

VI DISTRICT RULES STRICTLY ENFORCED

A. Disciplinary Action and Dismissal.

1. Initiation of Disciplinary Action or Dismissal.

Disciplinary action or dismissal may be initiated by the Board, the Operations Manager, or the District Secretary or upon written recommendation to the Secretary by the employee's supervisor.

2. Nature of Disciplinary Action.

Disciplinary action may consist of suspension with or without pay, demotion or reduction in pay.

3. Grounds for Disciplinary Action or Dismissal.

Work rules are necessary to good management, employee safety, effective work, and fairness. Listed below are examples of unacceptable conduct. Because it is not possible to list every possible form of unacceptable conduct, there may be other conduct not listed that is contrary to the District's interests and that is also not allowed.

Accordingly, grounds for disciplinary action or dismissal for regular full-time or part-time employees include, but are not limited to, the following:

(a) Fraud in securing employment with the District, giving false or misleading information on an application form;

(b) Unauthorized absence or excessive absenteeism and/or tardiness;

(c) Conviction of a criminal act, which is of a nature to adversely affect the employee's ability to perform the duties and responsibilities of his/her employment;

(d) Conduct unbecoming an employee in public service, tending to bring discredit to the District, etc.;

(e) Disorderly or immoral conduct;

(f) Incapacity due to mental or physical disability;

(g) Incompetency or inefficiency;

(h) Insubordination;

(i) Harassing, threatening, intimidation, or coercing a supervisor or another employee;

(j) Possession, use, and/or under the influence of alcoholic beverages while on duty or on District premises;

(k) Possession, use and/or under the influence of controlled substances or illegal drugs while on duty or on District premises;

(l) Possession or use of firearms, weapons, or other hazardous or dangerous devices while on duty or on District premises without proper authorization.

(m) Neglect of duty;

(n) Willful damage to, waste of, or negligent or unauthorized use of the District's supplies, equipment or premises;

(o) Failure to follow safety instructions or directions;

(p) Employee use of District equipment for personal use, unless written approval is given by the employee's supervisor or superior and, then, only within the District boundary (use of snow removal equipment, if authorized, to get to and from work during a snowstorm or its aftermath is not considered personal use of District equipment);

(q) Participation by an employee in a strike or work stoppage;

(r) Any conduct which adversely affects the operation of the District, the health and welfare of District employees or the safety of District property;

(s) Failure to maintain a good driving record which failure adversely affects District affairs and operations; and

(t) Any violation of the provisions of Article VIII of this Employee Handbook.

2. Notice to Employee of Intended Disciplinary Action or Dismissal.

(a) In all situations involving an intended disciplinary action or dismissal of an employee, a Notice shall be served upon the employee either personally or by mail at the last known address on file with the District.

(b) The notice shall include the following:

(1) The statement of the nature of the intended disciplinary action or dismissal;

(2) A statement of the causes therefor, as set forth in Section 3;

(3) A statement in ordinary and concise language of all specific facts or omissions upon which the causes of the intended action are based;

(4) A statement that copies of all documents and other materials which support the proposed action are available for examination at the District office; and

(5) A statement advising the employee of his/her rights to respond orally or in writing to the Notice prior to a decision on the intended disciplinary action or dismissal. Any response

should be directed to the Operations Manager, Secretary or Board of Directors, as may be applicable, and must be made within ten (10) working days of the date of Notice.

3. Suspension Prior to Disciplinary Action or Dismissal.

Prior to the effective date of any disciplinary action or dismissal, the Operations Manager, the District Secretary or the Board may suspend with pay the affected employee if the Operations Manager, the District Secretary or the Board determines such suspension is necessary to protect the health, safety and welfare of the inhabitants and other employees of the District. The rights and benefits provided to an employee so suspended shall not otherwise be affected.

4. Decision of Board, Secretary or Operations Manager on Intended Disciplinary Action or Dismissal.

Prior to a decision on any intended disciplinary action or dismissal, the Operations Manager, Secretary or Board, as may be applicable, shall consider any written response timely submitted by an employee and shall meet with any employee who has timely requested to be orally heard. Such meeting shall take place within five (5) working days of the date of the request. The Operations Manager, Secretary or Board shall render a decision within ten (10) working days of receipt of any written response, within five (5) working days of any meeting, or within ten (10) working days of the last day to submit a response, whichever applies. The decision shall be effective the day that it is made and on that day the affected employee shall be informed thereof either personally or by mail at his/her last known address on file with the District.

5. Effect of Suspension.

(a) When an employee is suspended without pay for ten (10) or fewer working days, employee and employer contributions to benefits will be continued. Employee payments for benefits during the period of suspension will be deducted from the last payroll check prior to the date of suspension or the next following payroll check, as may be applicable.

(b) No benefit will be paid by the District for suspension over ten (10) working days. An employee may continue appropriate benefits by making the payments necessary.

6. Effect of Dismissal.

Upon the effective date of dismissal, the District shall cease to provide any benefits for the employee.

7. Appeal From Decision to Implement Intended Disciplinary Action or Dismissal.

An employee may appeal a decision to implement an intended disciplinary action or dismissal. The employee shall file a Notice of Appeal with the Board within fifteen (15) working days of the effective date of the decision. The Notice of Appeal shall state the name of the employee, the date and nature of the decision appealed, the name of the person who rendered the decision, and the grounds of the appeal stating all specific facts or omissions upon which the appeal is made. The Board shall hold a hearing no later than sixty (60) days from the date of the appeal, unless otherwise agreed to by the parties.

8. Conduct of Hearing.

At least three members of the Board must be present to constitute quorum for the conduct of the hearing. The employee shall be entitled to be present at all sessions of the hearing when evidence is being received. The District shall be represented at said hearing by its attorney. Each side shall have the right to present its case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for full disclosure of all relevant facts. Testimony shall be under oath which shall be administered by the Secretary or other authorized person. The hearing need not be conducted according to the technical legal rules relating to evidence and witnesses. The Board may, upon a showing by any party, or on its own initiative, request files and documents in the custody of the District relevant to the matter before it. No evidence other than that presented at the hearing shall be considered by the Board in rendering its decision. Any procedural matter including but not limited to objections to the evidence shall be ruled on by the President of the Board. The hearing shall be recorded by a tape machine. Either party may request that the hearing be transcribed by a court reporter in which case the party making the request shall bear the cost involved. At the conclusion of the evidence, the Board shall retire and promptly render its decision including findings of fact and conclusions drawn from the evidence. Said decision shall be rendered within fifteen (15) days of the conclusion of the hearing and shall be delivered to all parties.

9. Failure to File Notice of Appeal.

If an employee fails to file a Notice of Appeal within the time specified in Section 9, the disciplinary action or dismissal shall become final without further action.

B. Personal Safety and District Security

SLCWD believes that your work environment should be safe and secure, and free from harassment. To accomplish this, you must act in a professional manner toward fellow employees, customers, and members of the community.

1. Your Responsibilities

Safety is a vital concern at SLCWD and is one of your most important responsibilities. Following the District's safety policies to the letter is essential. If you see an unsafe condition, you must report it to your supervisor. You must also report all accidents, no matter how minor. Learn the location of the nearest first aid kit, fire extinguisher, and exits.

The District requires that all equipment and machinery be in proper working order and safe to work with at all times. If any equipment or machinery breaks down, do not use it until a qualified technician makes sure that it is repaired and safe.

Tell your supervisor of any equipment breakdown as soon as it happens. If the breakdown requires emergency repairs, your supervisor will try to deal with the emergency situation as soon as possible.

From time to time the District conducts formal safety training. Your attendance at safety training sessions is mandatory.

2. General Security

The following security procedures must always be followed to ensure your safety and the safety of your fellow employees.

At the beginning of the work day, the first employee on the premises shall check all windows and doors to ensure they were locked and secure.

At the end of the work day, follow the following procedure:

(a) All cash and negotiable instruments and other confidential papers are to be locked in District locking file cabinets/safe each evening at the close of business.

(b) Make sure tool room is locked.

(c) The last employee to leave shall check all windows and doors to ensure they are locked and secure.

3. Crime

Your safety is the District's biggest concern during any crime that may take place at your work place. For your safety, you must follow these procedures if a crime occurs while you are on duty:

(a) Cooperate fully with the person committing the crime.

(b) Try to keep your fellow employees as safe as possible.

(c) As quickly as possible after the crime is committed, call for any medical help that might be needed.

(d) As quickly as possible after the crime has been committed and medical help has been called for, contact the Placer County Sheriff's department and your supervisor.

(e) In your own words, write down all details of the crime as you remember them, including the date, the time, a description of the person or persons and/or what they were wearing, and what happened.

(f) List the names of all employees at the scene when the crime took place, and get written statements from them with as many details as they can remember about the crime and the persons involved.

(g) If customers are present, ask them to stay until the sheriff comes so that they can give statements to the sheriff. If they do not want to stay, do not force them. Instead, ask for their names and telephone numbers, so they can be contacted later by the sheriff.

Remember: Do not try to be a "hero" or to stop the crime from being committed. Your safety and the safety of others are much more important to the District than the fate of the criminal or the District's property.

4. On-The-Job Injuries.

If an employee is seriously injured on the job, he or she must get medical treatment immediately. If necessary, an ambulance should be called. If the injury is less serious, the supervisor or other employee must make arrangements to have the employee taken to the doctor.

If you are injured while performing your job duties, you may be covered by the District's workers' compensation insurance. You must report your injury to your supervisor as quickly as possible, no matter how minor it is, and even if you do not need medical treatment. The supervisor must make a report of the injury to the Secretary as soon as possible after the injury happens.

Claims for workers' compensation benefits should be made to the Secretary.

5. Life Threatening Diseases

The District is committed to keeping your work environment healthy and safe for all employees, and has established these rules which you should follow if you or one of your co-workers has or contracts a life-threatening illness:

(a) The District will treat life-threatening illnesses the same as other illnesses in terms of all our employee policies and benefits.

(b) If you have or contract a life-threatening illness, you will be allowed to keep working, as long as (i) you can meet the District's performance standards; (ii) your illness does not actually endanger the health or safety of other employees or customers; and (iii) you will not make your illness significantly worse by continuing to work.

(c) You may not refuse to work because you are afraid of contracting a noncontiguous life-threatening illness from a co-worker. You may not harass or otherwise discriminate against a co-worker who has a life-threatening illness. Employees who refuse to work with or who harass or discriminate against any employee with a life-threatening illness will be disciplined, up to and including discharge.

(d) In this handbook, "life-threatening illness" includes cancer, heart disease, Lou Gehrig's Disease, AIDS, and other illnesses of a severely degenerative nature.

6. Substance Abuse

SLCWD is required by law to provide a safe and healthy work environment for you and all other employees. Further, the District has adopted the goals of providing the best possible service to its customers and of always improving its public image. To achieve these goals, the District has the following rules about the use, possession, and sale of drugs and alcohol by its employees.

The illegal use, sale, or possession of narcotics, drugs, or controlled substances while on the job or on District property will result in discharge. Conviction for the illegal use, sale, or possession of narcotics, drugs, or controlled substances off duty or off District property also may result in discharge. If you are arrested for a drug-related offense and are awaiting trial, you may be suspended with pay: (a) Until all charges against you are dismissed; (b) Until you plead guilty; or (c) Until your trial results in a verdict.

The illegal use of drugs off duty and off District premises is unacceptable. It can have a poor effect on your job performance and will cause our customers to believe that we are incapable of providing first class water and sewage service.

Alcohol may not be consumed on District property, and the use of alcohol during working hours is prohibited. Use of alcohol during working hours may result in discipline up to and including discharge.

The legal use of controlled substances, such as prescription drugs prescribed by a licensed physician, or over-the-counter medication that you buy at the store, is allowed. However, if you cannot do your job satisfactorily because you are taking prescription or over-the-counter medicine, the District may require you to see a doctor, at the District's expense. You may be discharged or obliged to take a leave of absence if the doctor concludes that you cannot do your job safely and efficiently because you are using prescription or over-the-counter medicine.

7. Use of District Property

You are expected to use SLCWD property only for District purposes. This means that personal telephone calls should be kept to a minimum, and you should discourage friends and relatives from calling you during business hours unless there is an emergency. Personal long-distance telephone calls are prohibited. When you leave the District's employ, you must return all keys, documents, manuals, and correspondence belonging to SLCWD.

The District provides vehicles, equipment, tools, supplies and facilities for the use of employees in the performance of their duties. Use of any of the aforesaid equipment, tools, or supplies for personal reasons is prohibited and may result in discharge, unless authorized to be used in a snow emergency to go to and from work to perform normal or emergency duties. District employees who use their personal tools on the job are not subject to the aforesaid prohibition insofar as use of their personal tools off the job.

8. Harassment

Verbal, physical, visual, and sexual harassment of co-workers, co-employees, and members of the public is absolutely forbidden. Harassment can take many forms. You must be sensitive to the feelings of others and must not act in a way that might be considered harassment by someone else. A few examples of prohibited harassment (for illustrative purposes only) are:

- (a) Verbal (racial, sexual, or ethnic jokes and insults).
- (b) Physical (sexually suggestive or unwelcome touching, or obscene gestures).
- (c) Visual (insulting cartoons, sexually suggestive or lewd pictures or photographs).

Sexual harassment may consist of unwelcome sexual advances, deprecating sexual remarks, reference to women as "honey," "doll," "dear," or an environment demeaning to women.

If you think that you or one of your co-workers has been the victim of harassment, you must report the incident and the names of the persons to your supervisor or to the Secretary immediately.

The District emphasizes that an employee is not required to complain first to his or her supervisor if that supervisor is the individual who is harassing the employee.

Every complaint of harassment that is reported will be investigated thoroughly, promptly, and in a confidential manner. In addition, the District will not tolerate retaliation against any employee for cooperating in an investigation or for making a complaint.

In the case of District employees, if harassment is established, the District will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including termination, depending upon the circumstances. With regard to acts of harassment by customers or vendors, corrective action will be taken after consultation with the appropriate management personnel.

Sexual harassment or any other type of prohibited harassment that creates an intimidating, offensive, or hostile working environment or interferes with work performance is prohibited by law. Affected employees may file a claim of harassment with the local office of the United States Equal Opportunity Commission or the California Department of Fair Employment and Housing. Such claims should be filed promptly and will be fully investigated by the agency with which they are filed. After the agency has had an opportunity to investigate and conciliate a claim, an individual may have the right to pursue further legal remedies including a prohibition on further harassment, damages and attorney's fees, in court if the matter has not been resolved. You may seek assistance from your supervisor or the Secretary regarding how to contact the state or federal agencies with a claim of harassment, or may obtain the agencies' telephone number from a telephone directory. The law prohibits retaliation for opposing illegal harassment, for filing a claim of harassment, or for participating in the investigation of such a claim.