

Kirkwood Meadows Public Utility District  
**Personnel Committee**  
**REGULAR MEETING NOTICE**

NOTICE IS HEREBY GIVEN that the Personnel Committee of the Kirkwood Meadows Public Utility District has called a Special Meeting of the Committee to be held on **Thursday, March 19, 2026 at 1:30 PM** at the Kirkwood Meadows Public Utility District, Community Services Building, 33540 Loop Road, Kirkwood, CA 95646. The meeting will also be accessible via video/teleconference on Zoom at:  
<https://us02web.zoom.us/j/88421356787>

IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN GOVERNMENT CODE §54953(B) – ADDITIONAL TELECONFERENCE LOCATIONS:  
Burlingame Public Library, 480 Primrose Road, Burlingame, CA 94010, Study Room D  
21298 Sarahills Drive, Saratoga, CA 95070

**HOW TO PARTICIPATE / OBSERVE THE MEETING:**

Public access is available at the physical location of the meeting. You may participate in person or via the Zoom Webinar.

**Telephone:** Call Zoom at (669) 900-6833 and enter Meeting ID# **884 2134 6787** followed by the pound (#) key.

**Computer:** Follow this link to join the meeting automatically:

<https://us02web.zoom.us/j/88421356787>

**Mobile:** Open the Zoom mobile app on a smartphone and enter Meeting ID# **884 2134 6787**

**HOW TO SUBMIT PUBLIC COMMENTS:**

Prior to the meeting, please mail comments to P.O. Box 247, Kirkwood, CA 95646, fax your comments to (209) 258-8727 Attn: Rick Ansel or email at [GM@kmpud.com](mailto:GM@kmpud.com), write “Public Comments” in the subject line. Include the agenda item number and title, as well as your comments. During the meeting, the Committee Chair will announce the opportunity to make public comments. Please utilize the “raise your hand” function via the Zoom application or your telephone if participating in this manner.

Any person may make comments during the General Public Comment period on items of interest, within the subject matter jurisdiction of the Committee, that are not listed on the posted agenda. In accordance with the Brown Act, the Committee cannot deliberate or vote on any matter brought forth by public comment that has not been posted in the published agenda.

**ACCESSIBILITY INFORMATION:**

Committee meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact the District, at least 48-hours before the meeting at (209) 258-4444 or [info@kmpud.com](mailto:info@kmpud.com). Advanced notification will enable the District to swiftly resolve such requests and ensure accessibility.

## AGENDA

- 1) **Employee Handbook Update.** Discussion & possible action.
- 2) **District Staffing.** Discussion & possible action.
- 3) Next Meeting/Staff Recommendation: *April 16, 2026 – 1:30 pm.*

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Kirkwood Meadows PUD

The Kirkwood Meadows Public Utility District is an equal opportunity provider and employer.

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, please contact the District at (209) 258-4444, by email to [info@kmpud.com](mailto:info@kmpud.com). Requests must be made as early as possible, and at least two business days before the meeting.



# Kirkwood Meadows Public Utility District

## Employee Handbook

33540 Loop Road  
P.O. Box 247  
Kirkwood CA 95646  
(209) 258-4444  
Fax (209) 258-8727  
[www.kmpud.com](http://www.kmpud.com)

~~Kirkwood Meadows Public Utility District is an equal opportunity provider and employer.~~

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Adopted April 15, 2024

Revised ~~April 3~~ ~~March 7~~, 2026~~5~~

Kirkwood Meadows Public Utility District is an equal opportunity provider and employer.

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# INTRODUCTION AND DESCRIPTION OF KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT

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## About the District

Established in 1985, the Kirkwood Meadows Public Utility District (KMPUD) was formed as a public municipal corporation under the California Public Utilities Code after detachment from the El Dorado Irrigation District. The District is located in a remote area in the Sierra Nevada mountains within Alpine, Amador, and El Dorado Counties. KMPUD's service area encompasses an area of approximately 1.875 square miles. Kirkwood, California is a resort-oriented community and includes the key facilities of Kirkwood Mountain Resort, one of the top ski mountains in North America.

The District is governed by a five-member Board of Directors elected by registered voters to serve staggered, four-year terms. The Board appoints the District General Manager who is responsible for enforcement of District ordinances, regulations, ~~and master restrictions~~, as well as providing executive oversight and management of District Departments.

The community size and operation of the Ski Resort create a dynamic demand on utilities and services which differ substantially from summer to winter. Typical of a mountain resort community, peak activity and population occur during snow season. There are approximately 100 full-time residents living in Kirkwood, but seasonal daily population maximums may reach 6,500 persons. The village core includes a combination of residential, lodging, and commercial uses serving residents and guests. The District provides water, wastewater, electric, and propane enterprise services, as well as solid waste and snow removal as optional contract services.

The District receives revenue from multiple sources primarily consisting of rate charges from four utility enterprises and other services provided by the District, and property taxes. Revenue for utility services is the primary revenue source, with other sources contributing less than 10% of the total.

# INTRODUCTION TO EMPLOYMENT

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## **Contract Disclaimer**

This Employee Handbook is not a contract. Accordingly, it should not be interpreted to create any expressed or implied contractual rights between Kirkwood Meadows Public Utility District and any employee. It is expressly understood that the contents of this handbook do not constitute the terms of a contract of employment or benefits. Thus, this handbook should not be construed as a guarantee of continued employment. Any verbal or written representation to the contrary is invalid and should not be relied upon by current or prospective employees.

The Kirkwood Meadows Public Utility District reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules or benefits stated in this handbook or in any other document, except for the policy of at-will employment. Only the Board of Directors or the General Manager has the authority to modify or amend this handbook.

## **Employee Classification**

### **Regular Full-Time Employee**

A regular full-time employee is defined as an employee who has passed a performance evaluation and works a minimum of 40 hours per week. Full-time regular employees are eligible for employee benefits as described later in this Handbook.

### **Regular 10-Month Full-Time Employee**

A regular 10-month full-time employee is defined as an employee who has successfully passed a performance evaluation and works a minimum of 40 hours per week for 10 months a year. A 10-month employee is eligible for a 2-month unpaid leave annually, which will be requested in writing at least 60 days prior to leave starting and approved by the General Manager. -10-month employees are eligible for employee benefits as described later in this Handbook. CalPERS service, vacation and sick time accrual will be suspended during the defined 2-month unpaid leave.

### **Regular Part-Time Employee**

A regular part-time employee is defined as an employee who has successfully passed a performance evaluation, has six months or more continuous employment with the District and works less than 40 hours a week. Part-time employees are eligible for holiday and sick leave benefits as described later in this Handbook.

### **Temporary/Seasonal Employee**

A temporary/seasonal employee is defined as an employee who has been hired to perform a specific task or to be employed for a temporary period of time. Regular temporary/seasonal employees are limited to six months on the job, 1000 hours or 125 days in a fiscal year. A temporary/seasonal employee is eligible for holiday and sick leave as described later in this Handbook.

**Volunteer**

A volunteer is an individual that is freely providing services for no financial gain but to benefit another person, group or organization. A volunteer is not an employee of the Kirkwood Meadows Public Utility.

**Exempt Status**

An exempt status employee must qualify under the IWC Order No. 17-2001, Section 3 rules. Exempt employees must be paid a salary and do not qualify for overtime.

## **Non-Exempt Status**

A non-exempt status employee per the FLSA, is an employee that is entitled to receive overtime pay ~~at a rate of one and a half times the employees regular wage rate for time worked over 40 hours in a work week. Double time will be earned on all hours in excess of 12 hours in any workday and for all hours worked in excess of eight on the seventh consecutive day of work in a work week.~~ in accordance with the federal Fair Labor Standards Act (FLSA). The FLSA requires that all hours worked over 40 hours in a work week be paid at a rate of one and a half (1 1/2) times the employee's regular rate. The first eight (8) hours worked on the seventh (7) consecutive day of work in a work week will be paid at a rate of one and a half (1 1/2) times the employee's regular rate. Double time will be paid for any hours worked over the first 8 hours on the seventh (7) consecutive day and any hours worked beyond a 12-hour workday.

## **Employee Records**

You have a right to inspect certain documents in your personnel file, as provided by law, in the presence of a District representative at a mutually convenient time. If you wish to inspect your file, please schedule an appointment with Management. If you wish to make copies of any document, a reasonable fee may be charged.

The Kirkwood Meadows Public Utility District will restrict disclosure of your personnel file to authorized individuals within the District. Any request for information contained in personnel files by someone else on your behalf must be directed to the General Manager. Only the General Manager is authorized to release information about current or former employees. Disclosure of personnel information to outside sources will be limited. However, the District will cooperate with requests from authorized law enforcement or local, state, or federal agencies conducting official investigations and as otherwise legally required.

## **Job Duties & Job Descriptions**

The Kirkwood Meadows Public Utility District maintains job descriptions for each job classification. Such job descriptions contain a general summary of the job duties, minimum and desired qualifications and background, essential job functions, and physical/environmental factors associated with performance of the job.

An employee's job responsibilities that are within the general scope, responsibilities and skills required may change at any time during employment. From time to time, an employee may be asked to work on special projects, or to assist with other work if necessary, that is important to the operation of the District. An employee's cooperation and assistance in performing such additional work is expected (even if the exact duty/function is not specifically listed in the job description). Additionally, work hours and/or schedules may be subject to change at any time during employment. Employees are expected to cooperate and perform additional work or work a different schedule as requested.

The Kirkwood Meadows Public Utility District expects that its employees will:

- Perform the duties and responsibilities contained in their job description.
- Be courteous and professional.
- Effectively contribute to the District’s mission and purpose.
- Respect proper protocol and the normal chain of command.
- Display proper personal conduct for the position.
- Not abuse the rights, privileges, and benefits provided by employment with the District.
- Maintain regular and predictable attendance.
- Immediately report unsafe work practices to their Supervisor.

**Employee Residency**

This section defines the requirements the District has relevant to requiring residency within a specific traveling distance for routine and twenty-four (24) hour emergency on call response to assure operations as required by law. Employees designated in this policy or as directed by the General Manager will be encouraged to maintain residency to comply with this policy.

**Reason**

The District is located in a remote area of the Sierra Nevada which on regular occasion is isolated without reasonable access due to weather conditions and highway closures. The District provides water, sewer, electric, and propane service necessary for life-safety reasons as well as snow removal services. Therefore, the District requires competent personnel be available to assure these services are maintained and twenty-four (24) hour emergency on-call response is available even when the area is isolated.

**Housing ~~Credit~~ and Utility Reimbursement**

Specific Kirkwood Meadows Public Utilities District (District) employees that are deemed critical to the operation of the District by the General Manager are required to secure housing within three miles of the District Offices.

As partial compensation for this requirement, the District offers a housing and utility reimbursement-credit, subject to periodic adjustment by the Board and annual CPI adjustment, in the amount of ~~\$480.00~~ \$500.00 a month, per District employee. To receive the housing credit and utility reimbursement, a completed Reimbursement form and proof that all District housing and utility charges were paid in full must be submitted in person to the Accounting Specialist. In order to receive the ~~housing credit~~ housing and utility reimbursement, critical employees must be available to work all scheduled shifts, regardless of snow or road conditions, for each month.

**District Provided On-Call Housing**

As an alternative to the requirement to secure housing and receive a housing and utility credit, critical employees may be offered shared accommodations in District provided on-call operator housing at no cost to the employee.

**On-Call**

The District requires competent personnel be available to assure these services are maintained and twenty-four (24) hour emergency on-call response is available even when the area is isolated.

A schedule shall be maintained by the General Manager or their designee whereby the District staff shall be assigned, on a rotational basis, to be on-call on evenings, weekends, holidays, and other times not considered regular hours of work for the District employees.

**Alerts and Incidents**

On-call personnel will generally be alerted to issues via phone call, text, or page. Notification may also be given verbally or in person. All personnel required to be available for the on-call program shall receive the District adopted cell phone stipend.

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## **Response**

The on-call person has 45 minutes to respond to the initial notification. Depending on event, the response may be reporting to the appropriate District facility or customer premises or returning a customer call. Failure to respond to an incident may result in disciplinary action.

## **Employee Responsibilities**

The on-call operator is responsible for the coordination of effort or resolution of the incident. If the on-call operator is unable to resolve the problem within a reasonable time frame, they are responsible for contacting additional resources for assistance.

## **Eligibility for Operations On-Call**

1. After completing initial operations training and receiving approval from their immediate Supervisor, all full-time Operations Department staff are eligible to take on-call shifts.
2. All full-time operations staff will be required to participate in the on-call program.

## **Operations Guidelines**

1. There will be one District on-call shift per night, except for holidays or high-traffic periods.
2. During holidays/high traffic periods, additional District on-call shifts may be added at the discretion of the General Manager.
3. All District on-call operators shall receive the District cell phone stipend and shall carry their cell phone while on-call.
4. The District on-call operator will maintain a log of any after-hours incidents and resolutions, including customer communications.
5. The on-call log will be turned in to Office staff at the open of business the following day. If the office is closed, the on-call log will be turned in to the Operations Manager.
6. The District on-call response will be limited to emergencies, as defined by the General Manager. Non-emergency issues will be addressed at the open of business the following business day.
7. District on-call operators will be provided a shut-off list. Requests to turn on service that has been shutoff for non-payment, etc. would be referred to the office during regular business hours.
8. District on-call operators must refrain from the consumption of any alcohol or drugs during the on-call shift.
9. For non-resident, on-call staff, temporary accommodations may be provided at the discretion of the General Manager, based on availability.

## **Operations On-Call Scheduling**

1. On-call shifts typically run from 3:30 pm-7:00 am. Exceptions may be made at the discretion of the General Manager.
2. A monthly District on-call sign-up sheet will be posted two weeks prior to the beginning of the month. Staff will have one week to sign up.
3. Each full-time Operations Department member will be required to sign up for a minimum of one on-call shift per month and a maximum of ten on-call shifts.

4. At the end of the sign-up period, management will assign any open on-call shifts on a rotating basis.
5. The finalized District on-call schedule will be posted one week prior to the beginning of the month.
6. Management will fill open on-call shifts in the following manner:
  - a. Volunteers will be solicited.
  - b. If no volunteer is found, the shift will be filled by assigning another on-call staff member on a rotating basis.
7. Excessive use of unscheduled sick time on on-call days may result in disciplinary action.

### **Training for Operations On-Call Employees**

1. The District on-call operator will follow the Emergency Response Priority List for District Facilities to focus their response.
2. The District on-call operator will fill out an Emergency Status Report for each affected Department and use this to communicate equipment status, etc. to the Department Manager.
3. An emergency phone list will be provided to allow for remote help or manpower as needed. The emergency phone list will be posted at each workstation.
4. Department Leads will provide written response plans and training for commonly encountered issues. Such plans will be available at the appropriate workspaces.
5. District on-call staff will be trained on emergency incidents vs. non-emergency incidents and customer communications.
6. District on-call staff will be trained on the use of the On-Call Log.

### **Compensation for Operations On-Call Employees**

1. The District on-call operator will be paid \$25 per shift on their regular bi-weekly paycheck.
2. For each phone call received or returned during an on-call shift, requiring no further action, non-exempt on-call operators will be paid ¼ hour of normal pay (or overtime pay, if applicable).
3. For each incident requiring further action, non-exempt on-call operators will be paid a minimum of two hours of normal pay (or overtime pay, if applicable). For calls lasting more than two hours, normal hourly compensation will apply.
4. For multiple calls outs on the same shift, total cumulative time expended will be paid, but shall be no less than two hours of normal pay (or overtime pay, if applicable).

### **Use of Personal Vehicles for District Business**

Employees of the Kirkwood Meadows Public Utility District, who are pre-authorized to use personal vehicles by the General Manager, will be reimbursed for costs associated with driving their personal automobile on Kirkwood Meadow Public Utility District business, based on the rate established by the Internal Revenue Service (IRS) at that time, which contemplates expenses such as wear and tear on the vehicle, gas, insurance, etc.

Employees must obtain permission of the General Manager to use their personal vehicle for District business.

While driving your own vehicle on District business, the employee's personal auto insurance is intended to provide the primary insurance coverage. Employees who operate their own vehicles on District business may do so provided the following conditions are followed:

- The vehicle must be in sound and safe operating condition and maintained as such at the employee's own expense.
- The employee and vehicle must be insured as outlined below.
- The employee must obey all State and local driving laws and observe driving conditions with the utmost care, including but not limited to wearing a seat belt.
- The employee must possess and maintain a valid State issued driver's license as all employees regularly or occasionally operate District vehicles.
- All vehicles driven on District business must be properly registered with the employee's State of residence Department of Motor Vehicles.
- The employee must provide authorization to access the employee's driver license record through the DMV Employer Pull Notice Program.

Employees who have their driver's license suspended or revoked are required to report these conditions to their Supervisor promptly.

Kirkwood Meadows Public Utility District accepts no responsibility for citations issued to an employee by any law enforcement agency while driving a vehicle on District business under any circumstance. All liabilities created by any citation will be the responsibility of employees who receive them.

### **Personal Auto Insurance Requirements**

All employees who use their personal vehicle for business are required to maintain general automobile liability insurance of at least the minimum amounts required by their State of residence. Any employee who does not maintain the required insurance coverage will not be authorized to drive their personal vehicle on District business.

### **Accident Reporting**

If an employee sustains damage to or loss to their private vehicle or is involved in an accident while on District business, they must follow District accident procedures below and immediately notify their Supervisor.

### **In the Event of an Accident**

Employees who are involved in an accident in the course of using any vehicle on District business are expected to adhere to the following procedure:

1. Notify their Supervisor, or if not in Kirkwood, the local law enforcement agency.
2. Obtain the names, addresses, and phone numbers of:
  - a. Owner of other vehicle(s) (if any) and/or property owner;
  - b. Insurance Carrier of the other driver(s) and/or property owner;
  - c. Witnesses;
  - d. Injured person(s);
  - e. Other driver(s), including the number of and state issuing the driver's license.
3. Note these items:
  - a. Speed of each vehicle with its direction of travel;

- b. Signal given by each driver, if any;
- c. Point and time of accident;
- d. Any mechanical aspect of the other vehicle, which may have caused the accident (e.g., no brake lights, etc.);
- e. Promptly report to their Supervisor any damage or injury to a customer, the public, the District, an employee, or their property.

### **Outside Employment**

While employed by the Kirkwood Meadows Public Utility District, employees are expected to devote their energies to their jobs. The following types of outside employment are strictly prohibited:

- Employment that conflicts with an employee's work schedule, duties and responsibilities;
- Employment that creates a conflict of interest or is incompatible with the employee's employment with the District;
- Employment that impairs or has a detrimental effect on the employee's work performance with the District;
- Employment that requires the employee to conduct work or related activities on the District's property during the District's working hours or using the District's facilities and/or equipment, including but not limited to copiers, phones, computers, or internet;
- Employment that directly or indirectly competes with the business or the interests of the District.

Employees who wish to engage in any outside employment must submit a written request to the General Manager explaining the details of the outside employment. If the outside employment is authorized, the District assumes no responsibility for the outside employment. The District shall not provide workers' compensation coverage for injuries occurring from or arising out of outside employment. Authorization to engage in outside employment can be revoked at any time.

### **Accommodation for Disability**

The employment related provision of the Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA) apply to all employees and job applicants seeking employment with Kirkwood Meadows Public Utility District. Under these laws, a qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the position.

Kirkwood Meadows Public Utility District will attempt to provide reasonable accommodation for known physical or mental disabilities, unless undue hardship would result. Any applicant or employee who becomes disabled during employment should contact Management to discuss reasonable accommodation.

### **Equal Employment Opportunity**

Kirkwood Meadows Public Utility District is an equal opportunity employer and makes employment decisions on the basis of merit. The District prohibits unlawful discrimination based on race, color, creed, age, gender, gender identity, gender expression, sex, sexual orientation, national origin, or ancestry, religion, marital status, military or veteran status,

pregnancy or related medical condition, physical or mental disability, medical condition, including genetic characteristics, or any other consideration made unlawful by applicable federal, state or local laws. Kirkwood Meadows Public Utility District maintains a zero tolerance of violations of this policy by any employee or other persons doing business with the District and will take prompt and appropriate measures to enforce an atmosphere of non-discrimination in the workplace.

Every member of management is held responsible for assuring non-discrimination in employment opportunities. In addition, all staff members, regardless of position, share in the responsibility of maintaining a discrimination free work environment.

Any employee with questions or concerns about discrimination in the workplace should bring these issues to the attention of their Supervisor, Management, or General Manager, whoever the employee feels more comfortable addressing in light of the party's involvement.

### **Immigration Law Compliance**

The Kirkwood Meadows Public Utility District is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Kirkwood Meadows Public Utility District within the past three years, or if their previous I-9 is no longer retained or valid. If appropriate documentation is not received within this time, the employment relationship will be terminated.

Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

### **Political Activity**

The District recognizes an employee's right to participate in political activities as long as the political activities:

- Are not conducted during work hours;
- Do not interfere with the discharge and performance of the employee's duties and responsibilities;
- Does not involve the attempt to coerce other employees to participate in or support the political activity; and
- Comply with the Constitution and the laws of California.

District property (vehicles, bulletin boards, etc.) are to remain free of political statement or propaganda. District employees will not be required to contribute to any political fund.

## **Unlawful Harassment Including Sexual Harassment**

### **Harassment**

The Kirkwood Meadows Public Utility District strictly prohibits workplace harassment. All employees, applicants, volunteers, and independent contractors (“workers”) working with the District are to be treated with respect and dignity. The District is committed to providing an atmosphere free of harassment and discrimination based on factors such as sex, sexual orientation, race, color, national origin or ancestry, religious creed, disability, pregnancy, reproductive health decision making, medical condition, age, genetic characteristic, military or veteran status, marital status, gender, gender identity, gender expression, or any other protected class under applicable law.

This applies to all phases of the employment relationship, including recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.

This applies to all officers and employees of the District, including, but not limited to, board members, full and part-time employees, per diem employees, temporary employees, volunteers, and persons working under contract for the District. It prohibits co-workers, third parties, Supervisors, and Managers from engaging in discrimination, harassment, or retaliatory conduct toward workers on any protected classifications identified above.

Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to one of the above-described protected classifications, and:

- a. Submission to the offensive conduct is an explicit or implicit term or condition of employment;
- b. Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or
- c. The offensive conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.

Examples of what may constitute prohibited harassment include, but are not limited to, the following:

- a. Kidding, joking or pranks about one of the protected classifications;
- b. Cartoons, posters, e-mails and other materials referring to one of the protected classifications;
- c. Degrading words, threats, directed at one of the protected classifications;
- d. Emails that may be inappropriate, offensive, harassing, and or creating a hostile work environment.

## Sexual Harassment

Sexual Harassment is sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature.

Sexual harassment occurs when:

- a. Submission to the offensive conduct is an explicit or implicit term or condition of employment;
- b. Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or
- c. The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

Certain behaviors, such as conditioning promotions, awards, training or other job benefits upon acceptance of actions of a sexual nature, are always wrong.

Actions such as the following are inappropriate and, depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment:

- Sexual pranks, or repeated sexual teasing, jokes, or innuendo;
- Verbal comments of a sexual nature;
- Touching or grabbing of a sexual nature;
- Repeatedly blocking passageways, standing too close to or brushing up against a person;
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated they are not interested (Supervisors in particular should be careful not to pressure their employees to socialize);
- Giving gifts or leaving objects that are sexually suggestive;
- Repeatedly making sexually suggestive gestures;
- Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

A victim of sexual harassment can be anyone. The victim can be of the same sex as the harasser. The harasser can be a Supervisor, co-worker, other Department-District employee, or a non-employee who has a business relationship with the District department.

The General Manager and each Supervisor shall be responsible for maintaining a workplace free of unlawful sexual and other harassment. This responsibility includes discussing this policy with their employees and assuring them that they are not required to endure insulting, degrading or exploitative treatment or any other form of harassment. Supervisors must refer all harassment complaints to Management.

The District will always display the most up to date California and Federal Labor Law poster(s) in each building where employees are located for quick reference and all new employees will receive the Department of Fair Employment and Housing brochure on Sexual Harassment.

### **Guidelines for Employees Who Are Being Harassed**

Any employee who believes they have been the target of sexual harassment or other harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop. The employee should keep a record of dates, times, places, witnesses and the nature of the harassment.

If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee should provide a written complaint to their Supervisor or Management as soon as possible after the incident. The District encourages the reporting of incidents of harassment forbidden by this policy immediately so that complaints can be resolved quickly and fairly. The following should be included in the complaint:

- Name of complainant;
- Name(s) of alleged harasser(s);
- Nature of harassment, with specific explanations and examples;
- Name(s) of witnesses;
- Supporting documents;
- List of relevant dates and times.

### **Investigation**

The Kirkwood Meadows Public Utility District will be fair to all parties during an investigation. This means:

- Conducting a thorough interview with the complaining party, preferably in person;
- Conducting a thorough interview of the accused so they have a chance to tell their side of the story, preferably in person;
- Conducting a thorough interview of relevant witnesses;
- Reviewing relevant documents;
- Visiting sites related to the incidents;
- Reviewing video or pictures taken related to the incident.

The investigation will be impartial. Findings will be based on objective weighing of the evidence collected. If the investigator cannot be neutral or a perception of bias is created, another investigator will be assigned.

### **Retaliation**

Complainants and/or those who cooperate in an investigation will be protected from retaliation. Retaliation violates the law. All forms of retaliation should be reported to Management or the General Manager. Retaliation can take many forms, like:

- Termination;
- Demotion;

- Changes in assignment;
- Failing to communicate;
- Ostracized;
- Subject of gossip, etc.

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## **Remedial Measure**

The Kirkwood Meadows Public Utility District will take the appropriate remedial steps necessary to help prevent and correct unlawful behavior when there is proof of misconduct. These steps include but are not limited to the following:

- Provide training;
- Provide one-on-one counseling;
- Invoke a “last chance” agreement;
- Or anything else that will stop the wrongful behavior;
- Termination.

## **Conflict of Interest**

The Political Reform Act (Government Code, Section 81000, et seq., hereinafter referred to as the Act) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission (FPPC) has adopted a regulation (2 California Code of Regulations, Section 18730) which contains the terms of a standard conflict of interest code. Therefore, the terms of Section 18730 and any amendments to it adopted by the FPPC are hereby incorporated by reference. This regulation and the text here designating officials and employees shall constitute the conflict of interest code of the District.

Designated positions shall file statements of economic interests with the District. Upon receipt of the statements, the District shall make and retain a copy and forward the original of this statement to the County Clerk of the Board of Supervisors. Statements of Economic Interests are public records available for public inspection. Designated positions are required to file Form 700 Statements of Economic Interests disclosing interests and investments in accordance with the corresponding disclosure categories listed below.

### **Designated Positions:**

- Assistant General Manager
- Operations Manager
- Administrative Manager
- Attorney
- Consultant(s)

### **Disclosure Categories:**

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\*Consultants and new positions shall be included in the list of designated positions and shall disclose interests and investments in accordance with the broadest disclosure category in the District’s conflict of interest code, subject to the following limitation:

The District General Manager may determine in writing that a particular consultant, although a “designated position”, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. The District’s General Manager’s written determination shall include a description of the consultant’s duties, and based on that description, a statement of the extent of disclosure requirements. The written determination is a public record and shall be retained for public inspection in the same manner and location as District’s conflict of interest code.

The following positions are not covered by the code because the positions manage public investments. Individuals holding such positions must file under Government Code Section 87200 and are listed for informational purposes only. Section 87200 requires disclosure of all investments and business positions in business entities, all income, including gifts, loans and travel payments, and real property.

- Board of Directors
- General Manager

The following are the Disclosure Categories for the Kirkwood Meadows Public Utility District:

- Category 1 – All interests in real property located within two miles of the District's service area, sources of income, including gifts, loans, and travel payments, derived from, or investments and business positions in business entities that engage in land development, construction, or the acquisition, sale, lease or rental of real property, including, but not limited to, real estate firms, title companies, escrow companies, appraisal services, survey firms, engineering services and consulting firms.
- Category 2 – Investments and business positions in business entities, and sources of income, including gifts, loans, and travel payments, from sources, that provide services, including consulting services, supplies, materials, machinery or equipment of the type utilized by the District.

Any employee engaged in pursuits in conflict with the interests of Kirkwood Meadows Public Utility District or using their position for independent financial gain will be subject to immediate dismissal.

### **Proprietary Information**

Proprietary Information means all information pertaining in any manner to the business of the District or its consultants, or business associates.

As an employee of Kirkwood Meadows Public Utility District, you will have access to information, which directly affects the operation of the District or its revenues. Each employee will hold the Proprietary Information of the District in strict confidence and will neither use the information nor disclose it to anyone, except to the extent necessary to carry out the responsibilities for the District or as specifically authorized in writing.

An employee who purposefully or inadvertently provides proprietary information will be subject to immediate dismissal.

### **General Use of District Tools, Equipment, and Facilities**

The District provides tools and equipment for the use of employees in the performance of their work. Personal tools are not allowed on any District job or stored on District property without the written approval of the General Manager. Storage of personal vehicles, recreation equipment or other items is not permitted without the written approval of the General Manager. Employees use of District tools, equipment or facilities for personal reasons is not permitted without the written approval of the General Manager. If approved, use of District tools, equipment or facilities for personal reasons will only be allowed during normal business hours, Monday –

Friday 8:00am – 4:30pm or other times when a supervisor is present. Infractions of this Policy are grounds for disciplinary action.

### **Petty Cash**

Petty Cash is a reimbursement fund which makes cash conveniently available for expenditure in small dollar amounts. Reimbursement from Petty Cash must have documentation which includes the date of the transaction, a brief description of the expenditures and the exact amount expended. All small dollar expenditures should be submitted to the Accounting Specialist. The Accounting Specialist will audit petty cash funds monthly. All original receipts will be attached to the monthly Petty Cash Reconciliation form with associated cost account details. The Petty Cash Reconciliation form will be submitted to the Accounting Specialist, who will process a check to replenish petty cash expenditures.

### **Procurement**

The purposes of this policy statement are to establish efficient procedures for the procurement of supplies, equipment and service to secure for the District supplies, equipment and services at the lowest possible cost commensurate with quality needed, to exercise control over purchases, to define authority for the purchasing function, to assure the quality of purchases and to encourage full and open competition on purchases. KMPUD will advertise in newspapers of general circulation in Alpine, Amador or El Dorado counties in addition to electronic media for purchasing.

### **Major Budgeted One-Time or Annual Purchases**

For all one-time purchases exceeding \$25,000 and all annual supply purchases exceeding \$25,000, the District shall advertise and purchase pursuant to the following procedures:

1. KMPUD shall advertise for sealed bids for furnishing the District with goods, merchandise, stores, subsistence, printing materials.
2. Procedures including, but not limited to, Notice Inviting Bid, Publishing, Security, and Openings shall comply with the California Government and Public Contract Code.

### **Routine, Budgeted Purchases Under \$25,000**

Purchases of supplies, services, materials, and equipment of an estimated value of less than \$25,000 may be approved by the General Manager and made in the open market in accordance with the following procedures:

1. Available Funds - The funds to make such purchases have been budgeted by the Board of Directors; or through special Board action, the funds are authorized for the general purpose of the purchase.
2. Minimum number of Quotes – Open market purchases shall, wherever possible, be based on at least three readily available vendors' posted pricing or solicited quotes and shall be purchased at the lowest price.

3. Notice Inviting Quotes – The Purchaser shall solicit prices or quotes from prospective vendors by internet research, email, mail or telephone. Quotations may be provided in any of the aforementioned methods. In either case, records shall be kept that will be open to the public for inspection for one year after the order is placed.

4. Exception to Quotes – Quotes may be dispensed with when the commodity is available from only one supplier or in an emergency when the General Manager, or their authorized representative determines that the requirements of the District will not allow sufficient time for the foregoing procedure.

5. Purchase Requests and Purchase Orders – Purchase requests and purchase orders shall be prepared for all purchases per the standard procedure.

**Routine, Budgeted Purchases Under \$2,500**

Purchases of supplies, services, materials, and equipment of an estimated value of less than \$2,500 may be approved by the Assistant General Manager, Administrative Manager, and Operations Manager in accordance with the same policy as noted above for their respective areas of control.

**Procedures for Purchases of Non-Budgeted Items**

Purchases of supplies, materials, equipment, and services that have not been budgeted shall be presented to the Board for approval prior to proceeding with the purchase, except in emergency circumstances, in which case they shall be presented at the next Board meeting.

**Certification Reimbursement/Educational Assistance**

**Certification, Recertification, and Continuing Education Requirements at Job Level**

The District recognizes that certain certifications are required in an employee's current job description. For required certifications/renewals at job level, the District, with prior written approval, will pay or reimburse certain expenses for employees. The District may:

- Pay for the cost of the initial application/renewal fee;
- Pay for the cost of the initial test;
- Pay for the employee's time to take an approved review course;
- Pay for the employee's time to take the initial test;
- Pay for the travel expenses to attend an approved review course/test including the use of a District vehicle and a hotel room if the course/test begins at 8:00 am or earlier;
- Reimburse the employee for the cost of an approved review course if the employee passes the associated test within 6 months of course completion;
- Pay for the Continuing Education Units required to maintain licensure.

To be eligible for reimbursement of the costs listed above, the employee must receive advance approval from the General Manager. Requests shall be submitted in writing. Upon passing the associated test, the employee is responsible for requesting reimbursement in writing; copies of the test results and expense receipt(s) must be submitted with the reimbursement request.

Employees who fail to pass certifications, recertifications, and/or continuing education requirements as per their Job Description shall be responsible for all costs associated with retaking certifications, recertifications, and/or continuing education along with travel expenses.

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## **Certification, Recertification, and Continuing Education Requirements Above Job Level**

The District recognizes that holding more certifications than required benefits both the employee and the District. Employees of the District are encouraged to pursue educational opportunities which are related to their present work, which will prepare them for foreseeable future opportunities within the District.

For certifications above job level, the District, with prior written approval, may pay certain expenses for employees. The District may:

- Pay for the cost of the initial application/renewal fee;
- Pay for the cost of the initial test;
- Pay for the employee's time to take the initial test;
- Pay for the Continuing Education Units required to maintain licensure.

To be eligible for reimbursement of certifications above job level, the employee must receive advance approval from the General Manager. Requests shall be submitted in writing. Upon passing the associated test, the employee is responsible for requesting reimbursement in writing; copies of the test results and expense receipt(s) must be submitted with the reimbursement request.

Employees who fail to pass certifications, recertifications, and/or continuing education requirements of this Section shall be responsible for all costs associated with retaking certifications, recertifications, and/or continuing education.

## **Certification, Recertification, and Continuing Education Outside of Job Requirements**

The District recognizes that employees may wish to obtain certifications outside of their department for cross-training purposes. Once an employee has completed all required certifications for their primary job, the District, with prior written approval, will reimburse certain expenses for employees. The District may:

- Reimburse for the cost of the initial application/renewal fee;
- Reimburse for the cost of the initial test;
- Reimburse for the Continuing Education Units required to maintain licensure.

To be eligible for reimbursement of the costs listed above, the employee's job description must include a requirement for Operations on-call shifts and must receive advance approval from the General Manager. Requests shall be submitted in writing. Upon passing the associated test, the employee is responsible for requesting reimbursement in writing; copies of the test results and expense receipt(s) must be submitted with the reimbursement request.

## **Compensation**

For step salary increases associated with certifications above or outside of job requirements, refer to the Payroll Administration section of this Employee Handbook.

## **PAYROLL ADMINISTRATION**

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### **Attendance & Punctuality**

You are a member of the team. When you are unable to do your job, someone has to fill in for you or an important piece of work is not done. That is why Kirkwood Meadows Public Utility District requires your presence at your work area at the beginning of and throughout the workday, except at meal and rest breaks.

All employees must fill out a time sheet to be approved by their Supervisor and the General Manager at the end of each pay period.

In emergency situations when you are unable to make it to work, contact your Supervisor or the General Manager as soon as possible. If your Supervisor or the General Manager are unable to be reached, contact the next Supervisor available. You must receive confirmation that the District has approved of your absence 15 minutes before the beginning of your scheduled shift.

If you are temporarily unable to follow your work schedule, contact your Supervisor or the General Manager.

Employees shall make all reasonable and diligent efforts to report to work. It is the employees' responsibility to check highway conditions and closures before attempting to drive to work. If the highways are reported as closed on the Caltrans website, the employee must contact their Supervisor or the General Manager to obtain approval for time off or approval to work from home if eligible under the Telecommuting Policy. If an employee is at work and is informed that the highway is about to close, the employee should contact their Supervisor or the General Manager for approval to leave work early. Any time not worked due to highway conditions may be taken as vacation time, floating holiday, or unpaid.

The District understands that emergency conditions can arise and expect an employee to make best efforts to contact their Supervisor or the General Manager for approval of time off in any situation otherwise not covered herein.

Patterns of lateness, absences, leaving work early, extending rest breaks, failure to comply with a sick leave reporting requirement, or failure to obtain approvals for paid or unpaid time off may result in further disciplinary action, up to and including dismissal.

Employees who fail to call or show in person and are absent without approval for three days may be considered to have abandoned your employment.

### **Work Schedules and Rest Breaks**

A new work week begins every Sunday at 12:01 a.m. The regular full-time workday is eight hours with a half-hour unpaid meal break. A "workday" is defined as the 24 hours starting at 12:01 a.m.

Employees shall report for work at their regularly established District facility or at other locations as directed by management and shall return thereto at the conclusion of the day's work and the time spent in traveling between such locations and the job site shall be considered as time worked.

If you are a non-exempt employee, you must take a ten-minute rest break during every four hours of work. Each break is considered work time and is paid for by the District. During breaks you are to stop all work and may leave your work area, but any travel time to/from your work area must occur within the ten-minute rest break. For every 5 hours of work, you must take a meal break. Your meal break is unpaid time and any travel time to/from your work area must occur within the meal break.

Your Supervisor will schedule or approve your meal and rest breaks.

### **Employee Exercise Program**

Kirkwood Meadows Public Utilities District encourages exercise and a healthy lifestyle. If you would like to sign up for the District's Employee Exercise Program, speak to your supervisor. Eligible employees are allowed to take a 1-hour break. Instead of taking your morning and afternoon 10-minute breaks, you may be able to combine your 10-minute breaks with your lunch and take an extra 10 minutes off, gratis, to take an hour break to exercise. If your supervisor agrees this will fit into your schedule and the District's workload requirements, you will be given an Employee Exercise form to complete. The General Manager must also approve your request in advance. This option is not available should you not choose to exercise.

### **Time Sheets**

All employees are required to keep an accurate record of their time on the forms provided by the District. The use of time sheets assures proper cost accounting. Your time sheet should be completed in a neat and orderly manner, so that all entries are easy to read. All time sheets must be signed before they are submitted. You must submit your signed time sheet on a bi-weekly basis to your Supervisor by the end of your final shift of the pay period. Absolutely, no later than ~~the last the~~ Sunday ~~Saturday~~ after the end of the pay period.

Tampering with, falsifying, or altering timecards will result in disciplinary action, up to and including discharge. Failing to record work time may also result in disciplinary action.

For payroll purposes, time is rounded to the nearest quarter of an hour.

### **Pay Periods and Pay Dates**

The Kirkwood Meadows Public Utility District pay period starts on a Sunday at 12:01 am and runs for two (2) weeks, ending on a Saturday. You will be paid bi-weekly on Thursday for the prior two weeks worked.

If a regular payday falls on a holiday, employees will be paid the day before the holiday occurs.

A list of all pay periods and pay dates is available by contacting the Administrative Manager.

## **Compensation**

Kirkwood Meadows Public Utility District employees shall be compensated according to the Board approved Fiscal Year Budget. The Board may call for an adjustment to the Pay Schedule within the Budget assumptions by minute order or resolution.

The Pay Schedule is available for viewing on the bulletin board in the copy room of the main office at all times for employees, per Government Code Section 20636(b)(1) of the Public Employees Retirement Law.

Pay ranges are developed for each position; and are reviewed and approved periodically by the Personnel Committee and Board. Your rate of pay within these ranges are determined by the General Manager based on qualifications, extraordinary education, and or skills. When you accept a wage or salary offer for your position, the amount you accept is the sole pay commitment by the District.

Annually, all employees shall receive a performance evaluation to be placed in the employee's file, with a copy given to the employee. Employee's annual merit increase will be based on evaluation in predetermined areas of performance as well as achievement of goals from the prior review period. The General Manager shall authorize a merit increase within the pay range, however once an employee has reached the maximum pay range limit, no merit increase beyond the pay range may be authorized without Board approval. The General Manager shall recommend to the Board any necessary changes in titles, classifications, pay ranges, or salary/wages.

## **Performance Appraisal**

The purpose of the Employee Performance Appraisal is to increase communication between employees and supervisory personnel concerning the performance of employees in the accomplishment of their assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

The Performance Appraisal Report will be completed by your supervisor annually. When completing this form your supervisor will:

1. Consider your overall standards of workmanship including accuracy, neatness of work product, thoroughness of complete work and meeting established timeframes;
2. Consider your observance of rules and regulations, compliance with work instructions, time management, working efficiency, attendance and productivity;
3. Consider your ability to properly analyze and solve problems; and your ability to respond to change; performance in emergency situations and overall resourcefulness;
4. Consider your willingness to work with others towards a common goal, valuing the contributions of all team members, working as a team to complete projects, seeking input from others;

5. Consider your positive interactions with customers and fellow employees and how you demonstrate a professional image of the District.

For manager, supervisors, and foremen, the following will also be considered:

6. Your ability to lead and supervise staff, provide clear direction and feedback to employees, confront tough issues directly and promptly and motivate employees to achieve results. How you are assisting the District in accomplishing the District goals, mission and budget, and your interaction with employees and the public to promote District image and direction, leading by example.

Each category listed above will be assigned a rating of 1 to 5. Your overall rating will be weighted 70% by elements and 30% by goals to calculate your merit increase. Thus, the maximum you could receive from Elements alone is 70% of 5%, or 3.5%. The maximum you could receive from meeting all of your goals is 30% of 5% or 1.5%.

E.g., An average Elements score of 5 and completion of 50% Goals, the merit would be:  
 $70\% \times 5\% \times 100\% + 30\% \times 5\% \times 50\% = 3.5\% + 0.75\% = 4.25\%$

If you disagree with the Performance Appraisal Report provided by your supervisor, you are allowed to submit a rebuttal. Your rebuttal should elaborate on, or state concerns and disagreements with the content of the report, provide examples of why you feel you were undervalued and what you feel your value should be. The General Manager will review your rebuttal and if appropriate, change your ratings.

### **Effects of Substandard Evaluation**

Employees whose performance evaluation indicates that the employee is performing below District standards may be subject to any one or more of the following:

1. Ineligibility for further promotional consideration until the deficiency is corrected or until further consideration at the next review period.
2. Withholding of a merit or performance-based salary increase for which the employee may have been eligible, until the deficiency is corrected or until further consideration at the next review period.
3. Transfer or demotion. The General Manager may approve a transfer or demotion to a position that is more suited to the employee.
4. Termination.

Employees receiving substandard rating(s) may be re-evaluated at a subsequent time(s) to document progress in remedying deficient categories. If the employee's performance in the deficient categories is deemed by the supervisor to have improved to an acceptable level of performance, provided acceptable performance in other job responsibilities is maintained, the supervisor may recommend the implementation of a merit and/or restoration of promotional considerations, but not on a retroactive basis.

### **Overtime for Non-Exempt Employees**

Non-Exempt Employees may be required to work overtime as necessary. When necessary, overtime is mandatory not voluntary. Employees who refuse to work overtime shall be subject to corrective action, up to and including termination, depending upon the circumstance.

Only actual hours worked in a given workweek can apply in calculating overtime. The District will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be authorized in advance by a Supervisor or the General Manager. All overtime must be recorded on the Overtime Explanation form you may obtain from your Supervisor. The Overtime Explanation form should be turned in with your time sheet each pay period to your Supervisor.

The District provides compensation for all overtime hours worked by non-exempt employees in accordance with the federal Fair Labor Standards Act (FLSA). The FLSA requires that all hours worked over 40 hours in a work week be paid at a rate of one and a half (1 1/2) times the employee's regular rate. The first eight (8) hours worked on the seventh (7) consecutive day of work in a work week will be paid at a rate of one and a half (1 1/2) times the employee's regular rate. Double time will be paid for any hours worked over the first 8 hours on the seventh (7) consecutive day and any hours worked beyond a 12-hour workday.

Paid time off for vacations, sick leave, holidays, and floating holidays shall not be treated as hours worked for purposes of determining overtime.

### **Overtime for Exemption Status Employees**

Exempt employees shall receive no overtime pay and are expected to work at least forty (40) hours per week to perform tasks as assigned to meet the needs of the District. In recognition of the requirement to perform as a professional, regardless of the time required, exempt employees will receive the benefit of having flexibility in working hours subject to the needs of the District and the General Manager's approval.

The Kirkwood Meadows Public Utility District has determined that the following positions are exempt from overtime:

- General Manager;
- Assistant General Manager;
- Administrative Manager;
- Operations Manager
- Electric/Propane Project Manager
- Water/Wastewater Project Manager

Any questions regarding exemption status should be directed to the employee's Supervisor or Management.

### **Payroll Deductions**

The Kirkwood Meadows Public Utility District is required by state and/or federal law to withhold a portion of an employee's pay for tax or government-mandated benefit programs and

other mandatory deductions from time to time. These legally required deductions include, but are not limited to, the following items:

1. Federal Income Tax;
2. State Income Tax;
3. Medicare Deduction;
4. Social Security;
5. California State Disability Insurance (SDI);
6. Court Ordered Deductions and Tax Liens;
7. CalPERS Classic or Pepra.

All deductions, whether they are legally required or voluntary, are itemized on each employee's paycheck stub.

Upon hire, each employee will complete and submit a signed Department of the Treasury form W-4 Employee's Withholding Allowance Certificate and a California Employment Development Department form DE4 Employee's Withholding Allowance Certificate. An updated W-4 or DE4 form may be submitted to the Administrative Manager [if changes to withholdings are needed.](#)

### **Direct Deposit**

The Kirkwood Meadows Public Utility District offers automatic payroll deposits for all employees. During your employee orientation you will complete and sign a Direct Deposit form. If you do not wish to have direct deposit and would prefer to receive a paper paycheck, this is only available with General Manager approval and a fee for additional processing will be assessed.

You should carefully monitor your payroll deposit statements for the first two pay periods after the service begins. If there are any problems or questions, contact the Administrative Manager.

### **Pay Advances**

Kirkwood Meadows Public Utility District does not advance wages, including accrued vacation or sick pay.

### **State Disability Insurance**

The State of California requires that all California workers must purchase State Disability Insurance (SDI), a short-term disability program, through their employers. You will have a payroll deduction for California Short Term Disability removed from your gross pay until your maximum contribution for the year has been reached.

If, due to illness or injury that is not work-related (work-related accidents and illnesses are covered by Workers' Compensation insurance), you are forced to miss work for a period in excess of seven calendar days and are under a doctor's care, you may become eligible for payment from State Disability Insurance.

Your weekly disability pay is figured on your current salary. Disability pay can continue for up to 52 weeks. The District will allow the integration of available sick leave pay with your disability pay. The combined income from sick leave and disability pay will not exceed your regular salary rate.

For more information on the SDI program, please visit the EDD’s website at [www.edd.ca.gov/disability](http://www.edd.ca.gov/disability).

**Wage Garnishments**

A garnishment is a legal levy by a creditor against an employee’s pay. All garnishments and other attachment orders that are required by law will be honored.

**Certification Step Salary Increases**

Employees who have obtained certifications above job level or outside of job requirements and have received approval from the General Manager to pursue the same, shall present their certificates to the District. Whereupon, the District, in the pay period following receipt of proof of certification, shall provide a step salary increase to the employee’s annual salary as follows:

<b>Wastewater</b>	<b>Step Increase (\$)</b>
WW OIT	1,000
WW G1	2,500
WW G2	2,500
WW G3	5,000
Collections G1	1,000
<b>Water</b>	
D1	1,000
T1	2,500
D2	2,500
T2	1,000
D3	1,000
<b>Electric/Propane</b>	
Lineworker Certification	5,000
CTEP 1.0/3.0/4.2	1,000

Other certifications or licensure outside of those listed above shall require General Manager pre-approval to be eligible for a step salary increase.

## **EMPLOYEE BENEFITS**

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### **General Information**

This section of the handbook is intended to provide a general overview of the benefits currently available to eligible employees of the Kirkwood Meadows Public Utility District. State and Federal laws govern some of these benefits, while others are determined by the Board of Directors or the General Manager. Should there be a discrepancy between the contents of this handbook and a provision of an applicable law, benefit plan or contract, then the law, plan document or contract will prevail.

The Kirkwood Meadows Public Utility District reserves the right to change, suspend or eliminate any benefit at its sole discretion when conditions warrant following the approval of the Board of Directors or the General Manager.

The Kirkwood Meadows Public Utility District has developed a broad, comprehensive set of employee benefits programs to supplement your regular wage. We are continually investigating new opportunities to improve our present programs as organization funding and budgets permit.

### **Holidays**

Regular full-time, regular part-time and temporary/seasonal employees are eligible for five (5) eight (8) hour paid holidays per year. The five (5) holidays are New Year's Day, Memorial Day, Labor Day, Thanksgiving, and Christmas Day. If you are a non-exempt status employee and work a holiday with no alternate paid day off, you will receive holiday pay plus straight time for the hours you worked on the actual holiday.

### **Floating Holidays**

Regular full-time employees will also receive five (5) floating holidays on the first of July. 10-month employees and eEmployees hired or re-hired after the first of July in any fiscal year shall have their floating holidays prorated based on time remaining in that fiscal year. Prorated floating holidays shall be rounded to the nearest day. Floating holiday hours are to be used in the fiscal year that they are provided. (July 1<sup>st</sup> to June 30<sup>th</sup>). Floating holiday hours do not carry over to the next fiscal year. Floating holiday time can be used starting after 90 days of employment. Upon termination of an employee's services with the District, no payment shall be made for any unused floating holiday time.

### **Sick Leave**

Sick leave is a form of insurance that all employees accumulate in order to provide a cushion for time missed due to an illness. It is intended to be used only when actually required to recover from illness or injury. Sick leave is not for "personal" absences. Sick leave may be used to attend jury duty or to appear as a witness in court for judicial proceedings if employee may otherwise be unpaid. Time off for medical and dental appointments will be treated as sick leave. If an employee has exhausted their sick leave, they shall use any available vacation or floating holiday balances to cover said sick time in exceedance of sick leave. Only if an employee has exhausted all balances from sick leave, vacation, and floating holidays shall the General Manager consider a request of sick leave without pay. Approval of sick leave without pay in this situation shall not

be unreasonably withheld. If an employee misses more than three (3) days of work due to an illness or is under a sick leave reporting plan, a doctor's note will be required upon returning to work. For extended sick leave, the District periodically may require the employee to renew the written verification. As a condition of reinstatement following an extended sick leave, the District may require the employee to submit a medical certification from the employee's doctor or health care provider stating that the employee is able to return to work.

The Kirkwood Meadows Public Utility District does not tolerate abuse or misuse of your sick leave privilege. If a Supervisor has reason to believe that an employee is not using their sick leave appropriately by having an unusual pattern of sick leave use and excessive use of incidental sick leave, the employer may place the employee on a sick leave reporting requirement. Examples include, but are not limited to, repetitive use of sick leave on days adjacent to an employee's scheduled "weekend". Employees placed on a sick leave reporting requirement will be required to bring a doctor's note for all absences until they are released from this requirement. All sick leave rules are in accordance with Labor Code 233.

All regular full-time employees begin to accrue sick leave after thirty (30) days of employment and are eligible to use sick leave after thirty (30) business days worked. Sick leave accrues on a monthly basis and is recorded on the last pay period of each month. Each employee will accrue a maximum of 8 hours of sick leave per month based on hours worked.

On the first pay date in July, any employees with a sick leave accrual balance of over 160 hours will be paid any time over 160 hours. A maximum of 256 hours of sick leave may be accrued.

All sick leave time off requests for medical or dental appointments must be requested on your Quarterly Vacation Planning Calendar and approved by your Supervisor and the General Manager. If you have a medical or dental appointment that was scheduled after the Quarterly Vacation Planning Calendar was approved, email your Supervisor to obtain approval from the General Manager for the time off. If you have an unexpected illness and cannot come into work or continue to work, you must notify your Supervisor personally within 15 minutes of the start time of your shift or before you leave. If your Supervisor/Manager is unreachable, you should contact the General Manager or any other available Manager before missing or leaving work.

Per the California Kin Care Law, an employee may use up to one half of their annual sick leave in order to attend to an illness of the employee's child, stepchild, legal ward, parent, step parent, legal guardian, spouse, registered domestic partner or a child of the employees registered domestic partner.

Part-time and temporary/seasonal employees follow the California Healthy Workplace Health Family Act of 2014 (AB 1522) and the updated rules on Senate Bill 616. Part-time and temporary/seasonal employees accrue one hour of sick leave for every thirty hours of work. Employees may accrue more than 40 hours of sick leave, the minimum under SB 616.

Part-time and temporary/seasonal employees that return to the District the next season shall have their sick leave that was accumulated, but not used, at time of their previous separation, restored and available effective the first day of re-employment.

Upon termination of a full-time employee's services with the District, they shall forfeit all accrued sick leave earned through the last day of work but did not receive.

Should a part-time or temporary/seasonal employee, who works a minimum of 60 days without any gap in employment, become a full-time employee, said employee shall be eligible for full time leave accruals upon start of full-time status without any wait period, and any sick leave accrued, but not used, as a temporary/seasonal employee will be immediately available for use.

### **Vacation Time**

Paid vacation is provided to allow you necessary time away from work each year. Kirkwood Meadows Public Utility District believes every employee needs to use the time they earn for vacation for their own wellbeing.

Regular full-time employees of Kirkwood Meadows Public Utility District accrue vacation time as follows:

<u>Years</u>	<u>Maximum Annual Accrual</u>	<u>Maximum Monthly Accrual</u>
1 – 4	10 days	6.6667 hours
5– 9	15 days	10.000 hours
10 and up	20 days	13.3333 hours

Vacation accruals are based on hours paid. You will begin to accrue vacation time after sixty (60) days of employment. You are eligible to use the vacation time accrued ninety (90) days from employment.

All vacation requests are to be made through the Quarterly Vacation Planning Calendar and are to be approved by your Supervisor and the General Manager. If you need a vacation day that is not on the Quarterly Vacation Planning Calendar, email your Supervisor to request General Manager approval. Generally, only one change per quarter shall be permitted. In order to ensure minimum staffing levels to meet service and workload needs, requests for vacation will be granted only when staffing requirements permit and upon mutual agreement of the employee and their Supervisor.

On the first pay date in July of each year, employees will be paid any vacation time accrued balance over 160 hours.

Upon termination of an employee's services with the District, they shall be paid a lump sum for all accrued vacation earned through the last day of work but did not receive. Vacation will be paid at the employee's regular rate of pay at the time of termination.

### **Health Benefits**

The Kirkwood Meadows Public Utility District provides a health benefits insurance plan for eligible employees and their spouses, registered domestic partners, and eligible dependents. All regular, full-time employees are eligible for insurance benefits. All regular, full-time employees are required to enroll in the District's Medical insurance plan.

The District pays 100% for Medical, Dental, Vision, Employee Assistance Program (“EAP”), and AirMedCare for all eligible employees and their dependents hired before December 31, 2020.

The District pays 100% Medical for employees and 80% for dependents and 100% for Dental, Vision, EAP, and AirMedCare for all eligible employees and their dependents hired after December 31, 2020.

Detailed information on each plan offered can be obtained from the Administrative Manager.

Coverage begins the first of the month following 30 days of continuous employment.

~~The District reserves the right to change, suspend or eliminate any benefit at its sole discretion when conditions warrant and following the General Manager’s approval and communications to employees. Employees will be notified of any changes in employee benefit programs through emails.~~

### **COBRA**

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA) was enacted to protect employees and their eligible family members by allowing them to continue their group insurance under the employer’s plan at affordable group rates.

Any employee/eligible family member who loses regular group eligibility because of a qualifying event is eligible for enrollment under COBRA. A qualifying event is defined by COBRA regulations and includes loss of coverage due to; termination of employment; reduction of hours; death of employee; employee’s Medicare entitlement; divorce or legal separation; child ceasing to be eligible; bankruptcy of employer; and expiration of leave criteria.

It is the employee’s or eligible family member’s responsibility to inform the District within 60 days when a qualifying event takes place.

The District will inform all family members of their COBRA rights for their Medical, Dental, Vision and EAP plans. You will only be eligible to enroll as a COBRA participant in the current plans you are enrolled.

COBRA participants have the same rights under the plan as active employees. This includes rights during open enrollment periods. When an open enrollment period occurs, COBRA participants will be informed of their rights.

The employee/eligible family member must pay a full monthly premium for Dental, Vision and the Employee Assistant Plan under the COBRA program. The employee/eligible family member must also pay a 2% administrative charge to the District.

## **Retirement**

### **California Public Employee Retirement System (CalPERS)**

The Kirkwood Meadows Public Utility District contracts with the California Public Employees Retirement System (CalPERS) to provide retirement benefits for District employees. Employees must be enrolled into CalPERS membership immediately upon the date of hire if the employee is already a CalPERS member, hired to work full time in excess of six (6) months. Part-time/seasonal and temporary employees will be enrolled once they reach 1000 hours in a fiscal year or work 125 days a fiscal year.

On September 12, 2012, Governor Brown signed into law the California Public Employee's Pension Reform Act of 2012 (PEPRA), which impacts the retirement benefits that the Kirkwood Meadows Public Utility District offers through CalPERS. PEPRA adopts a compulsory formula and mandatory contributions for certain employees that are deemed to be "new members." Pursuant to government Code Section 7522.04(f), the term "new member" as it applies to individuals employed by District, refers to the following:

- 1, An employee who enrolls in CalPERS for the first time on or after January 1, 2013 and who has no prior membership in any other California public retirement system; or
2. An employee who enrolls in CalPERS for the first time on or after January 1, 2013 and who was a member of another California public retirement system prior to January 1, 2013 but is not eligible for reciprocity pursuant to Government Code Section 7522.02 and Section 579.3 of Title 2 of the California Code of Regulations; or
- (c) 3, An employee who established CalPERS membership prior to January 1, 2013 with a different CalPERS employer, and who is hired by the District after January 1, 2013, after a break in service of greater than six (6) months.

As a result of PEPRA, the Kirkwood Meadows Public Utility District must have two tiers of retirement benefits, the application of which depends on an employee's status as a new member. District employees that were enrolled in CalPERS as a result of their employment with the Kirkwood Meadows Public Utility District before January 1, 2013 and CalPERS eligible employees hired on or after January 1, 2013 that are not new members, as defined above, are referred to as "Classic Members".

### **Classic Members**

CalPERS is the California Public Employees Retirement System. A CalPERS "Classic" member is a member who previously worked for a California public agency and established a CalPERS membership in a CalPERS reciprocal agency prior to January 1, 2013. The retirement benefit formula for Classic Members is 2.5% @ 55. Kirkwood Meadows Public Utility District contract with CalPERS provides for calculating final compensation based on the highest compensation for twelve (12) consecutive months of employment with the District. Kirkwood Meadows Public Utility District pays the employer portion of the costs associated with this retirement program. In addition, the District pays the employee share known as the normal member contribution on behalf of Classic Members as an employer paid member contribution ("EPMC") pursuant to Government Code Section 20691. The District reserves the right to periodically increase, reduce, or eliminate the EPMC, as authorized by Section 20691.

## **Pepra Members**

The California Public Employees' Pension Reform Act (PEPRA) took effect on January 1, 2013. All new regular full-time employees and any eligible employee will be enrolled as a PEPRA Member. The retirement benefit formula for PEPRA Members is 2% @ 62. Final compensation for purposes of calculating retirement allowance is equal to the member's highest average compensation for thirty-six (36) consecutive months of employment with the District. Maximum compensation is established by CalPERS, as amended from time to time. In addition, the items of compensation used to determine benefits or contributions to CalPERS will be limited to those items of compensation deemed "pensionable compensation" under applicable law. PEPRA Members are required to pay for a portion of the cost of the 2% @ 62 retirement formula. This mandatory member contribution is not a fixed amount. Rather, it will be set by CalPERS based on the following formula:- The mandatory contribution will be equal to 50% of the total normal costs attributable to the 2% @ 62 benefit plan, rounded to the nearest quarter of 1 percent. The District will inform new members of the amount of the mandatory employee contribution.

## **Retiree Health Benefits**

You are eligible to continue enrollment in the District's Medical Insurance plan as a retiree if you:

- Retire from the District within 30 days of separation, and;
- Have reached a minimum age of 50 years; and
- Have 5 years' service with the District; and
- Are eligible for and enrolled in health benefits on the date of separation from the District.

Early disability retirements before age 50 are not eligible for Retiree Medical Benefits.

The following family members, who are enrolled in the District's Medical Insurance at the time of retirement from the District, are eligible to continue enrollment in the District's Medical Insurance upon retirement:

- Spouse
- Registered Domestic Partner
- Children under the age of 26
- Certified Disabled Dependent

Family members in the above categories who are not enrolled in the District's Medical Insurance at the time of retirement from the District are not eligible to enroll after the retirement date. Re-enrollment will not be permitted for a retiree or dependent who terminates from the retiree medical plan. Plan changes are not permitted at retirement or Open Enrollment. Employees should select a retiree medical plan at the Open Enrollment prior to retirement.

Survivors are eligible for continued health benefits coverage if they:

- Were enrolled dependents at the time of the retiree's death.
- Survivor benefits shall terminate upon Survivor's eligibility for Medicare, excepting Children whose Survivor benefits shall terminate upon reaching the age of 26.

Upon retiring from the Kirkwood Meadows Public Utility District and signing up for continued Medical Insurance within the specified time allowed, the District will contribute an amount equal to 50% of the retiree-only premium for the least cost plan for which the retiree is eligible. A 3% administrative fee will be charged to administer the retiree's health insurance.

Retirees hired before December 31, 2020 must enroll in Medicare A and B upon eligibility. The District shall provide a Retiree plan which will provide secondary coverage with Medicare providing primary coverage.

For retirees hired after December 31, 2020, retiree Medical benefits shall terminate upon retiree eligibility for Medicare.

### **Deferred Compensation**

The Kirkwood Meadows Public Utility District offers a payroll tax deferral plan called CalPERS Supplemental Income 457 Plan for all employees to participate. This plan is a voluntary savings program that allows you to defer any amount, subject to annual limits, from your paycheck on a pre-tax basis. In addition, your contributions and their earnings, if any, can benefit from the power of tax-deferred compounding. What this means is that you don't pay income taxes on your investments or earnings until you start to take withdrawals, usually in retirement. You may enroll in the plan at any time, as there is no waiting or enrollment period. Your contributions are made through easy payroll deductions and the plan is flexible so you may stop, increase or decrease your contributions as often as you would like.

You can obtain more information by visiting the Administrative Manager.

### **Telecommuting**

#### **General:**

The Kirkwood Meadows Public Utility District's understands the importance of work, personal safety, and family life. This telecommuting policy is designed to help create a supportive remote work environment for ~~the District's hybrid workers or~~ those who cannot report to work due to highway closures or other approved reasons, and to achieve the objectives of District that will benefit both the District and our employees.

To promote productivity and efficiency, telecommuting requires the employee to have a quiet and private workspace where the employee can spend the required hours with their full attention and dedication to the job. The District is committed to the well-being of all employees, including those working remotely. We encourage remote workers to prioritize their health and safety by having a workspace that meets all industry standard ergonomic requirements , requires the employee to comply with the taking two 10 minute breaks per 8 hours worked and general self care practices.

The District will provide a laptop computer for remote work but requires the employee to have a suitable high-speed internet connection and telephone. Hours of work shall be consistent with the employee's regularly scheduled workday , including required meal and rest breaks, and the employee shall be available by telephone during said hours.

Staying compliant with all relevant labor laws, tax regulations and other legal requirements is a top priority for the District's remote work policy. Since remote employees may be located in a variety of legal jurisdictions, remote employees are expected to abide by the legal and regulatory requirements applicable in their jurisdictions and should reach out to their supervisor or manager if they have any compliance questions or concerns.

The District reserves the right to terminate or modify remote work arrangements at the District's sole discretion.

#### ~~Scheduled Telecommuting:~~

~~Employees may qualify for remote work if their job roles are compatible with working remotely. Due to the nature of the work and the needed proximity to District facilities, non-exempt operations staff are not eligible for telecommuting.~~

~~Remote work for non-exempt employees shall be permitted no more than 2 days per week and only on Tuesday, Wednesday, or Thursday. Remote work for exempt employees, due to the nature of their work and their availability to work regardless of date or time, are permitted to work remotely without regard to dates or time, upon approval of the General Manager.~~

~~Employees may weekly request up to 2 days of remote work from their Supervisor/Manager. These days may be approved or disapproved based on available staffing, anticipated meetings, scheduled activities, or other issues that may impact District business. All requests are subject to General Manager review and approval.~~

#### Unscheduled Telecommuting:

Employees shall make all reasonable and diligent efforts to report to work. It is the employee's responsibility to check highway conditions and closures. If the highways are reported as closed on the Caltrans Twitter, dot.ca.gov, cad.chp.ca.gov, or quickmap.dot.ca.gov, the employee must contact their Supervisor or the General Manager.

Non-exempt, non-operations employees may be allowed to work ~~from home~~remotely under the following circumstances:

- The road must be closed +/- 90 minutes after the employee's regular start time.
- The employee will not start working from home until 90 minutes after their regular start time.
- The General Manager must approve the work to be performed.
- The General Manager must approve the time.
- A maximum of 16 hours per week of telecommuting is allowed.
- The General Manager, at their sole discretion, may extend the hours allowed per pay period under extraordinary circumstances.

#### **Wellbeing Benefit Guidelines**

KMPUD is committed to supporting the wellbeing of our team. We want all staff to have access to wellness-related activities and resources that support their individual physical wellbeing.

We recognize the proven links between wellbeing, resilience, adaptivity and feeling equipped to handle personal and professional challenges. With this in mind, we seek to support everyone at KMPUD to engage in activities and practices that expand your wellness.

KMPUD will annually reimburse all full-time employees ~~up to~~ the annual price of a Kirkwood Only Ski Pass for wellbeing-related expenses. All seasonal or part-time employees will only be offered a Kirkwood ski pass of their choosing, after 30 continuous days of employment, up to the annual price of a Kirkwood Only Ski Pass. Returning/rehired employees are immediately eligible for the benefit.

This benefit can be used towards any type of activities or items that contribute to your physical wellbeing, subject to approval by the General Manager.

Examples may include but not be limited to:

- Physical health – e.g. in-person or virtual classes, personal training, gym membership, outdoor recreation, sport and recreation event & activity fees.
- Equipment & technology – e.g. at-home exercise equipment, fitness tracker, workout shoes and clothing, camping/hiking equipment, bike equipment, wellbeing apps.
- Nutritionist visits, health programs, healthy meal subscriptions.
- Membership to other health services.

Items should be for your own use, either in full or in part. Items or activities to be solely used by other people are not covered under this benefit.

~~To receive reimbursement, please submit your item/s receipts and purchase order.~~

~~The maximum claim frequency is quarterly, for any/all expenses in that quarter. You can also claim for a larger amount up front if making a big purchase e.g. up front payment for a year's gym membership or exercise equipment. The Wellbeing Benefit annual amount will be calculated by the Administrative Manager based on the price of a Kirkwood Only Ski Pass in June of each year. The Wellbeing Benefit will be paid to all eligible employees in July. Eligible employees hired after July 1, will receive a prorated Wellbeing Benefit after 30 days of continuous employment.~~

### Lifetime Pass

Employees with 20 or more years of service at the District upon their retirement are eligible to receive reimbursement for a Kirkwood-eligible ski pass annually for their personal use in retirement. The maximum annual reimbursement during each fiscal year is equal to the annual Wellbeing Benefit reimbursement. In order to request reimbursement, eligible retired employees will submit a reimbursement request along with a receipt showing payment for an eligible ski pass.

The District reserves the right to change, suspend or eliminate any benefit at its sole discretion when conditions warrant and following the General Manager's approval and communications to

employees. Employees will be notified of any changes in employee benefit programs through emails.

## LEAVES OF ABSENCE

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### **Personal Leave**

Requests for personal leave must be submitted to the General Manager in writing. All personal leaves of absence will be considered on a case by case basis typically based on factors related but not limited to staffing levels in the Department, existing or projected workload demands, the requesting employee's work record, the basis of the request, and any additional costs and /or hardship caused by the leave. Personal leaves are generally considered for personal reasons such as verifiable family or personal emergency not provided for by legally mandated leaves of absence, or to attend to medical condition not otherwise eligible or qualified under legally mandated leaves of absence. If the employee is absent because of a medical condition or procedure, they must provide a physician's certificate that they are fit for duty upon return.

While the District may endeavor to allow the employee to return to their same job, the District is not required to reserve the job of any employee who takes an authorized personal leave of absence, and such employees should not have a right or expectation to return to the same or similar job upon completion of the leave, unless otherwise required by law.

Employees will be replaced or terminated during a leave of absence for any of the following reasons:

1. Notice of intent to resign or demonstration of intentions not to return to work is given.
2. Employee fails to return to work within the time specified for the leave without having obtained approval for the extension of time off.
3. Employee fails to provide a doctor's certificate or other requested documentation to substantiate the need for, or an extension of a leave.
4. Employee fails to accept their former position upon return, or if not available, another position for which they may be reasonable qualified.
5. The employee's position no longer exists at the conclusion of their leave.

District-sponsored health benefits will terminate at the end of the month in which paid status ends. COBRA continuation of benefits will be offered at that time, at the employee's expense.

### **California Family Rights Act (CFRA), Family Medical Leave Act (FMLA), and Pregnancy Disability Leave (PDL)**

Under the California Family Rights Act (CFRA) and the federal Family Medical Leave Act, if you have more than 12 months of service and have worked at least 1,250 hours in the 12-month period before the date you want to begin your leave, you may have a right to CFRA or FMLA leave. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of your child or for your own serious health condition or that of a designated person. FMLA and CFRA protect leave for the birth of a child or placement of a child with the employee for adoption or foster care; leave for the care for a child, spouse, or parent who has a serious health condition; a serious health condition that makes the employee unable to work; and reasons related to a family member's service in the military, including qualifying exigency leave and military caregiver leave. For the purposes of CFRA, a designated person is "any individual related by blood or whose association with the employee is the equivalent of a

family relationship.” An employee may only identify one designated person per 12-month period. Upon return, you will be reinstated to your same or comparable job notwithstanding layoffs, etc.

Under the Pregnancy Disability Leave (PDL), if your employer has five (5) or more employees, you are entitled to rights and protections in the event of pregnancy, childbirth, loss of pregnancy and related physical or mental conditions. These rights and protections include the right to reasonable accommodations and the right to time off from work. It is illegal for employers to fire, refuse to hire, bar, harass, discharge, or otherwise discriminate against someone because of pregnancy, childbirth, or a related condition. (Gov. Code, § 12945; Cal. Code Regs., tit. 2, § 11035). Pregnancy Disability leave can be up to four months, depending on your period(s) of actual disability. When medically necessary, pregnancy disability leave may be taken in intermittent periods, so long as the total leave taken does not exceed four months. PDL only applies to the parent who has a disability related to the pregnancy. Upon return, you will be reinstated to your same or comparable job notwithstanding layoffs, etc.

When the need for leave is foreseeable, the employee must provide at least 30-days advance notice of the need for leave under this section, and, for any unplanned medical treatment the employee must make a reasonable effort to schedule the leave to avoid disrupting District operations. There are certain exceptions to eligibility for family care and medical leave and the District is permitted to deny a request for leave under certain circumstances. In particular, the District has a right to deny any request for family care and medical leave due to the small size of the District’s work force.

For any family care and medical leave under this section, the employee must first exhaust all of their accrued sick time off. The District will continue to cover the employee’s insurance(s), if the District normally pays for those benefits, during the period of time the employee is out on protected leave. At the conclusion of the protected leave, the employee will be offered COBRA continuation of coverage at the employee’s expense.

The District may require written verification from the employee’s doctor or health care provider or, if applicable, the doctor or health care provider of the employee’s child, parent or spouse, to support the request for leave. As a condition of reinstatement following a leave under this section because of the employee’s own health condition, the District may require the employee to submit a medical certification from the employee’s doctor or health care provider stating that the employee is able to return to work.

If the employee fails to return from leave after the period of leave to which the employee is entitled has expired the employee’s services may be terminated.

### **Lactation Policy**

The District recognizes that breast milk can be an important food for growth and development of infants. Employees have a right to request lactation accommodation. This policy is to establish guidelines for promoting a breastfeeding-friendly work environment and supporting lactating employees for as long as they desire to express breast milk. The break time must, if possible, run concurrently with any break time already provided to the employee. Break time that does not run

concurrently with the rest time authorized for the employee will be unpaid. The District is not required to provide an employee break time for purposes of lactating if to do so would seriously disrupt the operations of the employer.

The District will make reasonable efforts to provide lactating employees with the use of a room or other location, other than a bathroom, in close proximity to the employee's work area for the employee to express milk in private. The room or location may include the place where the employee normally works if it otherwise meets the above requirements. A temporary location may be used if the District is unable to provide a permanent lactation location because of operational, financial, or space limitations. A temporary lactation location will be private and free from intrusion and used only for lactation purposes while an employee expresses milk.

The lactation room or location will include a surface to place a breast pump and personal items, a place to sit, access to electricity, a sink with running water, and a refrigerator or cooler for storing breast milk. In addition, the room or location must be safe, clean and free of hazardous materials.

Any lactating employee, or their representative, may request lactation accommodation. Persons requesting lactation accommodation should contact the Administrative Manager for further information. Once the request is received, reviewed and approved by the General Manager, the District will notify the requester and make the necessary implementation arrangements, providing the accommodation without undue delay.

Employees exercising their rights under these provisions will not be subject to breastfeeding discrimination in accordance with applicable federal and state anti-discrimination laws and regulations. In the event an employee has a concern regarding their rights or believes they have been discriminated against or harassed, they should contact their Supervisor or the General Manager at the earliest possible opportunity.

### **Jury Duty**

Kirkwood Meadows Public Utility District recognizes and supports its employees' obligations to appear for jury duty. Under California's Code of Civil Procedure, Section 215, public agency employees (defined in Section 481.200 - which includes District employees), may not be paid the fee for jurors when they receive regular compensation and benefits while performing jury service. Therefore, District employees are expected to contact their Supervisor about reporting for work whenever the court schedule permits and to turn in to the District any compensation, excluding mileage and parking reimbursement, received from the court or the party on whose behalf the employee testifies. Time off is granted with pay for up to four (4) weeks of Jury duty. Leave will be extended as required when proof of service is made to the General Manager.

Jury duty leave after four (4) weeks can be taken as vacation, floating holiday, sick leave (if otherwise unpaid), or unpaid leave. Vacation and Floating Holiday time can only be taken up to the amount accrued. In no event shall double pay to the employee result from court duty.

Employees must notify their Supervisor within 3 (three) working days upon receipt of a jury duty notice. If a deferment is deemed necessary after consulting with your Supervisor, the employee should then submit a letter to the Jury Commissioner stating the reason(s) for deferment.

### **Witness Duty**

Whenever any Kirkwood Meadows Public Utilities District employee is subject to the provisions of California Government Code Section 1230 and is served with a subpoena which compels their presence as a witness, unless they are a party or an expert witness, such employee shall be granted a leave of absence with pay per the requirements of California Government Code Section 1230.

Employees must notify their Supervisor within 3 (three) working days upon receipt of a witness duty notice.

### **Bereavement Leave**

The Kirkwood Meadows Public Utility District grants leave of absence to employees in the event of the death of an employee's qualifying family member per CFRA. Employees are eligible for Bereavement Leave after 30 days of service.

Up to five-day (5) leave will be granted. Employees may choose to use vacation, sick, or floating holidays to stay in paid status. Employees may take Bereavement Leave without pay.

### **Crime Victim Leave**

Employees or qualified family member who are covered under the Qualifying Act of Violence as victims of domestic violence, sexual assault, stalking, a crime involving physical injury, a crime involving mental injury with a threat of physical injury, or whose immediate family member is killed as a result of a crime are eligible for leave. While the leave is generally unpaid, employees can use their paid sick time under California's Healthy Workplaces, Healthy Families Act for the purposes described below. Leave is also available to employees to attend judicial proceedings relating to a criminal proceeding in which the employee is either a victim or a witness.

“Qualifying act of violence” means any of the following, regardless of whether anyone is arrested for, prosecuted for, or convicted of committing any crime:

- Domestic violence.
- Sexual assault.
- Stalking.
- An act, conduct, or pattern of conduct that includes any of the following:
  - In which an individual causes bodily injury or death to another individual.
  - In which an individual exhibits, draws, brandishes, or uses a firearm, or other dangerous weapon, with respect to another individual.
  - In which an individual uses, or makes a reasonably perceived or actual threat to use, force against another individual to cause physical injury or death.
- “Sexual assault” means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

- “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for that person’s safety or the safety of others or suffer substantial emotional distress.

The employee may request leave if the employee is involved in a judicial action, such as obtaining a restraining order, or appearing in court to obtain relief to ensure the employee’s health, safety, or welfare, or that of the employee’s child. The employee should provide reasonable advanced notice of the need for leave to the employee’s supervisor unless advance notice is not feasible. For more information, the employee should contact the District’s Administrative ~~Services~~ Manager. The employee may use available vacation, accrued sick leave, or compensatory time off if they have such time available. Otherwise, the employee must take unpaid leave.

Employees may also take time off (whether it be paid or unpaid) to seek medical attention for injuries caused by domestic violence or sexual assault, or obtain services from a domestic violence shelter, program, or rape crisis center as a result of domestic violence or sexual assault, obtain psychological counseling related to an experience of domestic violence or sexual assault, and/or participate in safety planning and take other actions to increase safety from future domestic violence or sexual assault, including temporary or permanent relocation.

If an employee is the victim of domestic violence, sexual assault, stalking, a crime involving physical injury, a crime involving mental injury with a threat of physical injury, or whose immediate family member is killed as a result of a crime and needs a reasonable accommodation for their safety at work, the employee should contact the District’s Administrative ~~Services~~ Manager and discuss the need for an accommodation. The employee should submit a written statement signed by the employee, or by an individual acting on the employee’s behalf, certifying that the accommodation is for the purpose of the employee’s safety at work.

For reasonable accommodation requests, the District may require certification demonstrating that the employee is the victim of domestic violence, sexual assault, or stalking. The District may request recertification every six months from the date of the previous certification. The employee should notify the District if an approved accommodation is no longer needed.

The District will engage in an interactive process with the employee to determine effective reasonable accommodations, if any, and will make reasonable accommodations unless such accommodation would result in an undue hardship to the District.

The District will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave or accommodation under this policy.

### **Military Leave**

Military leave will be granted in accordance with applicable federal and state laws. Official military orders for training or active duty must accompany an employee’s request for a leave of absence. Arrangements for leave must be made as early as possible before departure.

### **Reproductive Loss Leave**

Employees are entitled to up to five days of leave for a reproductive loss event, such as a miscarriage, failed surrogacy, stillbirth, unsuccessful assisted reproduction (artificial insemination or embryo transfer), or a failed adoption. The total amount of reproductive loss leave time shall not exceed 20 days within a 12-month period.

Employees may choose to use vacation, sick, or floating holidays to stay in paid status. Employees may take Reproductive Loss Leave without pay.

### **Voting**

Kirkwood Meadows Public Utility District encourages eligible employees to exercise their right to vote. You may take up to two hours at the beginning or end of your work schedule if you are not able to get to the polls before or after your workday. Time off can be taken as vacation, floating holiday or leave without pay.

All full-time regular employees should request time off to vote on their Quarterly Vacation Planning Calendar. If you were unable to turn in a request on your Quarterly Vacation Planning Calendar or are a part-time, or temporary employee, contact your Supervisor within two weeks of the time needed off for approval from your Supervisor and the General Manager.

## **EMPLOYEE STANDARDS**

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### **Electronic Media Use Policy**

Kirkwood Meadows Public Utility District uses various forms of electronic media including, but not limited to, computers, tablets, e-mail, telephones, voicemail, Internet, and cell phones. All electronic communications devices and all information stored on them, including all software, databases, hardware, and digital files, remain the sole property of District and are intended to be used for District business. Employees may use District electronic communications devices for incidental personal use during non-working times (i.e., breaks or meal periods), provided doing so does not interfere with District business.

Electronic communication and media may not be used in any manner that would be discriminatory, harassing, or obscene, or for any other purpose that is illegal, against District policy, or not in the best interest of District. Employees who misuse electronic communications and engage in defamation, copyright or trademark infringement, misappropriation of trade secrets, discrimination, harassment, or related actions will be subject to discipline and/or immediate termination.

Employees may not install personal software on District computer systems.

All electronic information created by any employee using any means of electronic communication is the property of District and remains the property of District. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the District's ownership of the electronic information. The District may override all personal passwords if necessary, for any reason.

Kirkwood Meadows Public Utility District reserves the right to access and review electronic files, messages, mail, and other digital archives, and to monitor the use of electronic communications as necessary to ensure that no misuse or violation of District policy or any law occurs. Employees shall have no expectation of privacy with respect to any information conveyed, created, stored, or placed on any of District's computer systems. Even if employees use electronic communications devices for incidental personal use, employees should not have an expectation of privacy with respect to any information stored thereon. The District reserves the right to inspect and access all information conveyed, created, stored, or placed on any District electronic device.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by the General Manager.

No employee may install or use anonymous e-mail transmission programs or encryption of e-mail communications, except as specifically authorized by the General Manager.

Employees who use devices on which information may be received and/or stored **should**, ~~including but~~ not have an expectation of privacy with respect to any information stored thereon.

The District reserves the right to inspect and access all information placed or transmitted on any District electronic device.

### **Dress Code for Office Staff**

At the Kirkwood Meadows Public Utility District, professional image is important and is maintained, in part by the image that employees present to members, visitors, vendors and others in our business. In choosing appropriate work attire, employees should consider tastefulness, public contact, the nature of the job, and working conditions.

The District expects all employees to use good judgement and taste in matters of personal grooming and dress. Good judgement includes consideration for both District and its clients. Attire should be in keeping with the dignity of the professional office. Employees should always be neat and clean in appearance, dressed in reasonably professional attire including proper footwear.

Prohibited attire includes, but is not limited to, sweatpants, ripped or torn jeans, shorts, sexually suggestive or revealing clothing, clothing with words, logos or pictures that may reasonably be deemed offensive, house slippers, flip-flops, or slides. If you have any questions about what is appropriate at the District, please consult [Management your supervisor](#).

Employees who are inappropriately dressed may be sent home and directed to return to work in the proper attire. Non-exempt employees will not be compensated for the time away from work. Employees who continually violate District's dress code policy will be subject to corrective action, up to and including termination.

Allergies to fragrance or multiple chemical sensitivities can be disabilities under the Americans with Disabilities Act. Employees shall be cognizant of co-workers that may have fragrance sensitivities. Personal fragrant products (fragrances, colognes, lotions, powders, and other similar products) that are perceptible to others beyond 10-feet should not be worn by employees. Other fragrant products (scented candles, potpourri, and other similar items) are also not permitted should their scent be perceptible beyond 10-feet from their location. Any employee with a concern about scents or odors should contact their supervisor.

### **Dress Code for Operations Department Staff**

For Operations Department staff, appropriate working attire is required. Contractors, suppliers and customers come in contact with you, and we wish to put forth an image that will make us all proud to be District employees. Employees should be as neat and clean in appearance as possible. Employees should also avoid any clothing with words, logos or pictures that may be deemed offensive.

Prohibited attire includes, but is not limited to, shorts, sweatpants, ripped or torn jeans, sexually suggestive or revealing clothing, clothing with words, logos or pictures that may reasonably be deemed offensive, house slippers, flip-flops, open-toe shoes, or slides. If you have any questions about what is appropriate at the District, please consult [Management your supervisor](#).

The cost of any District uniform that employees are required to wear shall be paid for by the District upon approval of the General Manager. Any failure of the District uniform should be reported to ~~Management~~ your supervisor for replacement.

The following items should be provided to you by ~~Management or~~ your Supervisor; Winter jacket, snow pants, safety vest, gloves, eye protection, hard hat, and hearing protection. Please see the Personal Protective Footwear Policy in the next section for more details.

Employees are responsible for maintaining the safety equipment, uniforms, work clothing, and footwear issued to them in a clean presentable fashion.

Employees who are inappropriately dressed may be sent home and directed to return to work in the proper attire. Non-exempt employees will not be compensated for the time away from work. Employees who continually violate District's dress code policy will be subject to corrective action, up to and including termination.

All uniforms should be returned to Management upon termination of employment with the District. Any unreturned items will be considered purchased by the employee and must be paid for immediately upon termination. If an item is not returned and or paid for, the item will be considered stolen and the terminated employee will be reported to the law enforcement.

Allergies to fragrance or multiple chemical sensitivities can be disabilities under the Americans with Disabilities Act. Employees shall be cognizant of co-workers that may have fragrance sensitivities. Personal fragrant products (fragrances, colognes, lotions, powders, and other similar products) that are perceptible to others beyond 10-feet should not be worn by employees. Other fragrant products (scented candles, potpourri, and other similar items) are also not permitted should their scent be perceptible beyond 10-feet from their location. Any employee with a concern about scents or odors should contact their supervisor.

### **Personal Protection Footwear Policy**

The Kirkwood Meadows Public Utility District requires that all employees who are in areas where there is danger of foot injuries wear approved personal protection footwear. Failure to wear the required footwear will result in disciplinary action. An eligible employee of the Kirkwood Meadows Public Utility District will be reimbursed for personal protection footwear for a maximum amount of \$150.00 twice per fiscal year, from July 1<sup>st</sup> to June 30<sup>th</sup>.

### **Approved Personal Protection Footwear Requirements:**

The American Society for Testing and Materials (ASTM) requires that all protective footwear conform to the following minimum design and performance specifications:

- Impact resistance for the toe area;
- Compression resistance for the toe area;
- Metatarsal protection that reduces the chance of injury to the metatarsal bones at the top of the foot;
- Electric hazard resistance;
- Static dissipative properties to reduce hazards caused by exceedingly low footwear;
- Puncture resistance of footwear bottoms.

The Kirkwood Meadows Public Utility District requires that all work footwear meet the approved ASTM standards listed above. To meet the ASTM standard, all work footwear must be marked with the ASTM F2413 specification. This specification must be marked clearly and legibly on one shoe of the pair. The marking must be enclosed in a rectangular border and is usually located on the tongue or quarter lining of the shoe.

### **Employee Reimbursement Process:**

Employees will purchase personal protection footwear with the specifications listed above after receiving approval of purchase by their Manager. The employee will:

1. Provide the UPC code, cut from box the footwear came in, along with a copy of the receipt.
2. Complete the Request for Reimbursement for Personal Protection Footwear Form.
3. Submit the above to their Manager who will review the request for approval.

### **Gifts**

An employee or their immediate family may not accept from, or provide to, individuals or companies doing or seeking to do business with the District, gifts, entertainment, and/or other services or benefits unless the transaction meets all of the following guidelines:

- Is customary and gives no appearance of impropriety and does not have more than a nominal value;
- Does not impose any sense of obligation on either the giver or the receiver;
- Does not result in any kind of special or favored treatment;
- Cannot be viewed as extravagant, excessive, or too frequent considering all the circumstances including the ability of the recipient to reciprocate at District expense.
- Is given and received with no effort to conceal the full facts by either the giver or receiver.

If you receive a gift, check with your Supervisor to make sure the keeping of the gift is within the District's gift policy. The acceptance of unapproved gifts can result in disciplinary action, up to and including termination.

### **Cell Phone Use**

#### **Personal Cell Phone Use**

Despite their benefits, personal cell phones cause problems in the workplace. Employees who use their cell phones excessively may get distracted from their work, disturb colleagues by speaking on their phones, illegally use their phones inside company vehicles or near areas where using phones is prohibited. The District expects employees to use their cell phones prudently during working hours.

The District retains the right to monitor employees for excessive or inappropriate use of their cell phones. If an employee's phone usage causes a decline in productivity or interferes with work, the District will prohibit that employee from using their cell phones while at work and will require that they be stored in the employee's vehicle during work hours. Employees may face disciplinary action up to and including termination for cell phone use violations.

### **Company Cell Phone Use**

Employees whose job duties include the routine need for a cellular phone may receive extra compensation in the form of a cellular phone allowance to cover business related use of their personally owned cellular phone and service plan. The cellular phone provider and service plan chosen by the employee must offer satisfactory signal coverage in the Kirkwood Valley.

In the interest of the safety of our employees and other drivers and to comply with California law, if your job requires that you keep your cell phone turned on while you are driving, you must use a hands-free device. Unless using a hands-free device, under no circumstances should employees place phone calls while operating a motor vehicle while driving on District business and or District time. Any citations for cell phone violations shall be the employee's responsibility.

### **Cell Phone Reimbursement**

Essential employees, as determined by the General Manager, are eligible to receive a \$35.00 a month Cell Phone Reimbursement.

### **Technology Usage & Protection Policy**

When using Kirkwood Meadows Public Utility District's technology resources, employees must take care to reduce risk to these resources and to the confidentiality of District's information.

Following are some examples of behavior that reduces risk:

- Always consider the confidentiality of documents and information transmitted over outside services. This involves faxing, use of e-mail, cellular calls, USB flash drives, and other technology options. Substantial damage can be done by routing documents to the wrong person or organization, exposing documents or messages to interceptions and theft, transmitting confidential information during cellular calls, etc.
- Change passwords frequently to avoid unauthorized access. Close e-mail windows when the computer is unattended.
- Always verify addresses such as e-mail and fax numbers before sending information so that it does not fall into the wrong hands.
- Be aware of the rights of others to their own copyrighted information. Do not download and pass on copyrighted materials where the copyright owner has expressly forbidden it. Do not "publish" another person's messages to a larger audience without securing their permission first.
- Remember, when you send e-mail or contribute to any public forum such as an Internet newsgroup while using District's technology resources, what you say may be interpreted as the opinion of District. Be courteous and businesslike in your communications.
- Keep in mind that all information stored on District's technology resources may someday be disclosed to outside parties in connection with an investigation or litigation. Accordingly, make sure your communications are professional in tone and content.
- Always use appropriate fax cover pages that contain all the information necessary to see that delivery is made to the proper person.
- When you receive misdirected e-mail or faxes, promptly contact the sender and inform them of the mistake and ask that they redirect their communication.

### **Alcohol, Marijuana, and a Drug Free Workplace**

The Kirkwood Meadows Public Utility District is concerned about the use of alcohol, federally or locally illegal drugs, or controlled substances as it affects the workplace. Use of these substances, whether on or off the job can detract from an employee's work performance, efficiency, safety, and health, and therefore seriously impair the employee's value to the District. In addition, the use or possession of these substances on the job constitutes a potential danger to the welfare and safety of other employees and exposes the District to the risks of property loss or damage, or injury to other persons. Furthermore, the use of prescription drugs and/or over-the-counter drugs also may affect an employee's job performance and may seriously impair the employee's value to the District.

Employees should be aware that the legalization of marijuana in California does not impact the scope of this policy. Marijuana remains an illegal drug under federal law. For that reason, usage and possession of marijuana remains a violation of policy and will be enforced to the fullest extent possible.

The following rules and standards of conduct apply to all employees either on District property or during the workday (including meals and rest periods). Behavior that violates District policy includes:

- Possession or use of an illegal or controlled substance, or being under the influence of an illegal or controlled substance while on the job or on District property;
- Driving a vehicle while under the influence of alcohol or drugs on District business; and
- Distribution, sale, or purchase of an illegal or controlled substance while on or off the job.

Violation of these rules and standards of conduct will not be tolerated. The District may also bring the matter to the attention of appropriate law enforcement authorities.

An employee's conviction on a charge of illegal sale or possession of any controlled substance while off District property will not be tolerated because such conduct, even though off duty, reflects adversely on the District. In addition, the District must keep people who sell or possess controlled substances off District premises in order to keep the controlled substances themselves off the premises.

Any employee who is using prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or affect the safety or well-being of others, must notify a supervisor of such use immediately before starting or resuming work. The employee is not required to disclose the medical condition requiring the use of the drugs.

In order to enforce this policy, the District reserves the right to conduct searches of District property or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of this policy.

### **Drug and Alcohol Testing on Reasonable Suspicion**

If the General Manager or a supervisor has reasonable suspicion that an employee while on duty may be under the influence of or impaired by alcohol or an illegal drug, then the employee will be asked about any observed behavior or other indicator(s) and offered an opportunity to provide a reasonable explanation. If the employee cannot reasonably explain the behavior or other indicator(s) to the satisfaction of the District, then the employee shall be directed to submit to a drug and alcohol test. The employee shall proceed immediately to submit to the testing.

The drug screening shall be conducted by a drug testing clinic certified by the National Institute on Drug Abuse (NIDA) as selected by the District. The exam shall be conducted in accordance with the following: The drug screening examination shall be conducted by urinalysis, blood or hair follicles by a qualified and competent NIDA-certified laboratory. Any positive finding of an illegal drug shall be confirmed by gas chromatography/mass spectrometry or another accurate confirmation test before any report of a positive drug screening result to the District. The collection of specimens shall be done in a professional manner and in such a way as to assure a proper and documented chain of custody, including proper identification, labeling and handling of test specimens. Medical personnel shall not observe the act of urination. In connection with the drug screening examination, the employee shall be asked to list those legal drugs that they have consumed in the recent past. An employee, upon request, shall be furnished with a portion of the specimen which they may use for independent laboratory analysis, at their own expense. An employee shall be informed, at the commencement of the testing process, of the right to obtain such a sample portion. If the employee submits the results of an independent laboratory analysis, then these results shall be considered by the District prior to any final decision on discipline.

If the drug screening examination results are positive for the presence of an illegal drug or alcohol, then the drug testing clinic shall report this finding to the District. If the drug or alcohol test results are positive, then the employee shall be in violation of this policy and subject to discipline.

### **Counseling and Rehabilitation Programs**

Counseling and rehabilitation programs are available through the District Employee Assistant Program. Employees desiring such assistance should request a treatment or rehabilitation leave prior to having been found in violation of District policy. The District is not obligated, however, to continue to employ any person whose performance of essential job duties is impaired because of drug or alcohol use, nor is District obligated to re-employ any person who has participated in treatment and/or rehabilitation if that person's job performance remains impaired as a result of dependency. Additionally, employees who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency or problem, will not be given a second opportunity. This policy on treatment and rehabilitation is not intended to affect the District's treatment of employees who violate the regulations described previously. Rather, rehabilitation is an option for an employee who acknowledges a chemical dependency and voluntarily seeks treatment to end that dependency.

## **Solicitation**

Kirkwood Meadows Public Utility District does not permit employees to sell, deliver, and solicit participation, or request contributions or payments for goods or services on the premises. Such transactions must take place outside of working hours and off the business premises. All outside solicitors are prohibited from soliciting employees on District property.

## **Miscellaneous Rules of Conduct**

As an employee of Kirkwood Meadows Public Utility District, you are expected to use sound judgment and respect the rights of fellow employees to a safe, comfortable and congenial work environment. It is impossible to make a comprehensive list of all of the possible kinds of conduct, which would be considered inappropriate. Examples of some of the general types of conduct that cannot be allowed are:

- Drinking alcohol or taking mind or behavior altering drugs;
- Appearing at work under the influence of alcohol or drugs;
- Infringing on the rights of fellow staff or customers by displaying objects, giving messages or wearing clothing that is provocative, insulting or harassing to any particular group or individual;
- Purposely giving wrong information when reporting hours worked or tasks completed;
- Incompetence, inefficiency or insubordination;
- Negligent use of, willful damage to, waste of, or unauthorized use of District property, supplies, equipment or premises;
- Failure to follow workplace safety plans, instructions or directions;
- Violation of any District employment policy or other provision of this handbook;
- Any conduct or omission that adversely affects the operation of the District, the health, safety, welfare of District employees or others, or the safety of District property;
- Protecting others who break these and other policies or commit illegal acts.
- Having pets in the workplace, District vehicles, or around District facilities (excluding housing).

Employees who act in these or other unacceptable ways will be subject to immediate dismissal.

## **Ethics**

District employees shall at all times remain aware of their status as public servants and should be mindful that they serve the public and its mandate as expressed through its elected Board of Directors.

As part of maintaining ethical behavior, employees are encouraged to report any acts which undermine the integrity of the District including theft, embezzlement, harassment, destruction or misuse of public property to the General Manager or the Personnel Committee of the Board.

Employees should cooperate with other employees and public officials unless prohibited from so doing by recognized confidentiality of their work.

No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the District, nor shall they use such information to advance the financial or other private interests of the employee or others.

## **EMPLOYEE CONDUCT & DISCIPLINE**

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The intent of this policy is to communicate the District's standards of employment conduct. Employees are urged to use good judgment at all times, and to seek supervisory advice under any doubtful situation.

As a matter of policy, the District generally seeks to resolve conduct and performance problems in the most informal and positive manner possible, such as through counseling or additional training or supervision. However, the District may determine, in its sole discretion, to use disciplinary action, up to and including termination, to resolve such problems. Towards that end, the District has established the general conditions and procedures that follow.

### **Unacceptable Conduct**

The list of unacceptable conduct cited below is intended to provide some examples of the types of conduct that may result in disciplinary action. However, this is merely illustrative; no attempt has been made here to establish a complete list. Should there arise instances of unacceptable conduct not included in the following list, the District may nonetheless determine it is necessary and appropriate to discipline in accordance with the policies and procedures contained herein.

1. Attendance
  - a. Improper or unauthorized use or abuse of paid or unpaid leave.
  - b. Excessive absenteeism and/or tardiness.
  - c. Being absent without authorization and/or unauthorized late arrival or early departure from work.
2. Behavior
  - a. Violation of any of the District's Personnel Policies and Procedures or related directives.
  - b. Failure to carry out a direct order from a superior.
  - c. Engaging in conduct that is an actual or potential conflict with the interests of the District.
  - d. Conduct that tends to discredit the employee or the District.
  - e. Conviction of a crime.
  - f. Falsifying, removing or destroying District documents, including but not limited to documents related to employment, payroll or work related records or reports.
  - g. Performing outside work for personal gain during business hours or engaging in off-duty employment that adversely affects the employee's work performance for the District.
  - h. Discourteous treatment of the public or other employees, including but not limited to conduct deemed by the District to be harassing, coercing, threatening or intimidating to others.
  - i. Conduct that interferes with District operations.
  - j. Violation or neglect of work safety rules or contributing to hazardous conditions.
  - k. Unauthorized removal or use of any property of the District or that of its customers or clients.
  - l. Physical or verbal altercations.
  - m. Violation of the District's policy prohibiting harassment and discrimination.

### 3. Work Performance

- a. Inefficiency, incompetence or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent and reasonable manner.
- b. Failure to improve job performance in accordance with written or oral direction.
- c. Failure to accept reasonable and proper assignments from an authorized supervisor.
- d. Violation of the District's policy regarding alcohol and drugs.
- e. Driving under the influence of alcohol or drugs while on duty; holding a suspended driver's license where job duties require driving.
- f. Careless, negligent or improper use of District property, equipment or funds, including unauthorized removal, or use involving damage or risk of damage to property
- g. Unauthorized release of confidential information or official records of the District.

### **Progression of Discipline**

Depending on the nature and circumstances of an incident, the District may elect to engage in progressive discipline. The types of disciplinary action that may occur are as follows, in general order of increasing formality. However, the District may determine under the particular circumstances that some or all progressive steps are not warranted, that any one or more of the below steps may be skipped, and that the employee may be properly subjected to more severe levels of discipline including termination.

#### 1. Informal Oral Counseling.

- a. An informal oral counseling by the supervisor to an employee, usually pointing out an unsatisfactory element of job performance, is intended to be corrective or cautionary, but is not considered formal discipline. An oral counseling informally defines the area of needed improvement, sets up goals for improvement, and informs the employee that failure to improve may result in more serious action.

#### 2. Verbal Reprimand

- a. A verbal reprimand by the supervisor to an employee consists of defining area(s) of needed improvement, setting up goals for improvement, informing the employee that failure to improve may result in more serious disciplinary action. The verbal reprimand is documented in the employee's personnel file.

#### 3. Written Reprimand

- a. This is the second level of formal discipline. The supervisor issues the written reprimand and a copy is given to the employee, as well as to Management for placement in the employee's personnel file. The written reprimand defines the area of needed improvement, sets up a Performance Improvement Plan which includes goals and timelines for improvement and informs the employee that failure to improve may result in more serious disciplinary action, including termination.

#### 4. Termination

- a. When it is deemed by District management to be necessary, appropriate and in the best interests of the District, any employee may be subject to discharge from their employment.

- b. Regular employees are subject to discharge for good cause according to, but not limited by, the provisions contained in this manual. Employees subject to discharge action shall have the right to a pre-discharge meeting with the General Manager and may thereafter file for a formal review of the matter by the as per steps 3 and 4 of the Grievance process.
- c. The General Manager may suspend the employee without pay pending a termination action.

### **Grievance Policy and Procedures**

The Kirkwood Meadows Public Utility District has established a uniform process for resolving employee concerns and grievances using a fair and consistent process that meets all state and federal laws. Employees who use the concerns or grievance procedures may do so with the knowledge that they will be protected from prejudice, discrimination, restraints, retaliation, or reprisal of any nature.

A grievance shall be defined as a complaint regarding an alleged violation of District policy or disciplinary action consisting of suspension or termination.

Employees are expected to act in good faith in bringing forth a grievance.

#### Procedural Steps for Resolution of Grievances

1. Except as set forth below, if an employee believes they have a grievance, the employee shall bring the matter orally to the attention of their Supervisor/Manager no later than three (3) calendar days from the time the employee(s) became aware of the circumstances forming the basis for the grievance. The Supervisor/Manager will discuss the matter with the employee and provide a response to the employee within ten (10) calendar days of the meeting with the employee.
2. If the Step 1 process does not resolve the grievance, the grieving employee may forward the grievance, in written form on a District Grievance Form, within ten (10) calendar days of the Step 1 response, to the General Manager or their designee for consideration at Step 2. The grievance form shall include:
  - a. The name of the grievant(s);
  - b. The basis for the grievance including, if applicable, the policy allegedly violated;
  - c. The remedy requested;
  - d. The dates the grievance was filed at Step 1 and filed at Step 2.
  - e. Within ten (10) calendar days of receipt of the Step 2 grievance, the General Manager shall meet with the grievant(s) to try to resolve the dispute. The General Manager shall issue a written response to the grievant(s) within ten (10) calendar days of the Step 2 meeting.
  - f. Failure of the District to respond within the timelines set forth in Steps 1 or 2 shall be construed as a denial of the grievance at that step, effective the last date for issuing a decision.
3. If the grievance is not resolved at Step 2, the grievant may, within fifteen (15) calendar days of the General Manager's written response, request, in writing, review by the Personnel Committee. At the next, regularly scheduled Personnel Committee meeting, the Personnel Committee will hear the matter. All parties to the grievance and their

respective representatives may be present and submit testimony and/or evidence at the hearing before the Committee. Following the review of all evidence and testimony presented, the Committee shall deliberate the matter in closed session. As soon as practical after the hearing, the Committee shall provide a written decision on the matter to the grievant, the General Manager, and the Board.

4. If the grievance is not resolved at Step 3, the grievant may, within fifteen (15) calendar days of the Personnel Committee's written response, request, in writing, review by the Board. At the next, regularly scheduled Board meeting, the Board will hear the matter. Following the review of all evidence and testimony presented, the Board shall deliberate the matter in closed session. As soon as practical after the hearing, the Board shall provide a written decision on the matter to the grievant, the General Manager, and the Board. The Board's decision shall be final and binding on all parties.

The General Manager may temporarily suspend the grievance process on a District-wide basis in an emergency situation.

Employment at Kirkwood Meadows Public Utility District is "at will" and may be terminated at any time by either party with or without cause and with or without prior notice.

## **HEALTH AND SAFETY**

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### **Health & Safety**

All employees are responsible for their own safety and are expected to report any dangerous or unsafe conditions in the workplace. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your Supervisor or to the General Manager. Employees who fail to observe safety rules and practices or wear safety equipment when required will be subject to disciplinary action.

In compliance with California law, and to promote the concept of a safe workplace, the District maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives and is available upon request to the Assistant General Manager's office.

Necessary safety equipment will be purchased by the District and used by all employees who require such equipment on the job. It is the employee's responsibility to utilize, protect and safeguard such equipment from damage. An employee who continually loses or damages equipment will be subject to disciplinary action, up to and including termination.

In compliance with Proposition 65, the District will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

### **Workers Compensation**

As an employee of the Kirkwood Meadows Public Utility District, you are covered under Workers' Compensation Insurance in the event of any injury or illness occurring in the course and scope of employment. In order to protect your coverage under this program, you as the employee are responsible for immediately reporting any injuries occurring on the job or the job premises to your Supervisor. If you are unable to reach your Supervisor or employer, please contact the Nurse Injury Hotline at 1-877-518-6711. This line is available 24 hours a day. The District MPN ID # is 2387. Failure to report any accident or near-accident may delay coverage under this insurance program.

The "Notice of Compensation Carrier" is posted on the employee bulletin board. This posting notifies you of benefits, first aid procedures and emergency telephone numbers as well as the name of Kirkwood Meadows Public Utility District's insurance carrier.

When an employee is absent by reason of injury or illness arising within the course of employment with the District, and the employee is eligible for Worker's Compensation, they shall be entitled to receive temporary disability and other benefits for the duration of temporary disability.

All employees compelled to be absent due to injury or illness covered under workers' compensation benefits may elect during such absence to apply accrued sick leave on a pro-rated basis to such absence and receive sick leave compensation in an amount equal to the difference between the compensation received as regular salary and the amount received as workers'

compensation disability benefits, not to exceed the amount of the employee's accrued sick leave. Any full-time regular employee may elect to use any accrued vacation leave in a similar manner after their sick leave is exhausted.

Workers Compensation Information you may need:

Nurse Injury Hotline: 877-518-6711

Group Name: Special District Risk Management Authority

Search Code: SDRMA

Cal/OSHA: 916-263-0704

MPN ID #: 2387

### **Requests for Accommodations with the Workplace**

The District requires that employees engage in an interactive process regarding any requested accommodation due to medical conditions. The governing regulations on the interactive process required by California law can be found at 2 California Code of Regulations § 11069.

Specifically, subdivision (d) provides as follows:

(d) Obligations of Applicant or Employee. The applicant or employee shall cooperate in good faith with the employer or other covered entity, including providing reasonable medical documentation where the disability or the need for accommodation is not obvious and is requested by the employer or other covered entity, as follows:

(1) Reasonable medical documentation confirms the existence of the disability and the need for reasonable accommodation. Where necessary to advance the interactive process, reasonable medical documentation may include a description of physical or mental limitations that affect a major life activity that must be met to accommodate the employee. Disclosure of the nature of the disability is not required. 2 CCR § 11069(d)(1).

In order to evaluate possible options, the District will need additional information about the employee's medical condition, limitations, and the nature and extent of any potential accommodation needed. The District will provide a questionnaire intended to facilitate an exchange of information between the employee and the District about workplace needs. It is designed to ascertain: (1) the nature, severity, and duration of any impairment the employee may have; (2) the activity or activities that the impairment limits; (3) the extent to which the impairment limits the employee's ability to perform certain activities; (4) the necessity for any job accommodations; and (5) the type and duration of any proposed accommodations that may be available.

This questionnaire must be completed by the employee's health care provider and returned to the District. The employee will need to execute a waiver to enable the employee's provider to release the information to the District. Once received, the District will carefully review the information provided and determine next steps.

### **Workplace Violence Prevention Plan**

In July, 2024, the Board of Directors adopted a Workplace Violence Prevention Plan (WVPP) which went into effect July 1, 2024, and remains in effect at all times and in all work areas and

be specific to the hazards and corrective measures for each work area and operation. A copy of this plan can be obtained by any employee at no charge from the Clerk of the Board.

This WVPP communicates the District's commitment to providing a safe and secure workplace for employees and the public. The District will not tolerate acts or threats of violence in the workplace. The workplace includes any location where District business is conducted, including vehicles and parking lots. Any violation of this policy may lead to criminal prosecution, and/or disciplinary action, up to and including termination.

General Safety:

1. It is the intent of the District to provide for the safety and security of its employees at all work locations.
2. It is the policy of District to comply with all applicable federal, state and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all safety and health requirements established by management and federal, state and local law.
3. To minimize liability, employees must become familiar with and adhere to the District's security rules.
4. ~~Plant gates must be locked shut at all times with the following exceptions: the bridge and front gates can be left open during working hours and the perimeter road access gates shall remain open from 4 a.m. to 10 p.m. at all times.~~
- 5.4. During ~~assigned-work~~ hours, operations and maintenance personnel who are not within reach of a ~~plant-District~~ phone or radio, must keep a cellphone within reach at all times.

Violence in the Workplace:

1. Prohibited Behavior
  - a. Employees are prohibited from engaging in or promoting acts of intimidation, violence, threats, coercion, assault and/or abusive behavior toward any person while in the course of District employment. The District has zero tolerance for any conduct that references workplace violence, even if it was intended to be harmless, humorous, a prank, blowing off steam, or venting.
  - b. -Employees engaged in District business are prohibited from carrying weapons in violation of any law or this policy
2. B. Definitions
  - a. "Workplace Violence" is any conduct that causes an individual to reasonably fear for their personal safety or the safety of their family, friends, and/or property. Specific examples of workplace violence include, but are not limited to, the following:
    - i. Threats or acts of physical harm directed toward an individual or their family, friends, associates, or property.
    - ii. The destruction of or threat of destruction of District property or another employee's property.
    - iii. Harassing or threatening phone call, emails, text messages or other digital or electronic communications using different means of communication to express anger or irritation in a form that can be considered threatening or

- bullying (Ex: letters, emails, phone calls/voicemails, text messages, blogs or social media sites).
  - iv. Surveillance.
  - v. Stalking.
  - vi. Possession of offensive or defensive weapons (firearms, illegal knives, clubs, mace, pepper spray, tear gas, etc.) on District property
  - b. “Weapons” are defined as firearms, chemical sprays, clubs or batons, and knives, and any other device, tool, chemical agent or implement that can cause bodily harm if used as a weapon or displayed in such a manner to cause harm or threaten a person with harm. A facsimile or replica of a weapon may be treated in the same manner as a weapon.
3. Incident Reporting Procedure
- a. Employees must immediately report workplace violence to their supervisor or ~~department~~ manager. The supervisor or manager will report the matter to the General Manager or their designee.
  - b. The General Manager or their designee will document the incident, including the employee names(s), date/time, location, incident description, witness names and statements, description of unidentified parties, description of the act(s) and/or behavior arising from the incident, action taken, and provide any other relevant information regarding the incident.
  - c. The employee’s immediate supervisor or department manager will take appropriate steps to provide security, such as:
    - i. Placing the employee alleged to have engaged in workplace violence on administrative leave, pending investigation;
    - ii. Asking any threatening or potentially violent person to leave the site; or
    - iii. Immediately contacting an appropriate law enforcement agency.
4. The General Manager, or their designee, ~~and Human Resources~~ shall be notified of action taken in a timely manner.
5. Investigation
- a. The General Manager or their designee will see that reported violations of this policy are investigated as necessary.
6. Follow Up and Disciplinary Procedures
- a. An employee found in violation of this policy will be subject to disciplinary action, up to and including termination of employment. The District may also direct that an employee submit to a fitness for duty examination. In addition, employees found in violation of this policy may be subject to criminal prosecution.

**Smoking or Vaping**

California Labor Code section 6404.5 prohibits smoking in all enclosed places of employment in the state unless there is a specific statutory exemption (none of the exemptions apply to District). In addition, research has repeatedly demonstrated the health hazards of the use of tobacco, marijuana, or vaping products, including smoking and the breathing of second-hand smoke. Therefore, in the best interest of the health and safety of employees and the general public, the smoking of tobacco, marijuana, or use of vaping products shall be banned completely within District buildings, facilities, vehicles, confined spaces, or within 20 feet of an entrance/exit to

District buildings. Those who smoke are requested to do so outdoors during regularly scheduled rest or meal breaks. Extra care should be taken when working around combustible materials.

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## LEAVING THE KIRKWOOD MEADOWS PUBLIC UTILITY DISTRICT

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### **Employee References**

The Board of Directors recognizes that the Kirkwood Meadows Public Utility District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interests of the District to ensure that letters of recommendation are reviewed and approved by the General Manager prior to issuance by any individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee.

The General Manager or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all District employees other than himself/herself.

### **Separation of Employment**

Employment is "at will" and may be terminated at any time by either party with or without cause and with or without prior notice.

Employees separations occur in many ways. The most common for the District are listed below:

- Resignation
- Discharged
- Layoff
- Job Abandonment

### **Resignations**

Resignations are initiated by employees. Kirkwood Meadows Public Utility District requests that employees who wish to resign provide a written notice including reasons for the resignation to their Supervisor. The General Manager may wish an opportunity to discuss the resignation with you before final action is taken.

The District requests a minimum of two (2) weeks' notice, unless because of extenuating circumstances, the General Manager agrees to a shorter notice. A resignation made without the required notice may be regarded as cause for denying the resigning employee future employment by the District. An employee's resignation and the circumstances pertinent to it shall be recorded in their personnel file.

Employees agree that during the time between notification of separation and last day of employment, they will cooperate fully with the District in all matters related to the winding up of the pending work and the orderly transfer to the other District employees.

### **Discharge**

In the event the employee shall be discharged for incompetence, neglect of business, or violation of any of the stipulations of this agreement, the employee shall not be entitled to any compensation

after notice of dismissal. In the event of the termination of employment by the giving of notice by the employee, the District shall be obligated to pay the employee's salary only to the date of their leaving the employment of the District and such date shall be determined by the District.

### **Layoff**

The General Manager may lay off an employee because of lack of work due to seasonal changes, or funds, or for reorganizational reasons. The order of layoff shall be determined by the General Manager on the basis of the needs of the District and with consideration of recommendations of Staff.

An employee who has given satisfactory service and who is laid off shall be eligible for preferential re-employment in their old job or in another position for which they are qualified and filled within twelve (12) months.

### **Job Abandonment**

An employee who has been absent for three (3) consecutive scheduled workdays without notification to their Supervisor, will be considered to have abandoned their job and voluntarily terminated their employment without notice.

Failure to return from an approved leave of absence or vacation within the time limits established also will be considered a voluntary termination of employment without notice.

### **Property Return Agreement**

It is the responsibility of any separating employee to return all property issued to them by the District. All such property that the employee may have in their possession, must be returned on or before the last day of employment. Any unreturned items will be considered purchased by the employee and must be paid for immediately upon termination. If an item is not returned and/or paid for, the item will be considered stolen and the terminated employee will be reported to law enforcement.

### **Exit Interviews**

Whenever possible, exit interviews will be conducted for all separating employees. This interview allows employees to communicate their views on working at the District as well as the job requirements, operations, and training needs of the position.

### **Cooperation with Investigations**

During employment and after the termination, the employee agrees to remain available to the District and its legal counsel, voluntarily upon the District's request and without the necessity of a subpoena or court order, in connection with the District's investigation, preparation, prosecution and or defense of any actual or potential legal proceeding, regulatory action or internal matter.

### **Reinstatement of Employment**

It is the Kirkwood Meadows Public Utility District's policy to consider former employees for open positions. Former employees who leave the District, either voluntarily or through no fault

of their own, and who make application for reemployment will be given consideration. The District will evaluate reemployment for employees terminated for cause on a case by case basis.

## **CONFIRMATION OF RECEIPT**

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### **Kirkwood Meadows Public Utility District's Employee Handbook Receipt**

I have received my copy of the Kirkwood Meadows Public Utility District's Employee Handbook. I understand and agree that it is my responsibility to read and familiarize myself with and follow the policies and procedures contained in the Handbook. I understand that if I have any questions about the Handbook or its contents, I am to discuss them with my Supervisor or the General Manager.

I recognize that this Handbook supersedes and replaces any previous handbooks, and to the extent that provisions of this Handbook conflict with previously issued policies or practices, whether or not such policies and practices were contained in an employee handbook, this Handbook shall prevail.

I understand that, except for employment at-will status, any and all policies or practices can be changed at any time by the District. I understand and agree that, other than the General Manager of the District, no Manager, Supervisor or representative of the District has authority to enter into any agreement, expressed or implied, for employment other than at-will.

My signature below certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between the District and me concerning the duration of my employment.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_