Party Risk Assessments

- a. All third-party software is subject to a risk assessment prior to approval. This includes review of:
 - Vendor reputation and history
 - Data handling practices
 - Access permissions and authentication methods
 - Where and how data is stored (e.g., domestic vs. international storage)
 - Encryption at rest and in transit
 - Security certifications (e.g., SOC 2 Type II, ISO 27001)
 - Vendors must complete cybersecurity and compliance questionnaires upon request.

7017.4.3 Data Protection and Privacy

- a. Software solutions that process or store personally identifiable information (PII), employee records, customer data, or internal District files must meet CPRA and NIST security requirements.
- b. The District prohibits the use of software that transmits unencrypted sensitive data over the internet.
- c. The use of AI-enabled or analytics platforms that extract user behavior or confidential content must be approved under the District's AI Policy (7014).

7017.4.4 Integration and Compatibility

- a. Approved software must integrate with existing systems, infrastructure, and cybersecurity protocols.
- b. Solutions that conflict with current technologies or introduce vulnerabilities will be rejected.
- c. Cloud-based tools must comply with the District's Cloud Computing Policy (7003).

7017.4.5 BYOD and Personal Software

- a. As outlined in the BYOD Policy (7002), personal software or tools may not be used to process or store BCVWD data.
- b. Use of any personal or department-purchased software on District-issued devices is prohibited without IT Department approval.

7017.4.6 Unauthorized Software Use

- a. The Unauthorized or unapproved software discovered on District systems will be subject to removal without notice.
- b. Employees found to be installing, using, or facilitating use of non-approved software may be subject to disciplinary action in accordance with District policy.

7017.5 Review and Revision Policy. The Information Technology and Cybersecurity Department will review the "Non-IT Approved Software Purchasing Policy" annually or upon the introduction of significant new threats, technologies, or regulatory requirements. This review ensures continued alignment with NIST cybersecurity standards, California laws such as the California Public Records Act (CPRA), and internal operational objectives. Updates will be made to preserve data integrity, prevent third-party risk, and maintain the security posture of the District.



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2025**

Item 6h

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Policies and Procedures Manual Updates/Revisions for Policy 3005 Compensation

Staff Recommendation

Review the revisions to Policy 3005 Compensation and recommend it to move forward to the Board of Directors for consideration, or direct staff as desired.

Executive Summary

At the August 13, 2025 Regular Board Meeting, Human Resources (HR) staff presented proposed revisions to Policy Number 3005 Compensation to enhance clarity, align with current District practices, and ensure compliance with applicable labor regulations. The revisions also sought to formalize the General Manager's role in compensation matters, incorporating required concurrence from Human Resources to ensure policy compliance and equity, and from the Director of Finance and Administration for budget oversight. During the review, the Board approved the proposed changes but directed staff to amend the language in Section 3005.7 to limit the perception of absolute authority by the General Manager or designee in approving compensation-related decisions within the salary range.

Background

At the August 13, 2025 Regular Board Meeting, Human Resources (HR) staff presented proposed revisions to Policy Number 3005 Compensation to enhance clarity, align with current District practices, and ensure compliance with applicable labor regulations. The revisions also sought to formalize the General Manager's role in compensation matters, while incorporating required concurrence from Human Resources to ensure policy compliance and equity, and from the Director of Finance and Administration for budget oversight.

During the review, one Board Member expressed heavy concern regarding Section 3005.7, citing a perceived grant of absolute authority to the General Manager or designee to approve all forms of compensation without adequately reflecting the necessary concurrence from Human Resources and the Director of Finance and Administration. This concern prompted discussion about the importance of preserving checks and balances in the policy.

Although the Board was generally supportive of the proposed revisions, they directed staff to further amend Section 3005.7 to address the perception of unchecked authority and to clearly state the requirement for layered concurrence prior to any compensation approval. As a result, the Board tabled the policy for additional revisions and referred it back to the Personnel Committee for further review and refinement.



Discussion

After careful review by the General Manager, Human Resources, and the Director of Finance and Administration, it was determined that the existing language in Section 3005.7 does not convey absolute authority for the General Manager to approve any form of compensation without the required checks and balances. These checks include concurrence from Human Resources for equity and policy compliance, as well as verification from the Director of Finance and Administration that the request aligns with the Board approved operations budget.

In alignment with prior Board direction, personnel salaries have historically been budgeted by Finance to include an additional step, or 5%, within the salary range to account for potential merit increases based on Annual Performance Evaluations, with consideration for anticipated promotions to other positions. Any potential promotion, new position, or unfilled position is included in the budget presentation to the Personnel Committee, as well as the Finance and Audit Committee, before the Board budget workshop each November, for inclusion in the operating budget for the new year.

If the General Manager considers advancing an employee's salary within the range due to extenuating or justifiable circumstances, the adjustment must be within the budget for the approved fiscal year. Any budget amendment requested is reviewed by the Director of Finance and Administration, provisionally approved by the General Manager, presented to the Finance and Audit Committee, and ultimately submitted to the Board as a recommendation for final approval. Budget amendments are standalone adjustments to the current approved operating budget and require a presentation at a Board meeting to allow for discussion in a public setting.

Given the Board's expressed concern, HR staff was tasked with refining Section 3005.7 to address the perception of unchecked authority. In addition to the originally presented language, HR staff developed an added language that acknowledges the General Manager's authority to approve salary advancements at any time but with conditions such authority on adherence to procedural safeguards, ensuring it cannot be exercised outside of the parameters of the Board approved operating budget and salary schedule without a Board approved amendment.

Added Language (highlighted):

3005.7 Authority for Compensation Approval. *The General Manager or his/her designee has the sole authority to approve any form of compensation as set forth in the Board approved budget and Salary Schedule at any time, including salary adjustments or differential pay. Such approval must be supported by:*

- a. A written justification from the Department Head*
- b. Concurrence by Human Resources to ensure policy compliance and equity, and*
- c. Confirmation of budget availability the Director of Finance and Administration.*

Fiscal Impact: None

Attachments

1. Redlined version Policy 3005 Compensation
2. Side-by-Side version Policy 3005 Compensation

POLICY TITLE: **COMPENSATION**
POLICY NUMBER: **3005**

3005.1 **Applicability.** This policy shall apply to all District employees.

3005.2 **New Employees.** All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided in this policy. Changes to the salary schedule must be approved by the Board of Directors. Employees may request a copy of the salary schedule from Human Resources or from their supervisor, and the salary schedule shall be made available on the District website.

- A. The General Manager, or his/her designee, may authorize a starting rate for a new employee at a higher step within the classification range based on a candidate's experience and eligibility, which should be:
- Written justification from the Department Head
 - Concurrence by Human Resources for policy compliance, and
 - Confirmation of budget availability by the Director of Finance and Administration

This action shall be noted in the employment agreement or conditional offer letter, to be maintained in the employee's personnel file.

3005.3 **Step Increases Based on Performance Evaluation.** Employees who are below Step 5 within their classification salary range shall be eligible for advancement to the next step based on the results of their annual individual performance evaluation (See Policy 3010). Individual performance evaluations shall be conducted at 12-month intervals for all employees, based on anniversary date of either hire, transition to "Regular" status, transfer, position reclassification or promotion to their current position. Employees are not eligible for increases upon completing a 6-month probationary period.

3005.4 **Promotion.** When the District has an opening in a classification above the entry level, notice shall be posted in the break room(s), or similar employee notice areas for all work locations, prior to filling the position. The District may give preference to internal candidates, if desired. All candidates, whether internal or external, shall be evaluated equally with the most qualified candidate being selected for the position. Regular employees elevated in classification shall serve a 6-month probationary period in their newly acquired position. Regular status will be dependent on the job performance evaluation which will occur at the end of the probationary period (see Policy 3000 for more information).

3005.5 **Performing Work Out of Classification.** Employees required to work a normal shift in a temporary classification higher than their current classification will be paid a shift differential equivalent to 5% of their base pay rate. Should an employee be required to work temporarily in a classification paying less than their established rate, he/she will be paid at his/her regular rate. Employees may not perform work out of classification for longer than six (6) months.

3005.6 **Overtime.** See Policy 3055 for more information

3005.7 **Authority for Compensation Approval.** The General Manager or his/her designee has the sole authority to approve any form of compensation as set forth in the Board approved budget and Salary Schedule at any time, including salary adjustments or differential pay. Such approval must be supported by:

- A written justification from the Department Head
- Concurrence by Human Resources to ensure policy compliance and equity, and
- Confirmation of budget availability the Director of Finance and Administration

BEAUMONT-CHERRY VALLEY WATER DISTRICT

No compensation shall be granted without the final approval by the General Manager or his/her designee. The General Manager or his/her designee may also authorize advancement by more than one step within the salary range under certain circumstances, including but not limited to exceptional work performance, organizational need, market-related factors, or other justifiable reasons. While such decisions should generally be supported by performance evaluations and justification from the Department Head, the General Manager or his/her designee retains discretion to consider broader or extenuating factors. Consideration should include concurrence by Human Resources for policy compliance and equity, and the Director of Finance and Administration for budget availability.

CURRENT POLICY

POLICY TITLE: COMPENSATION
POLICY NUMBER: 3005

3005.1 **Applicability.** This policy shall apply to all District employees.

3005.2 **New Employees.** All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed, except as provided in this policy. Changes to the salary schedule must be approved by the Board or Directors. Employees may request a copy of the salary schedule from Human Resources or from their supervisor, and the salary schedule shall be made available on the District website.

- A. The General Manager, or his/her designee, may authorize a starting rate for a new employee at a higher step within the classification range based on a candidate's experience and eligibility, which should be:
- Written justification from the Department Head
 - Concurrence by Human Resources for policy compliance, and
 - Confirmation of budget availability by the Director of Finance and Administration

This action shall be noted in the employment agreement or conditional offer letter, to be maintained in the employee's personnel file.

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PROPOSED POLICY

POLICY TITLE: COMPENSATION
POLICY NUMBER: 3005

3005.1 **Applicability.** This policy shall apply to all District employees.

3005.2 **New Employees.** All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed, except as provided in this policy. Changes to the salary schedule must be approved by the Board or Directors. Employees may request a copy of the salary schedule from Human Resources or from their supervisor, and the salary schedule shall be made available on the District website.

- A. The General Manager, or his/her designee, may authorize a starting rate for a new employee at a higher step within the classification range based on a candidate's experience and eligibility, which should be:
- Written justification from the Department Head
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This action shall be noted in the employment agreement or conditional offer letter, to be maintained in the employee's personnel file.

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**Beaumont-Cherry Valley Water District
Personnel Committee Meeting
August 19, 2025**

Item 7

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk 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.

At the March 18, 2025 meeting, HR staff reported to the Personnel Committee that all personnel-related policies had reached 100 percent completion following the adoption of the final set of policies by the Board of Directors at the March 12, 2025 Regular Board Meeting. However, HR staff recognize that policies must evolve in response to ongoing developments within the District. Following a comprehensive audit, HR staff identified that certain policies require further refinement to ensure staff and leadership have clear, complete, and practical guidance.

Discussion:

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

Department	On Matrix	Draft Created	Committee / Board Reviewed Drafts	Board Approved	% Complete
Board Administration	26	26	23	23	88.46%
Engineering	8	8	1	1	12.50%
Finance	15	15	9	10	66.67%
Human Resources	69	69	69	66 ¹	95.62%
Information Technology (Personnel-Related)	18	18	13	13	72.22%
TOTALS	136	136	115	113	83.88%

¹ Human Resources identified Personnel policies that are outdated based on current District practices and applicable laws.



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	3225	Employee Leave Donation Program and Policy	6 pages	August	September

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 and Risk Manager

**Policy Approval Tracking
BCVWD Policy Manual Project**

Policy Number	New Policy Number	Section	Policy Name <i>Definitions</i>	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	Adoption Date	Resolution Number
2	1000	General	Contractual Provisions	Human Resources	Yes	6/28/2021	7/19/2021	7/20/2021	10/13/2021	10/13/2021	2021-18
	1005	General	Policy Manual	Human Resources	Yes	7/22/2021	7/22/2021	7/22/2021	4/14/2021	4/14/2021	2021-06
3	2000	Administration	Equal Opportunity	Human Resources	Yes	N/A	N/A	N/A	1/8/2025	1/8/2025	2025-01
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	2021-06
6	2015	Personnel	Harassment	Human Resources	Yes	1/16/2024	1/16/2024	1/16/2024	2/14/2024	2/14/2024	2024-06
7	2020	Administration	Sexual Harassment	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	2021-06
N/A	2025	Administration	Whistleblower Protection	Human Resources	Yes	3/15/2021	3/22/2021	3/22/2021	4/14/2021	4/14/2021	2021-06
8	3000	Personnel	Employee Status	Human Resources	Yes	5/09/2025	7/15/2025	7/15/2025	8/13/2025	8/13/2025	2025-08
N/A	3001	Personnel	Employee Information and Emergency	Human Resources	Yes	4/12/2021	6/21/2021	6/21/2021	10/13/2021	10/13/2021	2021-18
N/A	3002	Personnel	Employee Groups	Human Resources	Yes	4/12/2021	5/17/2021	5/17/2021	10/13/2021	10/13/2021	2021-18
9	3005	Personnel	Compensation	Human Resources	Yes	5/29/2025	7/15/2025	7/15/2025	8/13/2025	8/13/2025	2025-08
10 & 49	3006	Personnel	Revolving Wage-Public Works Contractor- Employee Performance Evaluation	Human Resources	Yes	5/29/2025	7/15/2025	7/15/2025	8/13/2025	8/13/2025	2025-08
11	3010	Personnel	Performance Evaluation-General	Human Resources	Yes	7/13/2021	9/20/2021	9/20/2021	10/13/2021	10/13/2021	2021-18
12	3020	Personnel	Health and Welfare Benefits	Human Resources	Yes	5/29/2025	7/15/2025	7/15/2025	8/13/2025	8/13/2025	2025-08
13	3025	Personnel	Pay Periods	Human Resources	Yes	8/3/2021	9/20/2021	9/20/2021	10/13/2021	10/13/2021	2021-18
14	3030	Personnel	Gift Acceptance Guidelines	Human Resources	Yes	6/3/2025	6/17/2025	6/17/2025	8/13/2025	8/13/2025	2025-08
15	3035	Personnel	Outside Employment	Human Resources	Yes	10/12/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	2022-16
16	3040	Personnel	Letters of Recommendation	Human Resources	Yes	6/28/2024	7/16/2024	7/16/2024	8/14/2024	8/14/2024	2024-12
17	3045	Personnel	Executive Officer	Human Resources	Yes	7/29/2024	8/20/2024	8/20/2024	1/8/2025	1/8/2025	2025-01
18	3050	Personnel	Volunteer Personnel Workers'	Human Resources	Yes	5/2/2024	6/18/2024	6/18/2024	8/14/2024	8/14/2024	2024-12
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	2022-28
20	3060	Personnel	Continuity of Service	Human Resources	Yes	4/8/2024	4/16/2024	4/16/2024	5/16/2024	5/16/2024	2024-07
20 (incorrect)	3065	Personnel	Reduction in Force	Human Resources	Yes	5/2/2024	6/18/2024	6/18/2024	7/10/2024	7/10/2024	2024-10
21	3070	Personnel	Holidays	Human Resources	Yes	1/2/2024	1/16/2024	1/16/2024	2/14/2024	2/14/2024	2024-02
22	3075	Personnel	Vacation	Human Resources	Yes	1/18/2022	1/17/2023	1/17/2023	2/18/2023	2/18/2023	2023-05
24	3085	Personnel	Sick Leave	Human Resources	Yes	4/8/2024	1/16/2024	1/16/2024	5/16/2024	5/16/2024	2024-07
25	3090	Personnel	Family and Medical Leave	Human Resources	Yes	9/1/2022	9/20/2022	9/20/2022	1/8/2025	1/8/2025	2025-01
26	3095	Personnel	Pregnancy Disability Leave	Human Resources	Yes	8/25/2022	9/20/2022	9/20/2022	12/14/2022	12/14/2022	2022-43
N/A	3096	Personnel	Lactation Accommodation	Human Resources	Yes	8/25/2022	9/20/2022	9/20/2022	12/14/2022	12/14/2022	2022-43
27	3100	Personnel	Bereavement Leave	Human Resources	Yes	5/17/2022	5/17/2022	5/17/2022	6/8/2022	6/8/2022	2022-19
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	2024-12
29	3110	Personnel	Jury and Witness Duty	Human Resources	Yes	10/5/2023	10/17/2023	11/21/2023	12/13/2023	1/10/2024	2023-31
N/A	3111	Personnel	Members, and Victims of Domestic	Human Resources	Yes	12/6/2024	2/18/2025	2/18/2025	3/11/2025	3/11/2025	2025-08
30	3115	Personnel	Return to Work Policy	Human Resources	Yes	1/11/2023	1/17/2023	1/17/2023	2/18/2023	2/18/2023	2023-05
N/A	3121	Personnel	Infectious Disease Control	Human Resources	Yes	2/2/2023	2/21/2023	2/21/2023	3/15/2023	3/15/2023	2023-09
N/A	3122	Personnel	Workplace Violence	Human Resources	Yes	1/2/2024	1/16/2024	1/16/2024	2/14/2024	2/14/2024	2024-02
32	3125	Personnel	Uniforms and Protective Clothing	Human Resources	Yes	3/14/2023	3/21/2023	4/18/2023	5/10/2023	5/10/2023	2023-13
33	3130	Personnel	Employee Training, Education and	Human Resources	Yes	6/29/2024	7/16/2024	8/20/2024	9/17/2024	9/17/2024	2024-14
34	3135	Personnel	Occupational Certification and	Human Resources	Yes	6/14/2022	8/16/2022	8/16/2022	9/14/2022	9/14/2022	2022-28
N/A	3136	Personnel	Succession and Workforce Planning	Human Resources	Yes	9/10/2024	9/18/2024	9/18/2024	10/9/2024	10/9/2024	2024-18
35	3140	Personnel	Respiratory Protection Program	Human Resources	Yes	6/29/2024	7/16/2024	7/16/2024	8/14/2024	8/14/2024	2024-12
36	3145	Personnel	Driver Training and Record Review	Human Resources	Yes	10/2/2024	11/19/2024	1/21/2025	2/12/2025	2/12/2025	2025-04
37	3150	Personnel	District Vehicle Usage	Human Resources	Yes	2/5/2024	3/19/2024	4/16/2024	5/16/2024	5/16/2024	2024-07
38	3151	Personnel	Personal Vehicle Usage	Human Resources	Yes	2/5/2024	3/19/2024	4/16/2024	5/16/2024	5/16/2024	2024-07
39	3160	Personnel	HIPAA Compliance and Security Officer	Human Resources	Yes	5/2/2024	6/18/2024	6/18/2024	7/10/2024	7/10/2024	2024-06
41	3170	Personnel	Smoke Free Workplace and Tobacco	Human Resources	Yes	2/5/2024	3/19/2024	4/16/2024	5/16/2024	5/16/2024	2024-06
42	3175	Personnel	Disciplinary Action or Terminations	Human Resources	Yes	6/29/2024	7/16/2024	8/20/2024	9/17/2024	9/17/2024	2024-14
Proposed	3176	Personnel	Transfers and Voluntary Demotion	Human Resources	Yes	9/10/2024	9/18/2024	9/18/2024	10/9/2024	10/9/2024	2024-18
43	3180	Personnel	Nepotism-Employment of Relatives	Human Resources	Yes	7/2/2025	7/15/2025	7/15/2025	8/13/2025	8/13/2025	2025-08
44	3185	Personnel	Employee Separation	Human Resources	Yes	5/2/2024	6/18/2024	6/18/2024	7/10/2024	7/10/2024	2024-10
47	3200	Personnel	Grievance Procedures	Human Resources	Yes	5/2/2024	6/18/2024	6/18/2024	7/10/2024	7/10/2024	2024-10
48	3205	Personnel	Substance Abuse	Human Resources	Yes	12/6/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	2022-16
N/A	3206	Personnel	FMCSA Clearinghouse Registration	Human Resources	No	12/6/2021	4/19/2022	4/19/2022	5/11/2022	5/11/2022	2022-16
50	3215	Personnel	Personnel Action Form (PAF)	Human Resources	Yes	4/8/2024	4/16/2024	4/16/2024	5/16/2024	5/16/2024	2024-07

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

**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	Adoption Date	Resolution Number
51	3220	Personnel	Recruitment, Selection and Onboarding	Human Resources	Yes	2/5/2024	3/19/2024	3/19/2024	4/10/2024	4/10/2024	2024-06
N/A	3225	Personnel	Employee Leave Donation Program and Workers' Compensation	Human Resources	Yes	5/29/2025	5/16/2023	5/16/2023	6/14/2023	6/14/2023	2023-17
N/A	3230	Personnel	Accommodations for Disability	Human Resources	No	5/9/2023	8/5/2023	11/21/2023	12/13/2023	1/10/2024	2023-31
N/A	3231	Personnel	Military Leave	Human Resources	Yes	4/8/2024	4/16/2024	4/16/2024	5/16/2024	5/16/2024	2024-07
N/A	3240	Personnel	Dress Code and Personal Standards	Human Resources	No	9/10/2024	9/18/2024	9/18/2024	10/9/2024	10/9/2024	2024-18
N/A	3255	Personnel	Other Mandated Leaves of Absence	Human Resources	Yes	1/25/2025	2/17/2025	2/17/2025	4/12/2025	4/12/2025	2025-10
1	4005	Board of Directors	Basic of Authority	Administration	Yes	3/17/2025	3/17/2025	3/17/2025	4/12/2025	4/12/2025	2025-10
2	4010	Board of Directors	Members of the Board of Directors	Administration	Yes	3/17/2025	3/17/2025	3/17/2025	4/12/2025	4/12/2025	2025-10
3	4015	Board of Directors	Committees of the Board of Directors	Administration	Yes	3/17/2025	3/17/2025	3/17/2025	4/12/2025	4/12/2025	2025-10
4	4020	Board of Directors	Duties of Board President and Officers	Administration	Yes	3/17/2025	3/17/2025	3/17/2025	4/12/2025	4/12/2025	2025-10
5	4025	Board of Directors	Board Meetings	Administration	Yes	3/17/2025	3/17/2025	3/17/2025	4/12/2025	4/12/2025	2025-10
6	4030	Board of Directors	Board Meeting Agendas	Administration	Yes	3/17/2025	3/17/2025	3/17/2025	4/12/2025	4/12/2025	2025-10
7	4035	Board of Directors	Board Meeting Conduct and Decorum	Administration	Yes	1/25/2025	1/25/2025	1/25/2025	1/23/2025	1/23/2025	2025-02
8	4040	Board of Directors	Board Actions and Decisions	Administration	Yes	1/25/2025	1/25/2025	1/25/2025	4/12/2025	4/12/2025	2025-10
9	4045	Board of Directors	Attendance at Meetings	Administration	Yes	4/30/2025	5/13/2025	5/13/2025	6/11/2025	6/11/2025	2025-18
10	4050	Board of Directors	Minutes of Board Meetings	Administration	Yes	4/30/2025	5/13/2025	5/13/2025	6/11/2025	6/11/2025	2025-18
11	4055	Board of Directors	Rules of Order for Board and	Administration	Yes	3/5/2025	3/17/2025	3/17/2025	4/12/2025	4/12/2025	2025-10
12	4060	Board of Directors	Training, Education and Conferences	Administration	Yes	4/10/2025	4/16/2025	4/16/2025	5/14/2025	5/15/2025	2025-14
13 & 16	4065	Board of Directors	Remuneration / Director Per Diem Fees	Administration	Yes	4/10/2025	4/16/2025	4/16/2025	5/14/2025	5/15/2025	2025-14
14	4070	Board of Directors	Payment or Reimbursement of	Administration	Yes	4/10/2025	4/16/2025	4/16/2025	5/14/2025	5/15/2025	2025-14
15	4075	Board of Directors	Expenditure Reimbursement Procedure	Administration	Yes	4/10/2025	4/16/2025	4/16/2025	5/14/2025	5/15/2025	2025-14
17	4080	Board of Directors	Membership in Associations	Administration	Yes	4/30/2025	5/13/2025	5/13/2025	6/11/2025	6/11/2025	2025-18
18	4085	Board of Directors	Ethics Training	Administration	Yes	4/30/2025	5/13/2025	5/13/2025	6/11/2025	6/11/2025	2025-18
19	4090	Board of Directors	Code of Ethics	Administration	Yes	5/20/2025	6/10/2025	6/10/2025			
20	4095	Board of Directors	Ethics Policy	Administration	Yes	5/20/2025	6/10/2025	6/10/2025			
N/A	4096	Board of Directors	Governance	Administration	Yes	N/A	7/11/2025				
N/A	4100	Board of Directors	Electronic Communications and Data	Administration	Yes	6/17/2025	7/1/2025				
N/A	4120	Board of Directors	Devices at Dals	Administration	Yes						
N/A	4200	Board of Directors	Legislative Advocacy	Administration	Yes						
1	5005	Personnel	Candidate Statement Fees	Administration	Yes	7/29/2024	8/20/2024	8/20/2024	9/17/2024	9/17/2024	2024-14
2	5010	Operations	Emergency Response Guideline for	Human Resources	Yes						
4	5020	Operations	Hostile or Violent Incidents	Human Resources	Yes	11/8/2022	11/15/2022	11/15/2022	12/14/2022	12/14/2022	2022-43
5	5025	Personnel	Environmental Health and Safety	Human Resources	Yes	7/29/2024	8/20/2024	8/20/2024	9/17/2024	9/17/2024	2024-14
6	5030	Personnel	Illness and Injury Prevention Program	Human Resources	Yes	9/10/2024	9/18/2024	9/18/2024	10/9/2024	10/9/2024	2024-18
N/A	5031	Operations	Budget Preparation	Finance	Yes	11/8/2022	11/15/2022	11/15/2022	12/14/2022	12/14/2022	2022-43
8	5040	Operations	User Fee Cost Recovery	Finance	Yes	11/15/2022	N/A	N/A	12/14/2022	12/14/2022	2022-39
N/A	5042	Operations	Capital Assets	Finance	Yes	3/26/2025	5/17/2025	5/17/2025	5/15/2025	5/15/2025	2025-14
9	5045	Operations	Petty Cash	Finance	No						
N/A	5046	Operations	Investment of District Funds	Finance	Yes	11/15/2023	12/5/2024	12/5/2024	12/11/2024	12/11/2024	2024-21
N/A	5047	Operations	Other Post-Employment Benefits	Finance	Yes	5/10/2022	N/A	8/1/2024	8/14/2024	8/14/2024	2024-12
N/A	5048	Operations	Pension Funding	Finance	Yes	8/10/2023	8/1/2024	8/1/2024	8/14/2024	8/14/2024	2024-12
10	5050	Operations	Issuance and Management of Long-Term Debt	Finance	No		7/12/2025	7/12/2025			
11	5055	Operations	Alternative Payment Plans	Finance	Yes	11/25/2024	12/5/2024	12/5/2024	1/8/2025	1/8/2025	2025-01
12	5060	Operations	Employment of Consultants and	Finance	Yes						
13	5065	Operations	Employment of Outside Contractors	Finance	Yes						
14	5066	Engineering	Essement Abandonment	Engineering	No	N/A	N/A	Direct to Full Board			
15	5070	Engineering	Essement Acceptance	Engineering	No	N/A	N/A	Direct to Full Board			
16	5075	Engineering	Encroachment Permits	Engineering	Yes	8/17/2024	8/17/2024	8/17/2024			
17	5080	Operations	Credit Card Usage	Finance	Yes						
18	5085	Operations	Purchasing	Finance	Yes						
19	5090	Operations	Disposal of Surplus Property or	Finance	Yes	11/27/2024	12/5/2024	12/5/2024	1/8/2025	1/8/2025	2025-01
N/A	5095	Operations	Records Retention	Administration	Yes	4/18/2023	5/16/2023	5/16/2023	6/14/2023	6/14/2023	2023-17
			District Residences and Facility	Human Resources	Yes	7/21/2020	6/21/2021	6/21/2021	10/28/2021	10/28/2021	2021-19

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

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3 of 3



**Beaumont-Cherry Valley Water District
Personnel Committee
August 19, 2024**

Item 8

STAFF REPORT

TO: Personnel Committee

FROM: Ren Berioso, Human Resources and Risk Manager

SUBJECT: Acknowledgment of 2025 Great Place to Work Certification

Staff Recommendation

Acknowledge the 2025 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 2025. Staff is presenting to the Personnel Committee the pertinent results of the survey leading to earning the certification.

Background

The District's Human Resources and Risk Management conducts an annual employee engagement survey to measure staff engagement and guide discussions on HR goals and objectives. In 2021, BCVWD partnered with Great Place to Work, earning its first accreditation—a recognition that employees view the District as a great workplace and a desirable employer with a strong culture.

Certification is based on anonymous employee feedback benchmarked against similar-sized organizations, providing a competitive recruiting edge and validating a positive employee experience. The results offer a detailed view of workplace culture and reflect BCVWD's commitment to its mission, vision, and values.

In 2025, an anonymous survey was conducted by Human Resources for a period of 35 days with 47 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 fifth consecutive time.

Discussion

This year's employee engagement survey, administered by Great Place to Work, provided valuable insights into the strengths and areas for growth at BCVWD:

Survey Participation and Results:

- **Participants:** 47 employees were eligible to take the survey, with a total of 40 responses, yielding a **86% participation rate**, a slight decrease from 91% in 2024.



- **Engagement Score:** The survey results highlight substantial progress in employee engagement, with a notable increase in both the Engagement Score (**88%**, up 6 points from 2024) and the Great Place to Work Statement score (**95%**, up 15 points from 2024)

Key Strengths:

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

- **Organizational Pride** – Employees take pride in their work and the mission of the District.
- **Trust in Leadership** – Strong confidence in the decisions and integrity of District leadership.
- **Work-Life Balance** – High satisfaction with the ability to balance professional and personal life.
- **Leadership Action** – Leaders are viewed as proactive and supportive in addressing concerns and fostering improvements.
- **Job Stability** – Employees feel secure in their positions within the District.

These areas demonstrate the District's continued success in fostering a supportive, reliable, and mission-driven workplace.

Growth Opportunities:

The survey also identified areas for improvement that present opportunities to further enhance employee engagement and workplace satisfaction:

- **Internal Customer Service** – Strengthening communication and support between departments to enhance collaboration and efficiency.
- **Employee Recognition** – Expanding initiatives to acknowledge and reward employee contributions.
- **Office Politics** – Reducing perceived internal politics to improve collaboration and trust.
- **Perceived Unfairness** – Addressing concerns related to equity in treatment, opportunities, and policies.
- **Total Compensation** – Reviewing and improving overall compensation to remain competitive and fair.

Focusing on these areas will help BCVWD continue its upward engagement trend and sustain its standing as a certified Great Place to Work.

The 2025 Employee Engagement Survey affirms BCVWD's success in fostering a positive workplace, with high ratings in organizational pride, trust in leadership, work-life balance, leadership action, and job stability. These strengths, along with opportunities to improve transparency, recognition, fairness, and compensation, position the District to further strengthen its culture, sustain high engagement, and maintain its standing as a certified Great Place to Work.

Fiscal Impact

There is no fiscal impact to the District.

Attachment:

1. PowerPoint Presentation of Great Place to Work 2025 results.

Staff Report prepared by Ren Berioso, Human Resources and Risk Manager



BCVWD 2025 Engagement Survey Results



[BCVWD Human Resources](#)


1





5TH YEAR CERTIFIED AS A GREAT PLACE TO WORK!

2



The Purpose

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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.


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Survey results are benchmarked with other surveys to discover our potential for growth and development in key areas.

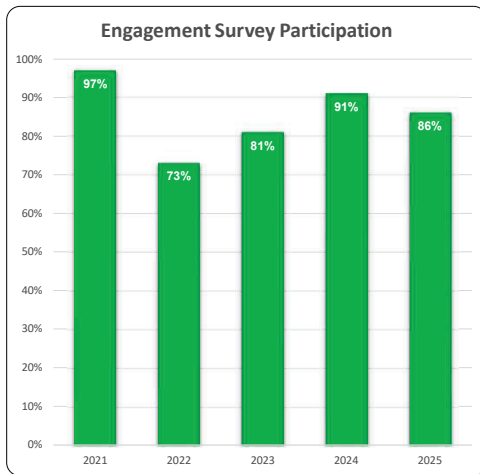


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Overview

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Survey participation

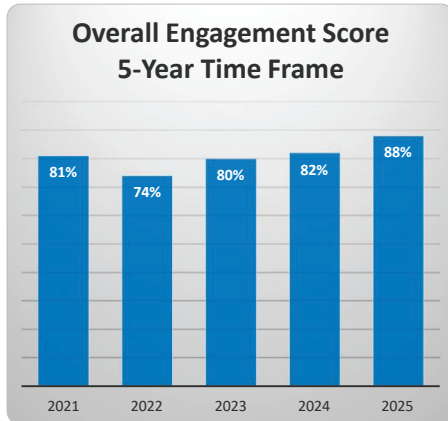
- 47 employees, including part-time and full-time staff were eligible to participate
- 40 survey responses (86% participation rate)
- Survey was administered online through Great Place to Work.
- Responses were collected anonymously and reported in the aggregate. District staff had no access to individual responses.
- Response window was 35 days

5

Data Collection and Analysis

- Survey Results for BCVWD were benchmarked from the 3,132 US Small and Medium Companies in 2024.
- The benchmarked data represents year 2024 percentage of the top 10% best US small and medium companies and the percentage of the typical US companies of the same size regarded as 57%.
- A Positive Score represents the responses “Often True” and “Almost Always True”
- A Negative Score represents the responses “Often Untrue” and “Almost Always Untrue”
- A Neutral Score represents the response “Sometimes Untrue / Sometimes True”.

6



2025 OVERALL EMPLOYEE ENGAGEMENT AVERAGE: 88%

Engagement measures an employee's connection with the work, including pride in the work, level of cooperation from colleagues, psychological and emotional safety, intent to stay, and view of management.

Engaged employees tend to yield higher productivity and outperform disengaged employees. Engagement leads to lower absenteeism, higher quality of work, and a higher level of customer satisfaction.

BCVWD year 2025 Engagement Score is higher by 6 points than year 2024.

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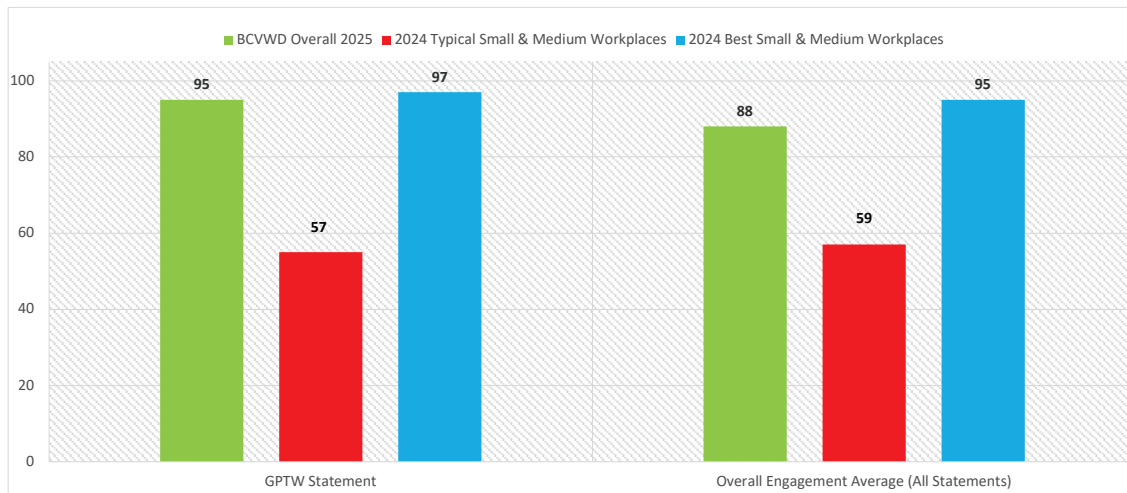
2025 OVERALL GREAT PLACE TO WORK STATEMENT: 95%

To gauge employees' overall outlook of the District as a great place to work, the annual survey includes an open-ended question covering Leadership, Compensation, Work Environment, Peer Relationships, and Culture. This approach provides valuable insight into both operational strengths and the intangible elements that shape employee satisfaction.

In 2025, BCVWD's *Great Place to Work Statement* score reached 95%, a 15-point increase from 2024. This improvement reflects the District's commitment to fostering a collaborative, supportive workplace where employees feel valued and engaged.

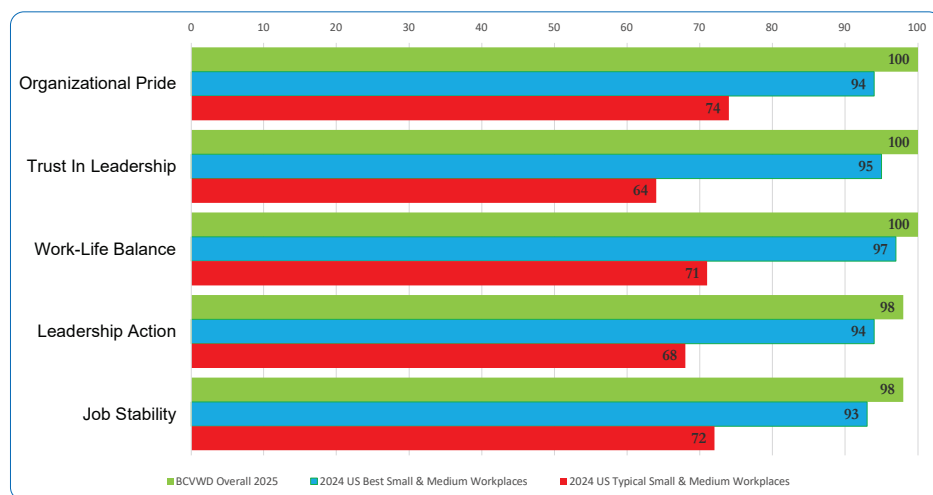
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Comparison to Best and Typical Companies



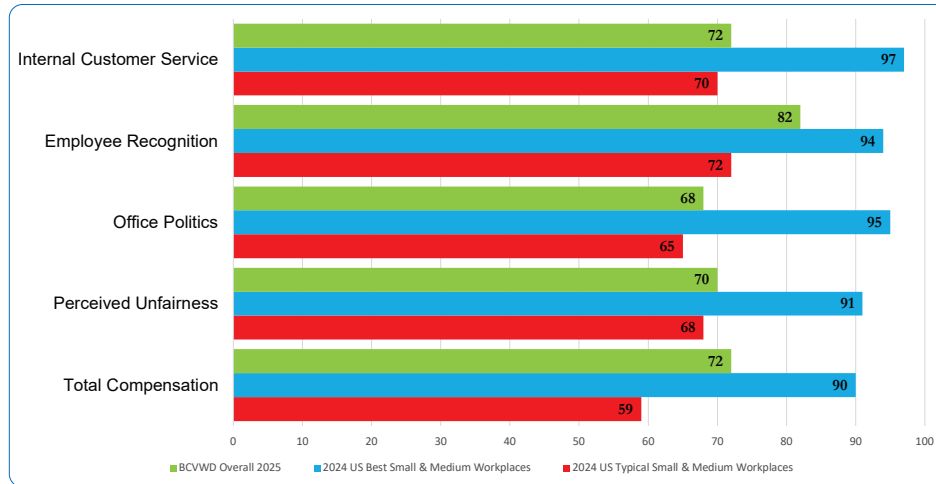
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BCVWD's Strengths



10

BCVWD's Growth Opportunities



11

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.

12

Category	Positive	Inconsistent Responses	Potential Percent Positive	Negative
Office Politics	68%	20%	88%	12%
Perceived Unfairness	70%	20%	90%	10%
Total Compensation	72%	22%	94%	6%
Internal Customer Service	72%	25%	97%	3%
Employee Recognition	82%	18%	100%	0%

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