

South Placer Municipal Utility District Civil Service System Employee Manual



UPDATED 04/08/2022

General Manager's Statement

PURPOSE

South Placer Municipal Utility District (the District) *Policy 2010 – Civil Service Employee Manual* mandates that the District will maintain a Civil Service System Employee Manual (Manual) to provide guidance for the development and application of personnel policies and to direct the General Manager to administer the personnel relations accordingly.

The District is a customer-owned utility existing under provisions of the Municipal Utility District Act of the State of California (Section 11501 et seq. of the Public Utilities Code) or the *MUD Act*. The District is governed by a five-member Board of Directors, elected by the registered voters of the District. Their primary duty is to protect the sewer interest of its customers and to direct the General Manager, who is responsible for the day-to-day administration and operations of the District.

It is the Board's policy that its employees shall be selected, retained, and promoted on the basis of fitness, merit, and ability. The Board expects that its employees shall give their faithful and complete service to the District and perform their assigned work in a satisfactory manner.

ABOUT THIS MANUAL

The following pages contain information regarding many of the policies and procedures of the District. This Manual is a part of the *District Civil Service Personnel System*, and is in conformance with, and subordinate to Chapter 4 of the MUD Act. This is not an employment contract and is not intended to create contractual obligations of any kind.

The provisions and procedures outlined in this Manual will be applied at the discretion of the General Manager and the District reserves the right to deviate from the provisions and procedures of this Manual, or to withdraw or change them, at any time. Employees will be notified per MUD Act requirements when an official change in a provision or procedure has been made.

The District values the many talents and abilities of its employees and seeks to foster an open, cooperative, and dynamic environment where employees and the District alike can thrive. If you would like further information or have questions about any of the policies and procedures outlined in this Manual, please feel free to bring them to the attention of the General Manager.



Herb Niederberger
General Manager

Acknowledgement of Receipt, Understanding and Non-disclosure Agreement

I hereby certify that I have read and fully understand the contents of the District Civil Service System Employee Manual. I also acknowledge that I have been given the opportunity to discuss any provisions and procedures contained in this Manual with a District official. I agree to abide by the provisions and procedures set forth in this Manual and understand that compliance with the District's rules and regulations is necessary for continued employment. I agree not to disclose any information considered by the District to be confidential. My signature below certifies my knowledge, acceptance, and adherence to the District's policies, rules, and regulations.

I acknowledge that the District reserves the right to modify or amend its policies at any time, without prior notice. These policies do not create any promises or contractual obligations between this District and its employees.

EMPLOYEE SIGNATURE

DATE

*To be placed in Employee File

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1. STANDARD EMPLOYMENT PRACTICES

1.1 EMPLOYMENT

The General Manager shall have the full power and authority to employ and terminate all employees, other than officers, pursuant to the provisions of Section 11937 of the Public Utilities Code.

The General Manager shall establish and adjust compensation of employees subject to approval of the Board of Directors. Unless the District has otherwise expressly agreed in writing, employment may be terminated by the District for cause or by the employee at any time, including after the probation period.

1.2 EQUAL EMPLOYMENT OPPORTUNITY

The District provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion (including religious dress and grooming practices), sex (including pregnancy, childbirth, breastfeeding or related medical conditions), national origin (including language use restrictions), age, gender (including gender identity and gender expression), ancestry, physical or mental disability, medical conditions, genetic information, marital status, registered domestic partner status, sexual orientation, military and veteran status, or any other basis protected by federal, state, local law, ordinance, or regulation. The District also prohibits discrimination, harassment, disrespectful, or unprofessional conduct based on the perception that anyone has any of those characteristics or is associated with a person who has or is perceived as having any of those characteristics. In addition to federal law requirements, the District complies with applicable state and local laws governing nondiscrimination in employment. This policy applies to all terms and conditions of employment including recruiting, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training. For further information about the applicability of Federal Equal Opportunity Laws, including the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act, see EXHIBIT B.

The District expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status. Improper interference with the ability of District employees to perform their job duties may result in discipline, up to and including termination.

The District does not discriminate on the basis of gender in compensation or benefits for women and men who work in the same establishment and perform jobs that require equal skill, effort, and responsibility and which are performed under similar conditions.

The District will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. An employee with a disability for which reasonable accommodation is needed should contact the General Manager, see *District Policy 2023 – Reasonable Accommodation Policy*.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the General Manager. Employees can raise legitimate concerns and make good faith reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination. The District prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

1.3 HARASSMENT, DISCRIMINATION AND RETALIATION PREVENTION

The District has pledged to provide a working environment free from sexual harassment and is committed to

complying with all applicable laws providing equal opportunities. The District prohibits unlawful discrimination against any job applicant, employee, or intern by any employee of the District. Pay discrimination between employees of the opposite sex performing substantially similar works, as defined by the California Fair Pay Act and Federal Law, is prohibited. Pay differentials may be valid in certain situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages.

1.4 ANTI-RETALIATION

The District will not retaliate against any person for filing a complaint or participating in any workplace investigation and will not tolerate or permit retaliation by management, employees, or co-workers.

Harassment in any form is against the law. The aim of this policy is to prevent harassment of any kind by anyone employed by or associated with the District. Please also see *District Policy 2039 – Harassment Policy*.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors or unwanted sexual attention by anyone associated with the District, regardless of gender. Harassment may include references to employment status or conditions or may serve to create a hostile, intimidating, or uncomfortable work environment. Harassment includes, but is not limited to, obscene jokes, lewd comments, sexual depictions, repeated requests for dates, touching, staring, or other sexual conduct committed either on or off District premises, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment or 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or environment.

It is against the policies of the District for an employee to harass another person because of the person's sex, race, color, religion, national origin, age, disability, sexual orientation, marital status, or other characteristic protected by law. Actions, words, jokes, or comments based on such characteristics will not be tolerated.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment.

1.5 COMPLAINT PROCESS

Any employee who believes that they have been the subject of harassment, discrimination, retaliation, or other prohibited conduct should immediately contact their Department Manager or the General Manager.

All complaints of harassment will be promptly, thoroughly, and confidentially investigated and, where necessary, corrective action will be taken. Any person found to have unlawfully harassed another employee will be subject to appropriate disciplinary action, up to and including termination.

Complaints will be:

- Responded to in a timely manner.
- Kept confidential to the extent possible.
- Investigated impartially by qualified personnel in a timely manner.
- Documented and tracked for reasonable progress.
- Given appropriate options for remedial action and resolution; and
- Closed in a timely manner.

Victims of sexual harassment have the right to sue both the District and the perpetrator by contacting the Equal

Employment Opportunity Commission or a state agency. For this reason and for the protection of all our employees, the District prohibits any form of sexual harassment.

Furthermore, all District employees are responsible for helping ensure that the workplace is kept free of sexual harassment. If an employee feels they have been a victim of sexual harassment, the behavior should be reported to their supervisor or to any supervisor, manager, or the General Manager. If an employee witness's sexual harassment, they are urged to report the incident so that prompt action may be taken.

All complaints will be treated seriously, kept as confidential as possible and investigated fully. The District expressly forbids any retaliation against employees for reporting sexual harassment. If, however, the District finds that false charges have been intentionally filed, disciplinary action may be taken against anyone who provides false information.

If an investigation confirms that sexual harassment has occurred, immediate action will be taken to put an end to the harassment. The District will take appropriate corrective actions against anyone found to be in violation, up to and including possible termination of employment.

Employees should also be aware that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

1.6 IMMIGRATION LAW COMPLIANCE

The District hires individuals who are either citizens of the United States or non-citizens that are authorized to work in the U.S. under the Immigration Reform and Control Act of 1986. As a condition of employment, all new and past employees must show valid proof that they are eligible to work in the United States.

The anti-discrimination provision of the Immigration and Nationality Act (INA), as amended, prohibits four (4) types of unlawful conduct:

- Citizenship or immigration status discrimination.
- National origin discrimination.
- Unfair documentary practices during Form I-9 process (document abuse); and
- Retaliation.

An overview of the Immigration Reform and Control Act can be found in EXHIBIT C.

1.7 CRIMINAL CONVICTIONS & BACKGROUND CHECKS FOR PRE-EMPLOYMENT

As part of the process in evaluating applicant qualifications and determining suitability for open staff positions, the District requires background checks of finalists for a position. Background checks are completed in advance of an offer of employment. Securing a criminal background check prior to employment provides the District an important resource, which aids in the evaluation of the applicant.

The District reserves the right not to hire or retain anyone that has been convicted of a criminal offense. Conviction of a crime that involves dishonesty, sexual assault, or illegal drug activity may result in an automatic termination of employment. Before any decision is made, the nature of the crime and circumstances surrounding the conviction will be considered.

1.8 PROBATION PERIOD

The first twelve (12) months of employment with the District is considered a "probation period." During this

time, the Supervisor and/or Manager will continually evaluate the employee's performance and compatibility with the District, the Department, and the duties. Should the employee fail to meet the performance standards and expectations set forth by the District or the Department Manager: 1) for new employees: employment will be terminated; or 2) for employees who were promoted or transferred: the employee will be returned to the previous position held by that employee. If the previous position held by that employee is no longer vacant or available, the District will make a reasonable effort to place the employee in a similar position of similar compensation. Upon completion of the probation period, the employee will be eligible for additional benefits, as set forth in the benefits information received upon employment.

1.9 STANDARDS OF CONDUCT

The District expects all employees to conduct themselves in a safe, professional, legal, and ethical manner. Employees shall not conduct business that is unsafe, unprofessional, immoral, illegal, or unethical in any way, nor should an employee influence another employee to act in that manner. Employees are obligated to report any dishonest activities or damaging conduct to an appropriate Department Manager.

In the event that an employee becomes aware of another employee's behavior or actions that are believed to be inappropriate, illegal, problematic, or in any way inhibit or affect job performance or the District work environment, the witnessing employee should discuss such behavior or actions with the General Manager or Department Manager. All reasonable concerns will be promptly, thoroughly, and confidentially investigated by the District and, where necessary, corrective action will be taken. Such actions or behavior should not be discussed with other District employees. Discussing such matters with other employees may, in and of itself, create an unacceptable work environment for which the witnessing employee will be held responsible and for which the witnessing employee may be disciplined in accordance with *Section 6 Discipline* of this manual.

1.10 PERSONNEL FILE

The District keeps personnel files on each of its employees. These files are confidential in nature and are managed by the Administrative Services Manager. They will not be copied or be removed from the premises unless there is a legitimate business reason to do so.

All employees may view their personnel file by contacting the Administrative Services Manager during normal business hours. No employee may alter or remove any document in their personnel file.

2. GENERAL PROVISIONS AND PROCEDURES

2.1 ORIENTATION

In accordance with federal law, both new employees and re-hires will be required to provide documentation of identity and eligibility to work in the United States. New employees will also receive a copy of the District Civil Service System Employee Manual and will be given the time to read it and ask any clarifying questions of a Manager. A signed copy of the *Acknowledgement, Receipt of Understanding & Non-Disclosure Agreement* will be placed in the employee's personnel file. An employee orientation will be conducted in coordination with the hiring department by Administrative Services and will provide information about the District's operations, benefits, policies, and procedures for each new employee.

2.2 REPORTING CHANGES

All District employees are responsible for promptly notifying the Administrative Services Manager of any change in their name, address, telephone number, marital status, citizenship, tax withholding allowances, emergency contact information, insurance beneficiary, or dependent insurance coverage. Accurate and correct information is vital for benefits, insurance records, and other District files.

2.3 JOB CLASSIFICATIONS

Employee Classification: Employees are classified by two major categories: "Exempt" and "Non- Exempt." This Manual applies to both Exempt and Non-Exempt employees.

Exempt employees are so noted in their Job Descriptions and fall into one or more of the following classifications: Executive, Professional, or Administrative. These employees are exempt from the applicable provisions of state and federal wage and hour laws (FLSA).

Non-Exempt employees are all other employees and are eligible to receive overtime pay in accordance with state and federal wage and hour laws under the Federal Labor Standards Act (FLSA) or any other similar state or local laws. These employees are required to submit an accurate time record for each pay period, reflecting actual work, and approved by the appropriate Manager for the purpose of tracking hours worked and calculating compensation.

Employee Status: Employees (not including Directors and contract personnel) are also classified within one of the following three statuses:

- Full-Time: any employee that is regularly scheduled to work a regular workweek. Full-time employees are eligible for standard District benefits.
- Part-Time: any employee that is regularly scheduled to work less than a regular workweek. Part-time employees may be eligible for reduced District benefits.
- Temporary: any temporary work that has a predetermined start and end date and/or does not exceed 1000 hours of employment per fiscal year. Temporary employees are not eligible for any District benefits.

2.4 PAY PERIODS

A pay period is defined as a two (2) week period commencing on Thursday and ending on Wednesday. The *Regular Work Week* starts at 11:00 a.m. on Friday and ends at 10:59 a.m. the following Friday.

2.5 HOURS OF WORK

All District employees work a 9/80 work schedule (nine (9) days over two (2) weeks equaling eighty (80) hours). This typically consists of working nine (9) hour days, four (4) days per calendar week, and one (1) eight (8) hour day, every other calendar week. For most employees this will be nine (9) hours Monday through Thursday, from 7:00 a.m. to 4:30 p.m. and eight (8) hours every other Friday from 7:00 a.m. to 3:30 p.m. Variations to this schedule must be approved in advance by the Department Manager.

Schedules may vary based on the District's needs. Employees may not deviate from the District's hours of work unless a Department Manager specifically approves a request in writing.

Breaks: A ten (10) minute work break with pay will be permitted at the discretion of the supervisor during each period of four (4) consecutive work hours. Work breaks should be staggered among the employees to maintain the efficiency and continuity of work. All work schedules include a thirty (30) minute meal period at mid-day without pay and shall be coordinated to provide continuous service to the public, as necessary.

Time Keeping: All employees are required to accurately log hours worked per job code on their electronic time sheets and have it approved by their Department Manager. It is strictly forbidden for an employee to fill out another employee's time sheet. A Department Manager has the authority to use discretion in completing and altering timesheets, as necessary. Additional work-related details must also be completed on the time sheets as required by their Department Manager.

The Business Office is open five days a week:

- Monday through Thursday from 8:00 a.m. to 4:30 p.m.
- Friday from 7:00 a.m. to 3:30 p.m.

2.6 OVERTIME

The Department Manager or Supervisor shall approve overtime prior to the overtime being worked. Exempt employees are not eligible for overtime pay. Non-Exempt employees are to be paid time at one and one-half (1.5) times the employee's regular rate of pay, or in lieu of overtime pay can receive Compensation Time Earned (CTE) at one and one-half times (1.5) the number of overtime hours for work time that exceeds the 9/80 work schedule. Employees asked to work overtime are expected to do so. The calculation of overtime hours will not include holiday, sick leave, or vacation days during a given scheduled workweek. Employees called to work on their day off or called out for work after they have left the job shall be paid for such time worked at the overtime rate with a two (2) hour minimum per day. The start and end of such compensation will be based upon arrival at the District's Corporation Yard before and after completion of the assignment. All callouts and overtime worked are subject to the review and approval of the Department Manager before payment of the overtime will be authorized.

2.7 DOUBLE TIME

Double time pay is typically earned when an employee works more than twelve (12) hours in one workday, or more than eight (8) hours on the seventh (7th) consecutive day of work in a workweek. Double time pay is paid to employees who respond to callouts during Thanksgiving Day and Christmas Day.

The total number of hours worked in a single workday resets at the beginning of the workday, which is midnight. The total number of hours worked in a workweek reset at the start of the first workday of a new workweek. Vacation, sick, holiday, and other non-worked hours do not count toward daily or weekly overtime thresholds.

2.8 COMPENSATION TIME

(For Full Time Positions): Compensation time may be earned in lieu of overtime pay at the rate of one and one-half (1.5) hours earned for each hour of overtime worked. The decision to take compensation time or overtime pay must be made by the employee within the pay period earned. Compensation time must be used prior to

vacation time.

- Compensation time earned (CTE) balances shall comply with FLSA legal limits.
- CTE may be taken as compensation time off (CTO) with the prior approval of the appointing authority or designee. Employees shall submit requests to use CTE as time off within a reasonable time period prior to the requested date(s). In keeping with FLSA requirements, approval of this request will be permitted unless the Supervisor determines that use of CTE would unduly disrupt the operations of the department.
- Compensation time in excess of twenty (20) hours that has been earned and not used by the last day of the calendar year, shall be paid out in cash.
- While on a leave of absence, employees will be required to use all CTE balances prior to going into an unpaid status. If integrating with State Disability Insurance (SDI), Paid Family Leave (PFL), or Workers' Compensation benefits, unpaid hours will be authorized for only the amount of time required for integration purposes.

2.9 STANDBY DUTY

To provide for emergencies that occur outside regular or normal work hours, certain job descriptions include weekly tours of stand-by duty. The regular tour of stand-by duty will be for a seven (7) day weeks, commencing at 7:00 a.m. each Thursday.

Availability: Employees on stand-by duty are subject to call whenever needed and shall keep themselves available for call and shall keep the District informed of the telephone number by which they can be called. Employees on stand-by duty shall keep the pager and District cell phone with them at all times. Employees on vacation leave or sick leave, other than medical appointments, will be excluded from stand-by duty.

Duty List: Assignment, distribution and rotation of stand-by duty will be made equally among all employees whose job description includes stand-by duty. Substitutions and switching tours of standby duty must be in accordance with EXHIBIT D, *SECTION D.9 Standby Duty*. The duty employee or substitute is required to notify the Department Manager or Supervisor at the start of duty. In the case of emergency if the scheduled duty employee is unavailable to work, the next person on the list is responsible for coverage.

Standby Pay: Compensation for stand-by duty will be paid at the rate of \$55.00 per day. Overtime worked and accrued as a result of a call-out while on stand-by duty will be paid at the rate listed, subject to a two (2) hour minimum per day. If the scheduled duty employee is unavailable to work, the next person on the list is responsible for coverage.

2.10 SHIFT DIFFERENTIAL PAY

During emergencies, employees may be required to work a swing shift (3:00 p.m. to 11:00 p.m.) or a graveyard shift (11:00 p.m. to 7:00 a.m.). Employees working a swing shift shall be paid at one and one-half (1.5) times their normal wage. Employees working a graveyard shift shall be paid at one and three-quarters (1.75) times their normal wage. Employees who work overtime in conjunction with a swing or graveyard shift shall be paid at two (2) times their normal wage.

2.11 SALARY

Wages and salaries shall advance as designated in the salary ranges for each individual job classification and based upon individual performance. Salary increases are based on performance or promotion. No step increase within a salary range is automatic. All salary increases are at the discretion of the General Manager.

The employee's salary schedule is set on the basis of a regular monthly sum. The hourly rate is based on the monthly sum divided by 173.3 (2080 work hours/year divided by 12 months/year).

The General Manager's compensation shall be determined by the Board of Directors. All other employees' wages or salaries and benefits will be determined through MOU negotiations, subject to the final approval by the Board of Directors.

Salary increases approved by the General Manager will typically occur in the following schedule:

Step A – Recruitment

Step B – Based on performance appraisal at twelve months.

Step C – Based on performance appraisal at twelve months at Step B.

Step D – Based on performance appraisal at twelve months at Step C.

Step E – Based on performance appraisal at twelve months at Step D.

Employees hired at mid-range shall progress in a sequence substantially in conformance with the above schedule.

2.12 PAYROLL

Payday will be every other Friday or the day prior when observed holidays fall on payday. Payroll is made through Direct Deposit; employees shall provide account and bank routing information to the Administrative Services Department. Employees may split their payroll deposits amongst multiple bank accounts., Changes must be submitted to Administrative Services on a Direct Deposit form prior to the end of the pay period.

2.13 PERFORMANCE REVIEWS

Every District employee will be subject to a performance review and evaluation at least once a year. The employee's Department Manager will give these reviews. The reviews will focus on job-related goals and objectives as well as strengths and weaknesses and overall fit with the District. Goals and improvement plans will be mapped out each review period and progress will be measured at the next review.

Performance reviews will be considered for salary step increases and/or promotions. Employees will have the opportunity to thoroughly review all performance appraisals and provide a written opinion. All performance reviews and responses will be reviewed by the General Manager and become part of an employee's personnel file.

2.14 FLEXIBLE CLASSIFICATIONS

Promotions to the next series in a flexible classification (I/II/III) will only be considered when an employee has met the education and experience requirements of the next series as specified in the job description AND has demonstrated the ability to perform all duties of their current series meeting the requirements of the established performance standards.

Appointments within a flexible classification to any series other than the first series, require a formal written justification detailing the experience and education of the candidate/employee and any other relevant information that qualifies the candidate/employee for appointment above the first series.

2.15 EXPENSE REIMBURSEMENT

In accordance with *District Policy 2025 – Expenditure Reimbursement*, the District will reimburse employees for reasonable pre-approved business expenses. Reasonable expenses while traveling on District business include travel fares, accommodations, car rental, meals, tips, telephone charges, and purchases on behalf of the District.

Local expenses include District purchases and other expenses when on District action. Please consult the District Policy Handbook for more detailed information.

All expenses must be submitted and approved by the employee's Department Manager prior to submission for reimbursement. Whenever possible and in situations where the employee may question the reasonableness of an expense, the employee should secure approval in advance of incurring the expense. Unreasonable or excessive expenses will not be reimbursed. Any questions should be directed to the employee's Department Manager.

Managers or any employee who is issued a District Credit Card, may utilize the card for business purposes only, and receipts must be provided to their respective Manager before submittal to the Administrative Services Department for payment.

2.16 ATTENDANCE & PUNCTUALITY

Employees are expected to be responsible for being at work and arriving on time. Punctuality and regular attendance are important to the smooth operation of the District. Excessive tardiness or absenteeism impacts the District's ability to perform work and places an unfair burden on co-workers. Therefore, unless the absence is permitted or excused under the District's holiday, vacation, sick, or other policies employees will be present at the beginning of the workday. If an employee is going to be absent or late, it is their responsibility to contact their Manager or Supervisor as soon as possible, in advance of lateness and no later than the start of the workday. If an employee is absent for more than one day, the Department Manager must be notified each day.

An employee who is absent for reasons other than those permitted or excused by the District's holiday, vacation, or leave policies, or who repeatedly fails to provide notice as required, is considered absent without leave and will be subject to appropriate disciplinary action, up to and including termination.

2.17 AVAILABILITY FOR WORK

Employees must be in proper attire and ready for work at the start of the regular workday. Employees are required to comply with the Performance and Behavior Standards found in EXHIBIT D.

2.18 HOLIDAYS

The following are paid holidays for eligible employees:

1. New Year's Day
2. Martin Luther King Day
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veteran's Day
8. Thanksgiving Day
9. Friday following Thanksgiving Day
10. Christmas Eve Day
11. Christmas Day
12. Personal Leave Day (floating holiday)

Notes:

- a. Holidays will be awarded and taken in whole day increments constituting either nine (9) hours (if the holiday occurs on the employees normal nine (9) hour workday), or eight (8) hours (if the holiday occurs

on the employees normal eight (8) hour workday). When an authorized paid holiday falls on a Saturday, the preceding Friday shall be observed as an authorized paid holiday; or when an authorized paid holiday falls on a Sunday, the following Monday shall be observed as an authorized paid holiday. Employees who have exhausted their paid leave and are not covered by FMLA/CFRA or a District approved reasonable accommodation will not be entitled to receive holiday pay.

- b. If a holiday falls on an employee's regularly scheduled 9/80 day off and the District is closed, the employee will have nine (9) hours (if the holiday occurs on the employees normal nine (9) hour workday), or eight (8) hours (if the holiday occurs on the employees normal eight (8) hour work day) of Holiday Earned time added to their leave balances. Holiday Earned time must be utilized within the same fiscal year it is accrued and shall be utilized in increments no smaller than 30 minutes. Holiday Earned hours that have not been utilized by the end of the fiscal year shall be paid out to the employee at their regular rate of pay.
- c. A Personal Leave Day (floating holiday) of nine (9) hours is given to employees on the first working day of the calendar year and is to be used during the same calendar year with the Manager's approval. Personal Leave hours will not be carried over at the end of the calendar year. If an employee's Personal Leave Day has not been utilized by December 31st, the employee shall be paid out at their regular rate of pay.
- d. The District will make reasonable efforts to accommodate holidays pertaining to an employee's established beliefs that are not included in the above list. Employees should speak with their Manager to obtain approval for taking time off to observe such holidays.

2.19 VACATION

Each employee is required to notify their Department Manager, in advance, of the dates of all approved vacation or leave time to be taken. Short notice vacation requests that do not adversely impact daily operations will be considered.

Employee Accrual Schedule: Vacation time is offered to full-time eligible employees based on a 'Years of Service' schedule, as outlined below:

Years of Service	Accrual Rate (hours per year)	Accrual Rate (hours per pay)	Maximum Vacation Accumulation (hours)
0 - 48 months of service	80	3.077	240
49 - 108 months of service (beginning of 5 yrs. to end of 9 yrs.)	120	4.615	300
109 - 168 months of service (beginning of 10 yrs. to end of 14 yrs.)	160	6.154	380
169 - 228 months of service (beginning of 15 yrs. to end of 19 yrs.)	180	6.923	380
229 months of service (beginning of 20 yrs.)	200	7.692	380

Vacation time accrues during a new employee's probationary period. However, vacation time is generally not to be utilized until the employee has been employed by the District for at least six (6) months and is subject to the

approval of the Department Manager.

Management Accrual Schedule is as follows:

Years of Service	Accrual Rate (hours per year)	Accrual Rate (hours per pay period)	Maximum Vacation Accumulation (hours)
0-36 months of service	120	4.615	240
37 months of service (beginning of 4 years)	200	7.692	400

1. Maximum Vacation Accumulation

(i) **for Employees** is as follows:

Earn 80 hours per year (first 4 years) – maximum accumulation 240 hours.

Earn 120 hours per year (5 to 10 years) – maximum accumulation 300 hours.

Earn 120+ hours per year (after 10 years) – maximum accumulation 380 hours.

(ii) **for Management Employees** is as follows:

Earn 120 hours per year (first 3 years) – maximum accrual 240 hours.

Earn 200 hours per year (after 3 years) – maximum accrual 400 hours.

If an employee's earned but unused vacation time reaches the maximum amount, the employee will cease earning and accruing vacation time. If the employee later uses enough vacation to fall below the maximum, they will resume earning vacation time until the maximum is reached again. Vacation time will be utilized in increments no smaller than 30 minutes. All scheduled vacation time is subject to the final approval of the Department Manager.

At termination of employment for any reason, including retirement and voluntary termination, the District shall compensate the full time or part-time benefitted employee for their accumulated vacation time accrued through the last actual pay period prior to their leaving at their straight time rate of pay at the time of termination. A special deferral of the paid vacation may be made into the Mass Mutual deferred compensation program with prior approval and within the guidelines of the South Placer Municipal Utility District Deferred Compensation Plan.

Cash Out: Employees may cash out up to forty (40) hours (sixty (60) hours after fifteen (15) years of service) of accrued vacation leave each calendar year; however, a balance of forty (40) hours must be retained.

Management Employees may cash out up to sixty (60) hours of accrued vacation leave each calendar year; however, a balance of forty (40) hours must be retained.

A Vacation Cash-out Form must be completed and submitted to the Administrative Services Manager for approval prior to the end of the pay period for which the cash out of vacation is requested.

Additional Vacation Cash-outs may be approved under special circumstances. A written request along with justification for the cash-out must be made to the General Manager.

Hardship Gift: Employees may gift up to eighty (80) hours of accrued vacation leave to another employee that has exhausted their leave balances and requires additional time off due to a personal health issue or a family member's health issue. A Vacation Hardship Gift Form must be completed and submitted to the Administrative Services Manager for approval.

2.20 WORKPLACE RESTRICTIONS

Drugs and Alcohol: In accordance with District *Policy 2030 – Alcohol and Drug Testing Policy*, the District will not tolerate the use or possession of alcohol or illegal drugs (including the abuse of any legal drug) on the job or on District property during hours of operation. Employees using or possessing alcohol or illegal drugs on District property or while at work or who report to work under the influence of alcohol or illegal drugs will be subject to disciplinary action, up to and including termination.

Marijuana remains an illegal drug under Federal Law. Employees using or possessing marijuana on District property or while at work or who report to work under the influence of marijuana, regardless of the possession of a medical marijuana card, will be subject to disciplinary action up to and including termination. A positive test result for marijuana conducted under the District's *Alcohol and Drug Testing Policy* will be treated as a positive result for an illegal drug.

Workplace Violence: The District is committed to preventing workplace violence and to maintaining a safe work environment. The District has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur onsite or offsite during work-related activities. These guidelines are in conformance with District *Policy 2037 – Workplace Violence Policy*. All full and part-time, temporary and contract employees are covered under this policy.

All employees, customers, vendors, and business associates should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Conduct that threatens intimidates or coerces another employee, customer, vendor, or business associate will not be tolerated. The District resources may not be used to threaten, stalk, or harass anyone at or outside the workplace. The District treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a Supervisor, or any member of senior management. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Use or possession of a weapon, firearm, or fixed blade knife is prohibited on District property or while on District business unless allowed by state law or local ordinance and permitted in writing by the General Manager.

Employees should promptly inform the Administrative Services Manager or General Manager of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns with regard to intimate partner violence. The District will not retaliate against employees making good-faith reports. The District is committed to supporting victims of intimate partner violence by providing referrals to the District's employee assistance program and community resources and providing time off for reasons related to intimate partner violence.

The District will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The District will not retaliate against employees making good-faith reports of violence, threats, or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, the District may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

The District encourages employees to bring their disputes to the attention of their Supervisor or the General Manager before the situation escalates. The District will not discipline employees for raising such concerns.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment and the involvement of appropriate law enforcement authorities, as needed.

Tobacco Use: Tobacco Use, consisting of pipes, cigars, and cigarettes is not allowed inside or within twenty (20) feet of any of the District office spaces, buildings, doors, equipment, workplace maintenance sites, vehicles, or storage areas. This provision also includes any electronic cigarette, e-cigarette or handheld electronic device that vaporizes a flavored liquid, which the user inhales. This provision does not apply to smokeless tobacco or tobacco that is not burned, also known as chewing tobacco, oral tobacco, spitting tobacco, dip, chew, or snuff. Employees using smokeless tobacco must take extra care in keeping their surroundings and District facilities clean and must not express or spit the tobacco unless into a personal container and disposed responsibly into a trash receptacle.

Food and Beverages: The District sometimes has customers in the office. The District's surroundings should always reflect a professional appearance. Eating at an employee's desk is acceptable but should be done unobtrusively and, in a manner, so as to prevent damage to valuable District equipment and other property. All employees are personally responsible for keeping the area around their workstation clean and presentable. Employees are also responsible for returning meeting areas to a clean and presentable condition after use.

Visitors: Only customers and authorized visitors are permitted in the District's offices. Unauthorized salespersons or those collecting for charitable causes must request authorization from the District Headquarters. This is to protect the District from theft or frivolous lawsuits. Visits from friends and family should be kept to a minimum and should not exceed fifteen (15) minutes. Employees are responsible for the conduct of their guests.

All visitors must utilize the front parking lot, enter through the reception area, and receive directions. Any employee that notices an unauthorized visitor should notify their Manager immediately.

Workplace Attire: The District has a casual dress environment; however, employees are expected to use good judgment and taste and to show courtesy to their co-workers and associates by dressing in a fashion that is presentable and appropriate. T-shirts, tank tops, shorts, athletic wear, or tennis shoes should not be worn in the office and shirts with collars are preferred for the men. Logo wear is discouraged and logo wear depicting alcohol, tobacco or firearms is prohibited. Employees are to dress in appropriate business attire for meetings with clients or vendors at the District's offices or other locations. Employees issued uniforms are expected to keep them as presentable as their work permits and use District provided 'coveralls' when appropriate.

2.21 USE OF DISTRICT PROPERTY / FACILITIES

Telephone Use: District phones (both cell and landline) are provided to enable employees to carry out work assignments in an efficient manner. Personal telephone calls (including personal cell phones) should be kept to a minimum and personal toll calls should not be made at the District's expense. Cellular phone use while driving is prohibited unless used in conjunction with a hands-free device.

Voice Mail and Electronic Mail: All electronic and telephone communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the District and as such are intended for job-related purposes. Personal use should be kept to a minimum. Electronic or telephone communication systems may not be used to transmit messages that may be considered inappropriate under the District's policies, including those promoting harassment.

Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from a manager. All passwords or security codes are the property of the District and may be used by the District to access electronic and telephone communications at any time. The District reserves the right to monitor any electronic, telephone, or other communications made using

the District systems or property.

IT Resources: All IT resources shall remain the property of the District. Employees may not install, upgrade, repair or move IT resources without Manager approval. Only the District approved equipment may have permanent connection to the District networks. Users should consult with the System Administrator for the proper use of portable devices and the relocation and reconnection of desktop devices. The District cannot support unapproved IT resources. Installation, upgrade, repair, or other forms of support will only be performed on the District-owned, leased, or licensed IT resources.

Employees must not use the District IT resources for purposes other than those that support official District business or as defined in this manual. Employees shall not use District IT resources for commercial financial gain or to conduct illegal activities. Except for authorized criminal investigations, employees shall not use the District IT resources to access offensive material on Internet sites, or otherwise send or receive offensive material. Offensive material includes, but is not limited to, sexual comments or images, racial slurs, gender offensive comments, or any comments that would be offensive on the basis of age, sexual orientation, religious beliefs, national origin, or disability.

Use of District Vehicles: All District vehicles are to be used for business purposes only. Transportation of any person unrelated to an approved business purpose is prohibited. If a personal vehicle is utilized for District business, evidence of insurance must be provided to the District. Employees using a District vehicle for personal purposes must receive prior authorization from the General Manager in writing. All employees assigned a take home vehicle must complete a *Take Home Vehicle Authorization Form*. Incidental use of assigned vehicles for personal use is permitted provided this use is not excessive or abusive. Transportation of anyone other than a District employee is not allowed during incidental use.

Use of District Property: All District workspace, including file cabinets and lockers are the property of the District and must be available to management at all times. The use of personal locks on any District property is strictly forbidden. No District property may be used to house personal files or items. No District equipment, including but not limited to vehicles and construction related equipment, lifts, computers, photocopiers, or printers shall be used for personal business or commercial financial gain. Charity and other non-profit uses may be allowed as approved by the General Manager in writing.

Postage, Shipping and Office Supplies: Postage, shipping, use of fax machines and office supplies paid for by the District are for business purposes only and are not to be used for an employee's personal purposes.

2.22 PERSONAL PROPERTY

The District does not assume responsibility for any personal property located on its premises. Employees are to use their own discretion when choosing to bring personal property into the workplace and do so at their own risk. Additionally, employees may not bring or display in the workplace any property that is viewed as inappropriate or offensive to a reasonable person.

2.23 PERSONAL SAFETY

The District has adopted its *Safety Manual*, which sets minimum standards for injury and illness prevention. The manual explains requirements for both the District and its employees in compliance with Cal-OSHA. Each employee will receive necessary training through the District to perform their duties safely. Employees must familiarize themselves with the standards in the safety manual. Unsafe actions by any employee may be cause for disciplinary action. The District provides certain personal safety equipment for each employee in accordance with their duties, as prescribed by law.

2.24 OFFICE/FACILITY SECURITY

Shortly after an employee's start date, they may be given keys and/or key cards along with access codes to gain entry to District facilities. The last employee to leave the facility at night is responsible for making certain that all doors are locked, and alarms are set. The Standby employee shall be responsible for ensuring that all facilities are secure before leaving.

2.25 MONITORING & SEARCHES

All District property is subject to monitoring and review at all times. This includes, but is not limited to, desks, lockers, District vehicles, computers, and email files. Reasons for searches and reviews include, but are not limited to, personal abuse of District property, theft investigation and improper disclosure of confidential information.

The District retains the right to conduct searches at any time. This includes the right to search individual computers or files, even if protected by a password. Any employee that attempts to obtain or alter a password for the purpose of accessing restricted files will be subject to disciplinary action, up to and including termination.

2.26 INVENTIONS AND CREATIVE WORKS

All inventions (as herein defined) shall be and remain the property of the District. "Inventions" shall mean all ideas, inventions, research, plans for products or services, computer software (including, without limitation, source code and object code), computer programs, original works of authorship, characters, know-how, trade secrets, information, data, developments, discoveries, improvements, modifications, technology, algorithms and designs, whether or not subject to patent or copyright protection, made, conceived, expressed, developed, or actually or constructively reduced to practice by the employee solely or jointly with others in connection with or relating to any work performed by the employee for the District. Inventions shall be considered as "work made for hire" belonging to the District.

2.27 CONFIDENTIAL INFORMATION

The District requires that employees do not disclose information held to be confidential by the District and also requires new employees to sign a confidentiality agreement. Any questions should be addressed to the General Manager.

During the course of employment at the District, employees may have access to confidential or proprietary information. Employees should maintain such information in confidence and use such information only in the interest of the District. Particular care must be taken to keep confidential information in the strictest of confidence. Any question as to confidentiality should be discussed with the employee's Departmental Manager.

2.28 CONFLICTS OF INTEREST

The District requires that employees not compromise the District, its customers, partners, or suppliers for personal gain. Examples of conflict of interest include, but are not limited to, accepting personal gifts, requesting, or granting favors, or conducting business for *personal* gain. Employees are required to disclose all conflicts of interest to a Manager. Failure to do so may result in disciplinary action, up to and including termination.

2.29 COMPETING EMPLOYMENT

Subject to the District's prior written approval, employees may work for other businesses during the course of their employment with the District; , however, employees may not: (i) accept or perform work of a nature that conflicts or competes in any way with the business or services of the District; (ii) use any District resources including, but not limited to, vehicles and equipment, computer hardware and software, phones, copiers, or other

office items, for or in connection with any non-District work; (iii) perform any non-District work on the District premises; or (iv) perform any non-District work during normal business hours.

District employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems at the District, the employee will be asked to discontinue the outside employment, and the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).

In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, the District Department Managers will consider whether the proposed employment:

- May reduce the employee's efficiency in working for the District.
- May contribute to an unsafe work environment.
- Involves working for an organization that does a significant amount of business with the District, such as major contractors, suppliers, and customers.
- May adversely affect the District's image.

Employees who have accepted outside employment may not use District paid sick leave to perform work on the outside job.

Fraudulent use of District sick leave or an employee's refusal to discontinue outside employment after being requested to do so by their Department Manager or the Administrative Services Department will result in disciplinary action up to and including termination of employment.

Employees with outside employment are required to complete a *Competing Employment, Employee Acknowledgement* form signed by their Department Manager. Approval for outside employment may be withdrawn at any time, if the District determines that such employment no longer meets the above requirements, or it is in the best business interests of the District to do so. An employee's refusal to comply with the District's request to discontinue outside employment may result in immediate termination of employment at the District.

2.30 EMPLOYMENT OF RELATIVES – NEPOTISM

Employment of relatives is not prohibited by the District but is discouraged. The District will hire or consider other employment opportunities concerning relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative; b) neither employee shall be employed in a Confidential position or position involved with personnel matters; or c) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. For the purposes of b) and c) this includes hiring, retention, transfer, promotion, wages or leave requests. This applies to all current employees and candidates for employment.

Definitions

"Family member" is defined as one of the following:

- Relationships by Blood: parent, child, grandparent, grandchild, brother, sister, uncle, aunt, nephew, niece, or first cousin.
- Relationships by Marriage: husband, wife (as defined by state law), step-parent, step-child, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, half-brother, half-sister, uncle, aunt, nephew, niece, spouse/partner of any of the above and co-habiting couples, or significant others.

2.31 WORKPLACE GAMBLING & FUNDRAISING

South Placer Municipal Utility District prohibits gambling in the workplace, including professional or organized gambling activities. Where federal and state laws allow, the District may allow exceptions to this prohibition for District sponsored events supporting a charitable or fundraising cause.

2.32 SELLING OR SOLICITING IN THE WORKPLACE

The District prohibits solicitation, distribution, and posting of materials on District property by any employee or non-employee, except as permitted in this manual. The sole exceptions are charitable and community activities supported by the District. Employees may not solicit other employees during work times or in work areas at any time except in connection with a District sponsored event. Employees may not distribute literature of any kind during work times, or in any work area.

Activities which occur on an occasional basis i.e. parents selling children's school fundraiser items, Girl Scout cookie sales, or pledges for participating in a charity walk may be permissible in areas where customers are not present. Unauthorized non-charitable or business-related solicitation for any purpose in the workplace is prohibited.

2.33 TELECOMMUTING

The job duties of most District positions and limited number of staff members generally require that employees physically report to work to perform their duties; however, the District realizes that there may be temporary situations that occur that make telecommuting or working from home in the best interest of the employee and the District. All telecommuting arrangements must be pre-approved by the employee's Supervisor, Manager, and the General Manager. A completed *Telecommuting Agreement* is required.

3. LEAVE

3.1 GENERAL

The District provides eligible employees with leave for a variety of reasons. The District abides by the provisions of the Family and Medical Leave Act and California Family Rights Act. An overview is set out in EXHIBIT A in the Appendices.

As with all policies, the District reserves the right to revise or rescind these policies at its discretion, subject to legal requirements. This statement of leave policies is not intended to create a contract between the District and its employees.

All absences in excess of fourteen (14) calendar days will require submission of an Employee Leave Request Form approved by the Department Manager. To apply for leave, or to inquire into what leave may be available, an employee should contact their Department Manager. An employee applying for leave will be asked to state why they are requesting the leave, when they want the leave to begin, and when they want the leave to end. The employees' manager will inform the employee what type and duration of leave, if any, has been approved and will also tell the employee which requirements, such as certification of a health condition, the employee must fulfill.

All leaves are granted for a specific period of time. An employee who foresees being unable or unwilling to return to work at the end of the leave period should apply for any other leave for which the employee is eligible including an extension of the current leave. The District reserves the right to terminate the employment of an employee who does not return to work at the end of the approved leave period.

3.2 SICK LEAVE BENEFITS

Sick leave is an employee benefit provided by the District for the purpose of promoting the health and welfare of the individual employee. It is not an earned right to time off from work. Abuse of sick leave will be monitored and may lead to disciplinary action, up to and including termination. Examples of leave abuse can include excessive absences before or after a holiday or scheduled day off or taking one or two days of sick leave several times to avoid providing a medical document. Sick leave is defined to mean the absence from duty of an employee because of *bona fide* illness or injury of the employee, or a covered dependent.

- Medical Appointments for Personal Purposes: Sick leave may be used for doctor or dental appointments, personal injury and illness, and leave due to an employee's disability resulting from pregnancy and childbirth.
- Accrual: Sick leave will accrue for employees, beginning with the date of employment, at the rate of 3.69 hours per pay period or ninety-six (96) hours for each full year of service for full-time employees and at an equivalent hourly rate for part-time employees, with no limit of accumulation of sick leave credits. Accrued sick leave shall not be lost during a layoff or leave of absence without pay.
- Use: Sick leave as used herein shall include all sickness or injury of an employee which requires the employee's absence from work except for sickness or injury while on a leave of absence without pay. Sick leave with pay will not be authorized or granted for periods in excess of accrued sick leave. Sick leave will be utilized in increments no smaller than 30 minutes.
- Notification: It shall be the responsibility of each employee absent from duty due to an illness or injury to personally notify their Manager or Supervisor prior to the start of the workday on the first day of absence,

and each successive day sick leave is used.

- **Doctor's Statement:** A statement from a medical doctor verifying the reason for absence due to illness or injury may be required by the District, without prejudice.
 - **Culpable Absenteeism:** In instances where an employee has been identified as having higher than average or questionable (or pattern) absences, disciplinary action may be taken.
 - **Three Consecutive Days:** In the event an employee has called in sick for three consecutive days, a statement from a medical doctor verifying the reason for absence for the time period may be required. Employees who have shown a pattern of sick leave abuse may be asked to supply a doctor's statement for each illness.
- **Medical Release:** A medical release may be required before an employee is allowed back on the job to perform normal duties.
- **Kin-Care – for Family Purposes:** Up to forty-eight (48) hours per calendar year of accrued sick leave may be used to care for an immediate family member due to illness or other medical purpose. Employees do not receive additional sick leave under Kin-Care. Sick leave benefits used under these circumstances will apply against the benefits afforded by the Family and Medical Leave Act.

Qualifying “family members” for coverage under Kin-Care include the following:

- Spouse or Registered Domestic Partner of an employee
- Child of an Employee: The term “child” includes biological, adopted, foster child, stepchild, legal ward, child of a domestic partner, or a child in loco parentis of the employee. (Note: A “child” is not required to be a minor (under 18 years of age) to be covered under Kin Care).
- Parent of an Employee: The term “parent” includes biological, foster, or adoptive parent, a stepparent, or a legal guardian. (Note: mothers-in-law, fathers-in-law, and grandparents are not considered “parents” for purposes of Kin Care).

Department Manager's may request substantiation of sick leave usage.

Retirement Credit for Accumulated Sick Leave: Upon retirement, unused sick leave may be converted to additional service credits for CalPERS retirement, according to sick leave conversion rates established by PERS and otherwise in compliance with PERS requirements.

3.3 FAMILY MEDICAL LEAVE ACT (FMLA) AND CALIFORNIA FAMILY RIGHTS ACT (CFRA)

FMLA and CFRA ensure paid or unpaid time off for certain family care or medical leaves. Under FMLA a qualified employee may take up to twelve (12) work weeks of job-protected leave for certain family and medical reasons. A qualified employee providing care for a covered service member may take additional time off, paid or unpaid, for a total up to twenty-six (26) work weeks of leave. When FMLA and CFRA do not run concurrently, as in the case of pregnancy disability leave, a qualified employee may take up to twelve (12) work weeks of time off under CFRA. EXHIBIT A provides an overview of FMLA and CFRA.

3.4 PERSONAL LEAVE OF ABSENCE

Requests for personal leave without pay are considered individually and granted at the discretion of management. The reason for the request, the employee's length of service, the employee's work record, and the demands of the individual's job are examples of the type of factors typically considered in evaluating a request for personal leave of absence. A request for personal leave of absence will be granted only if the employee is not eligible for any

other type of leave. An employee may not be on personal leave of absence for more than two (2) months in a calendar year.

3.5 JURY DUTY

Employees summoned for jury duty will be allowed the necessary time off from work to perform this civic responsibility. Employees must give the District seven (7) days advance notice. The District will pay such employees the difference between their regular salary and any jury duty fees received minus travel. Employees will be expected to report to work during all regular hours if their presence is not required in a jury room or court. The District will require the employee to supply documentation from the court affirming the employee's jury duty service.

3.6 MILITARY DUTY

Uniformed Services Employment Reemployment Act (USERRA) provides that returning service members are to be reemployed in the job that they would have attained had they not been absent for military service, (the "escalator" principle), with the same seniority, status, and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to qualify for reemployment. If the service member cannot qualify for the "escalator" position, they must be reemployed, if qualified, in any other position that is the nearest approximation to the escalator position and then to the pre-service position. USERRA also provides that while an individual is performing military service, they are deemed to be on a furlough or leave of absence and are entitled to the non-seniority rights accorded other similarly situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

- Less than thirty-one (31) days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight (8) hour rest period. If this is impossible or unreasonable, then as soon as possible.
- Thirty-one (31) to one hundred eighty (180) days: The employee must apply for reemployment no later than fourteen (14) days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
- One hundred eighty-one (181) days or more: The employee must apply for reemployment no later than ninety (90) days after completion of military service.
- Service-connected injury or illness: Reporting or application deadlines are extended for up to two (2) years for persons who are hospitalized or convalescing.

Health and pension plan coverage for service members is also addressed by USERRA. Individuals performing military duty of more than thirty (30) days may elect to continue employer sponsored health care for up to twenty-four (24) months; however, they may be required to pay up to one hundred and two (102) percent of the full premium. For military service of less than thirty-one (31) days, health care coverage is provided as if the service member had remained employed. USERRA pension protections apply to defined benefit plans and defined contribution plans as well as plans provided under federal or state laws governing pension benefits for government employees. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats military service as continuous service with the employer.

All leaves for military service and reinstatement after performing military service will be provided in accordance with the requirements of Federal and State law.

3.7 COMPASSIONATE LEAVE

When a death occurs in an employee's immediate family*, an employee may take up to three (3) days with pay in order to attend the funeral or make funeral arrangements. In unusual circumstances, additional time off may be granted, with or without pay, at the discretion of the General Manager.

* "*Immediate family*" for purposes of compassionate leave means an employee's spouse, child or other legal dependent, as well as a parent, grandparent, brother or sister of the employee or the employee's spouse.

3.8 FORCED CLOSINGS AND SEVERE WEATHER

Unless notified by a Department Manager, employees are required to report to work on all regularly scheduled days, regardless of weather conditions. Employees who are unable to report to work due to weather conditions must notify their Manager as soon as possible.

In the event that the District closes due to severe weather conditions or natural disasters, employees will not be required to report to work and will be paid for that day. It will not be counted as a vacation day.

4. EMPLOYEE INSURANCE & RETIREMENT BENEFITS

The following is a list of benefits that the District makes available to eligible employees. The language in this Manual is a summary only. Individual plan documents explain each benefit in more detail, and the language in the individual plan documents control the various plans. Benefits may be modified, added, or terminated at any time by the insurance company or benefit provider, per the terms of the plan, or by the District, at its discretion.

4.1 BENEFITS ELIGIBILITY

Full-time employees are eligible for benefits as outlined below. Part-time employees may receive partial benefits and temporary employees working less than 1000 hours per year are not eligible for these benefits. (For further eligibility, information please see EXHIBIT F).

4.2 HEALTH INSURANCE PROGRAMS

For additional information see EXHIBIT F.

Health Insurance Plan Minimum Employer Contribution (MEC): The District contracts with the California Public Employees Retirement System (CalPERS) for medical insurance under the Public Employees Medical and Hospital Care Act (PEMHCA) and shall pay the required Minimum Employer Contribution (MEC) as determined by CalPERS pursuant to PEMCHA for each employee or retiree enrolling themselves, and where applicable, their eligible dependents in one of the medical plans offered by CalPERS.

District Supplemental Benefit Stipend for Active Employees – Effective January 1, 2013:

The District will contribute a Supplemental Benefit Stipend toward an active employee's cost to participate in a District sponsored medical plan. The stipend is a sum of money that will be sufficient, when combined with the MEC, if applicable, to fund a defined health benefit for an active employee enrolling in an employee, employee and one (1) dependent, or employee and two plus (2+) dependent plan. The dollar value of the stipend shall be sufficient, when combined with the MEC, to pay for the following benefits:

Up to the current CalPERS Kaiser HMO family rate medical plan premium or an equivalent alternative CalPERS plan at or below the Kaiser HMO family rate medical plan premium.

Employees may select a medical plan other than Kaiser but shall be responsible for any additional required premium contribution over the amount of the District stipend (currently the Kaiser rate). Active employees may select different medical carriers annually during the CalPERS open enrollment period.

During periods in which an active employee demonstrates that they are receiving medical coverage from another source (spouse, parent, military etc.) and therefore declines District medical coverage, the employee shall receive a District supplemental benefit stipend in the amount of \$400 per month, paid on the first payroll of each month. Part-time benefitted employees will receive a proportional percentage of the benefit stipend dependent upon their contracted hours.

Retiree Medical Vesting: The District has a Retiree Medical Vesting Schedule as contained in EXHIBIT F. Specifics on the level of benefits for retirees is also contained in Exhibit F.

Dental/Vision: The District pays the cost for:

- Dental - the cost for the employee and half (1/2) of the cost for the employees' dependents.

- Vision – the cost for the employee with vision care insurance coverage available for the employee’s dependents at the employee’s expense.

A copy of the dental plan and vision plan will be made available for the employee upon eligibility.

COBRA: The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health, dental, and vision coverage under the District’s insurance plans, should the employee lose their eligibility (e.g., upon termination). Under COBRA, the employee pays the full cost of coverage at the District’s group rate, plus an administrative fee. Details of COBRA coverage and how to apply for it will be provided by CalPERS at the time eligibility is lost.

Life Insurance: A Life Insurance Policy will be paid for by the District for each full-time employee. Coverage for employees will be \$25,000; coverage for Management employees will be \$50,000. Employees will have an option to purchase, through an additional payroll deduction, voluntary Life Insurance in addition to the District covered benefit. A Retired Life Reserve plan is available for qualifying employees. The cost of this plan will also be paid for by the District. Eligibility for Term Life Insurance begins the first of the month after thirty (30) days from date of hire. Enrollment in the Retired Life Reserve Plan is available through an independent insurance agent. Information on the plans will be made available upon eligibility.

Unemployment Insurance: If an employee loses their position with the District and meets the program’s eligibility requirements, they may file a UI claim through the State of California, Employment Development Department.

Worker's Compensation: California employers are required by law to provide all reasonable and necessary medical treatment to an injured employee who is disabled from work due to a work-related injury or illness. All medical costs are paid through a Third-Party Administrator until one of the following occurs:

- Employee accepts a transitional assignment.
- Employee returns to work with a modification of the usual and customary position.
- Employee is permanently disabled from the usual and customary position, or
- Employee is released by the treating physician to usual and customary position.

Workers’ compensation will pay two-thirds of the injured employee’s average weekly wage up to the California State maximum, which is subject to change on an annual basis due to cost of living adjustments (COLA). In accordance with the California Labor Code, total temporary disability payments will not be made for the first three (3) days after the injured employee leaves work unless the period of disability continues for more than fourteen (14) days or the employee is hospitalized as an inpatient for treatment required from the injury. An injured worker may be entitled to supplemental compensation.

If an employee is off on sick leave (or other paid leave time) and receives temporary disability payments from Worker's Compensation, the employee must turn such payments over to the District in order to buy back an equivalent amount of leave time, based on the employee's rate of straight time pay.

State Disability Insurance (S.D.I.): The District provides disability insurance coverage for each employee through the State of California, Employment Development Department. The cost of coverage including *Paid Family Leave* is deducted from the employee's earnings. An employee may file for S.D.I. benefits whenever they are off work for more than seven (7) days due to illness or injury. As it is illegal to collect full benefits from both the employer and S.D.I., subsequent paychecks from the District will be reduced by the amount of S.D.I. benefits received. As an option, the employee may submit the S.D.I. payment to the District to buy back an equivalent amount of leave time.

Other Insurance: Additional Insurance is available for all employees. Participants will have the cost of these plans deducted from their earnings.

Limitations:

- When an employee is granted a leave of absence the District will continue to provide the pre-leave level of insurance premium support until the end of the calendar month in which all paid time off benefits, if any, are used up. Paid time off benefits include sick leave, vacation, and compensating time off. When leave time is not paid under these time-off benefits, but the employee is eligible for time loss payment under Worker's Compensation or a long-term disability insurance plan, the District will continue pre-leave levels of insurance premium payments for ninety (90) days for all full time position employees.
- At the expiration of these time limits, the employee must meet the insurance contract requirements for continued coverage and pay the full premium charged by the carrier to retain coverage.

Notifications: Requests and/or medical authorization for a medical leave of absence shall be in writing. Certifications for such leave shall be made by a licensed medical Doctor, attesting to the employee's sickness, physical disability, and/or inability to perform the duties described in the employee's job description. Such medical certification shall state the expected duration of the employee's absence and give a date when the employee can be expected back on the job to perform full job duties. If such date of return or time period of absence is altered by the employee's Doctor, the employee must notify their Department Manager as soon as possible. The employee shall furnish the District with any, and all, medical certifications regarding the employee's absence from the job. The employee's failure to furnish any such certification will result in termination of employment.

4.3 CALPERS PENSION PROGRAM

Tier I – CalPERS 2.7% @ 55 Formula – Final Year Compensation

Applicable for all Employees hired on or prior to April 19, 2012 (also known as Classic members). The District pays the cost of the employer share for the CalPERS pension plan. Eligibility is the first day of the month following employment. The employee shall pay the employee share of the CalPERS pension plan which consists of paying 8% of the normal member contributions.

Tier II – CalPERS 2% @ 55 Formula – Highest 36 Months

Applicable for all Employees hired after April 19, 2012, as well as all employees hired after January 1, 2013 who meet the “Classic” CalPERS member test. The District pays the cost of the employer share for the CalPERS pension plan. Eligibility is the first day of the month following employment. The employee shall pay the employee share of the CalPERS pension plan which consists of paying 7% of the normal member contributions.

Tier III – CalPERS 2% @ 62 Formula – Highest 36 Months

Applicable for all Employees hired after January 1, 2013, who are classified as “New” members to CalPERS. A new member includes:

- A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and who has no prior membership in any other California public retirement system.
- A new hire who is brought into CalPERS membership for the first time on or after January 1, 2013, and who is not eligible for reciprocity with another California public retirement system.
- A member who established CalPERS membership prior to January 1, 2013, and who is hired by a different CalPERS employer after January 1, 2013, after a break in service of greater than six (6) months.

The District pays the cost of the employer share for the CalPERS pension plan. The employee shall pay the employee share of the CalPERS pension plan. Eligibility is the first day of the month following employment.

CalPERS Contribution Caps

All Employees hired after January 1, 2013, who are classified as “New” members to CalPERS are subject to contribution caps which differ from the caps set for classic members. New member contribution caps came into effect on January 1, 2013. Adjustments to the caps are permitted annually based on changes to the Consumer Price Index for All Urban Consumers. The District provides for Social Security coverage; therefore, as of July 1, 2020, the cap is set at \$126,291 and will adjust every calendar year.

4.4 SOCIAL SECURITY SYSTEM/MEDICARE

The District will make payroll deductions as required by law for each employee. Social Security is more than a retirement program. It can help support an employee’s family when they die and provide monthly benefits when an employee retires or becomes severely disabled. Social Security covered employment helps employees and their families qualify for those benefits. The benefit amounts are based on the earnings reported to the Social Security Administration.

4.5 DEFERRED COMPENSATION PROGRAM

Employees of the District may participate in a District approved 457 Deferred Compensation Program with an employer match to employee contributions. Contributions are made through payroll deductions as follows:

- Employees – the District will match \$125.00 per pay period to a District approved deferred compensation program
- Management Employees – the District will match \$150.00 per pay period to a District approved deferred compensation program.

4.6 SUPPLEMENTAL RETIREMENT PROGRAM FOR MANAGEMENT EMPLOYEES

Based on successful completion of performance goals and subject to annual Board authorization, the District will contribute up to 5% of the individual management employee’s salary into an IRS 401 a) Defined Contribution supplemental retirement plan. Management employees may elect to deposit into said 401a) plan to the maximum amount allowable by law.

5. MISCELLANEOUS BENEFITS/PROVISIONS

5.1 UNIFORMS

Field Uniforms: The District will furnish Field Service personnel with uniforms. Uniforms will be issued by the Department Manager. All Field Service Employees working in the field shall wear their uniform during regular working hours. Failure to do so will result in the employee being sent home without pay.

The District will furnish rain boots (safety toe and shank) for personnel who, as a matter of regular routine, are frequently required to work for prolonged periods in the rain or other unreasonably wet conditions.

The District has elected to issue uniform jackets and caps. Dependent on weather conditions, employees working outside shall wear uniform jackets or caps supplied, to present a consistent District presence to the public.

The District has elected to furnish Rain Gear. Dependent on weather conditions, employees working outside shall wear the rain gear supplied, to present a consistent District presence to the public.

Employees are responsible to maintain these garments in good repair and keep them as clean as reasonable. Failure to do so may result in employees being responsible to provide these garments.

Personal Protection Equipment (PPE): The District will provide all necessary and required PPE for employees.

Safety Gear Reimbursement: Full Time Positions that are required to perform work in the field are entitled to reimbursement up to the amount set in the Employee Memorandum of Understanding (MOU) for approved Safety Toe Boots and any supplemental safety gear purchased in addition (or in lieu) of District supplied personal protective equipment. The current reimbursement amount is \$250 per fiscal year. The Department Manager shall approve all safety gear purchases.

For those employees requiring prescription Personal Protective Equipment (PPE) Eyewear as a routine part of their duties, the District shall reimburse up to \$300 per calendar year for prescription PPE Eyewear.

Personnel Not Issued Uniforms: The District may provide District logo attire appropriate to an employee's working conditions and as approved by the General Manager to foster team spirit.

5.2 PROFESSIONAL DEVELOPMENT PROGRAM

Employees are encouraged to continue to improve themselves as an enhanced asset to the District. The District will reimburse the employee up to \$3500 per calendar year for the cost of tuition and fees, textbooks, and supplies for job related courses intended to achieve an Associate's, Bachelor's or Master's Degree, upon successful completion of courses, when approved in advance by their Department Manager. Employees must be employed by the District for a minimum of six (6) months to be eligible for reimbursement and must remain employed by the District for one (1) year after reimbursement is received.

- California Water Environment Association (CWEA) Collection System Maintenance Certification is required for all maintenance and technical positions. The District job descriptions will dictate the certification level requirements. The District will provide training materials, coordinate attendance to study sessions, and fund the CWEA testing fees.
- Employees will receive a cash incentive of two hundred fifty dollars (\$250) upon successful completion of each level above the minimum certification level plus reimbursement for testing fees.

- The District will pay annual CWEA certification and membership dues for all certified employees.
- Employees will receive a one-time reimbursement of \$1,000 for successful completion of the District's Master Series Program.
- The District will pay other annual membership dues for professional or industry related associations upon approval by the General Manager.

5.3 TENURE ADJUSTMENT/LONGEVITY PAY

- Upon completion of fifteen (15) years of consecutive employment with the District, an employee shall be granted a two- and one-half percent (2.5%) increase based on their regular rate of pay that will continue to adjust with future adjustments to the regular rate of pay.
- Upon completion of twenty-five (25) years of consecutive employment with the District, an employee shall be granted a two- and one-half percent (2.5%) increase based on their regular rate of pay at the time of their anniversary. Their class and step shall predicate the increase amount at the time of the twenty-fifth anniversary and will remain a fixed amount established at that time.

5.4 EMPLOYEE WELLNESS INCENTIVE PROGRAM

Sick Leave Avoidance – The District will offer immunizations for employees:

- Seasonal influenza (flu) (for all employees)
- Tetanus, diphtheria, and pertussis (whooping cough) (for all employees who have not previously received the Tdap vaccine)
- Shingles (for employees sixty (60) years and older)
- Pneumococcal disease (for employees sixty-five (65) years and older)
- Hepatitis B infection (for employees with high-risk exposure employment)

Sick Leave Incentive¹²- The District offers a sick leave incentive to meet the District's established goal of less than 1% total sick leave usage. The District encourages employees to set doctor's appointments on the employee's 9/80 day off. In addition, the District will provide the following incentives to employees who reduce their sick leave usage in the following manner:

Individual Incentives

- Less than 1% sick leave usage during a quarter (less than 5.2 hours/every 3 months), employees shall receive a \$20 gift card
- No sick leave usage during a quarter, employee shall receive a \$40 gift card
- Less than 1% sick leave usage for the calendar year (less than 20.8 hours/year), employee shall receive an after-tax bonus of \$100.
- No sick leave usage for the calendar year, employees shall receive an after-tax bonus of \$200.

Group Incentives

- Less than 1% sick leave usage for the calendar year (less than 20.8 hours/year) for the total of all eligible District employees, each employee shall receive an additional after-tax bonus of \$300.
- No sick leave usage for the calendar year for the total of all eligible District employees, each employee shall receive an additional after-tax bonus of \$500.

¹ Incentives are taxable unless exempt

² Managers are excluded from the Sick Leave Incentive Program

The percentage of sick leave used is calculated based upon the two thousand and eighty (2,080) hours worked in a calendar year.

Employee Health: The District will provide a \$40/month subsidy for employees to join a health club or other type of fitness studio. Employees to document membership and dues payment annually.

5.5 PERFORMANCE MERIT PAY PROGRAM

The District has established a Performance Merit Pay program (PMP) as an incentive to employees for meeting or exceeding performance goals. The goals are not for “normal” performance. They are to recognize extraordinary performance. The annual goals are not static from one year to another. The goals can be expected to be adjusted each year.

The annual budget for payouts, if any, and goals are established at the sole discretion of the Board of Directors and after the year’s end, taking into consideration the recommendations of the General Manager.

5.6 MISCELLANEOUS BENEFITS

- Direct Deposits: District Payroll checks will be made via direct deposit.
- Employee Assistance Program: An Employee Assistance Program (EAP) through Concern EAP is available to all full-time position employees and their dependents.

6. DISCIPLINE

6.1 PROBLEM RESOLUTION

The District seeks to deal openly and directly with its employees and believes that communication between employees and management is critical to solving problems.

1. Co-workers: Co-workers that may have a problem with one another should attempt to resolve the problem themselves. If a resolution cannot be agreed upon, both employees should approach their immediate Supervisor(s) who will work with the employees to determine a resolution. In these instances, the decision of the Department Manager or immediate Supervisor is final.
2. Supervisors: Employees that have a problem with an immediate supervisor should first go to the Supervisor and state the problem. If a resolution cannot be agreed upon, the employee should present their problem, in writing, to the Department Manager. The Department Manager will present the issue(s) to the General Manager for consideration. The decision of the General Manager will be final.
3. An *Employee Action Form* shall be utilized to communicate the level of corrective action necessary.

6.2 DISCIPLINE

The District's policy is to attempt to deal constructively with employee performance problems and employee errors. The disciplinary process shall be in compliance with Chapter 4, Article 4 of the MUD Act and will be determined by the District in light of the facts and circumstances of each case. Depending upon the facts and circumstances, the discipline applied may include, among other things, oral or written warnings, probation, and suspension without pay, suspension with reduced pay, demotion, or immediate termination. Each situation will be considered in light of a variety of factors including, but not limited to, the seriousness of the situation, the employee's past conduct and length of service, and the nature of the employee's previous performance or incidents involving the employee.

1. Cause: No person employed under civil service provisions of this Personnel Manual or of any rules and regulations in a full-time position shall be removed, suspended, or terminated except for cause.
2. Suspension: The General Manager or Department Manager with approval of the General Manager, may for disciplinary purposes, suspend a subordinate for a period not to exceed fifteen (15) working days with a loss of salary for the period of suspension or suspend an employee with reduced pay for a period that results in the same loss of salary.

Department Managers may suspend an employee for 1 (one) day without General Manager approval.

6.3 CORRECTIVE ACTION

Corrective action is taken against an employee in response to a rule infraction or a violation of District policies. Corrective action will continue until the violation or infraction is resolved.

1. Progressive Process: Corrective Action usually begins with a verbal warning, followed by a written warning that is placed in the employee's personnel folder. If more serious corrective action is required, the employee may be put on probation, placed on suspension without pay, placed on suspension with reduced pay for a period that results in the same loss of salary, demotion, or have their employment terminated. Each step in the progressive process shall be documented on the Employee Action Form.

2. **Infractions:** Removal or termination shall be made by the General Manager only, and in such cases, upon recommendation by a Department Manager. Removal or termination may be made for any one or more of, but not limited to, the following causes: incompetence, habitual intemperance, use of any illegal substance, failure to carry out responsibilities of the job description, insubordination, immoral conduct, dishonesty, discourteous treatment of the public, willful negligence, action and/or slanderous language inimical to the District, inattention to public safety and/or service, failure to comply with any District rule or policy.

The validity of any of the above infractions or any other valid cause for termination or suspension shall be at the discretion of the General Manager.

6.4 APPEALS

Request for hearing regarding removal, termination, or suspension shall be in accordance with the provisions of Section 12164, 12165 and 12166 of the Public Utilities Code and hearings on said matters will be conducted by the Board of Directors pursuant to the provisions of Section 54957 of the Government Code. The decision of the Board of Directors is final.

7. SEPARATION

7.1 JOB ABANDONMENT

Employees of the District that are absent for more than three (3) consecutive days without notifying their Department Manager are considered to have voluntarily abandoned their employment with the District. The effective date of termination will be the last day the employee reported for work. If an employee abandons a job, they will not be entitled to accrued leave unless required by law.

7.2 JOB ABOLISHMENT

In the event of the abolishment of any position or class approved by the Board, an employee or employees in such position or class shall be given thirty (30) days written notice setting forth the terminal date of employment and the reason(s) for such abolishment. Insofar as possible, in the event of job abolishment, the District will give consideration to placing an employee whose position has been abolished in any permanent classification of equivalent level or lower level, provided an opening exists. Such approval may only be granted if the employee meets the minimum requirements established for the new class.

7.3 TERMINATION

The District does not have tenure or guaranteed employment. The District may terminate employment with cause at any time for any reason. An employee may terminate their employment with the District for any reason. Termination may result from any of the following: (i) Corrective action measures, which include infractions for violation of District policies, (ii) layoffs, which include the elimination of an employee's job function or headcount reduction due to redundancy or cost reduction and (iii) involuntary dismissal, which may include poor performance reviews or failure to demonstrate an acceptable attitude in the workplace or (iv) not meeting minimum job qualification requirements.

7.4 TERMINATION PROCESS

The District requires that employees return all documents, files, computer equipment, uniforms, District tools, business credit cards, keys and other District owned property on or before the last day of work. When all District owned property has been collected, the employee will receive their final paycheck and any accrued leave payouts, if applicable. Employees leaving the District will have the option of having an exit interview with the General Manager.

7.5 EMPLOYMENT REFERENCES

Due to confidentiality considerations, the District does not provide employment references for former employees. The District will provide dates of employment and positions held only.

8. APPENDICES

EXHIBIT A: FAMILY AND MEDICAL LEAVE ACT (FMLA), CALIFORNIA FAMILY RIGHTS ACT (CFRA), MILITARY FAMILY AND CAREGIVER LEAVE, & CATASTROPHIC LEAVE

A.1 PURPOSE

Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA) entitles eligible employees up to 12 workweeks of unpaid, job-protected leave each calendar year for specified family and medical leave reasons. In addition, FMLA includes a special leave entitlement that permits eligible employees to take up to 26 workweeks of leave to care for a covered servicemember during a 12-month period.

A.2 STATEMENT

The United States Department of Labor (DOL) Employment Standards Administration, Wage and Hour Division, administers and enforces the FMLA for all private, state, and local government employees, and some federal employees.

The California Department of Fair Employment and Housing (DFEH) administers and enforces the CFRA for all state and local employees. State legislation in 1993 changed the state law to generally conform to the provisions of the FMLA. Where the FMLA law and the CFRA law differ, the most generous/less restrictive leave provisions must be applied.

Example: The Code of Federal Regulations, title 29, section 825.306 allows an employer to ask for a diagnosis; however, California Code of Regulations, title 2, section 11091 specifies that an employer cannot ask for a diagnosis, but it may be provided at the employee's option. Since CFRA is less restrictive, the department cannot ask an employee for a diagnosis under the amended FMLA regulation.

A.3 SCOPE

This policy applies to all SPMUD employees. This policy will be enforced when an employee is seeking a leave of absence that is covered under the FMLA or CFRA.

A.4 RESPONSIBILITY

List all areas/departments/groups involved in executing the Policy and their specific responsibilities for each role.

Role	Responsibilities
Department Managers	Ensuring that all employees, consultants, and contractors are appropriately trained on the requirements of this policy.
Administrative Services Manager	Ensuring the proper processes are followed when determining eligibility for FMLA/ CFRA/ Military Leaves. The Administrative Services Manager will be responsible for issuing all documentation to the employee. They will also be responsible for housing all documents in compliance with all state, local and federal laws as well as any internal document retention policies.
Employees	Employees are responsible for familiarizing themselves with this policy and for submitting requested documents on time, filled out properly. Employees are also required to give advanced notice of their request for leave when possible.

A.5 DEFINITIONS

For the purpose of this policy the term “relative” shall include the following relationships established by blood, marriage, or legal action. Examples include the employee’s: spouse, registered domestic partner, parents, children, siblings, grandparents, and grandchildren.

For the purpose of this policy the term “parents” shall mean: birth parents, step-parents, adoptive parents, in locus parents, grandparents.

For the purpose of this policy the term “child” shall mean: birth child, adoptive child, foster child, step-child, child of domestic partner. Grandchild shall mean: birth grandchild, adoptive grandchild, foster grandchild, step-grandchild, grandchild of child’s domestic partner. Grandparents will have the interchangeable meaning as grandchild.

For the purpose of this policy the term “sibling” shall mean birth sibling, adoptive sibling
Registered Domestic Partners- A person with whom the employee’s life is interdependent and who shares a common residence, and who have registered their partnership.

A.6 ELIGIBILITY CRITERIA

To be eligible for FMLA/CFRA benefits, an employee must:

- Have worked for SPMUD for a total of 12 months; and
- Have worked for at least 1250 hours over the previous 12 months; and
 - An employee is eligible for FMLA/CFRA leave when the employee has worked for SPMUD for a total of 12 months following the date of hire, even with a break in service after the date of hire. In addition, the employee must have physically worked at least a minimum of 1,250 hours in the past year.
 - The statutory requirement is that employee eligibility determinations be made “as of the date leave commences.” If an employee reaches the 12-month eligibility requirement while on leave, the leave period prior to meeting the requirement is non-FMLA/CFRA leave, and the leave period after the requirement is fulfilled is FMLA/CFRA leave. Except for administrative time off (ATO) while under investigation (i.e., pending a department-initiated investigation or fitness for duty), periods of leave, including paid leave due to job-related accidents or injuries, do not count towards the 1,250 hours requirement.

Example: An employee requests FMLA/CFRA leave but has only worked for the employer 11 months and does not meet the 12-month requirement for FMLA/CFRA. The FMLA/CFRA leave is denied. The employee is allowed to take a non-FMLA/CFRA leave. During the time taken for the non-FMLA/CFRA leave the employee meets the 12-month requirements for FMLA/CFRA eligibility and is now eligible for FMLA/CFRA leave. From that point forward the leave is FMLA/CFRA leave and is counted against the employee’s FMLA/CFRA entitlement.

A.7 EMPLOYER NOTICE REQUIREMENTS

Effective January 16, 2009, amended DOL regulations created three new employer and/ or employee notice responsibilities:

- A mandatory General Notice published by the DOL for departments to use;
- Notice of Eligibility and Rights and Responsibilities (FMLA/CFRA) (CalHR 752); and

- Designation Notice (FMLA/CFRA) (CalHR 753). CalHR has standardized CalHR 752 and 753 as fill in and print forms.

A.8 GENERAL NOTICE

- (FMLA) DOL has published a new general notice poster. Departments must post the new notice entitled “Employee Rights under the FMLA” (WH Publication 1420) at the worksite so it is visible to all employees and applicants. Each new employee must be given the information provided in the General Notice. An employer that willfully violates this posting requirement may be subject to a fine of up to \$110 for each separate offense.
- The General Notice must be accessible to employees by including it in an employee handbook or including all of the information contained in the General Notice in the department’s own specific FMLA policy. Employers that post their handbook electronically meet the General Notice requirement only if it is accessible to all employees. “Notice of Eligibility and Rights and Responsibilities (FMLA/CFRA)” (CalHR 752)
- A new form titled “Notice of Eligibility and Rights and Responsibilities” (CalHR 752) is required to be given to the employee within five business days after the employer receives a request for FMLA/CFRA leave or becomes aware that the leave may qualify for FMLA/CFRA (previously the employer only had two days to notice employees). Departments may customize the CalHR 752 as long as it includes, at a minimum, the same information specified in the form.
- The “Notice of Eligibility and Rights and Responsibilities” (CalHR 752) informs the employee whether or not they are eligible for FMLA/CFRA leave (i.e. worked at least 12 months with the employer and worked at least 1,250 hours in the previous 12 months). When a represented employee is denied, eligibility based solely on a lack of 1,250 hours of service, there may be a union noticing requirement. Reference the applicable Memorandum of Understanding. Eligibility does not mean the leave has been approved for FMLA/CFRA at this point. The form also provides important information regarding the employee’s FMLA/CFRA rights and responsibilities, information on medical certification requirements, and the consequences for not meeting those requirements, as well as information regarding the return-to-work release. In addition, departments must provide specific written information on what is required of the employee and what might happen in certain circumstances, such as if the employee fails to return to work after FMLA/CFRA leave.
- As a reminder, departments may require at least 30 days’ advance notice when the need for FMLA/CFRA is foreseeable. Foreseeable leave includes planned birth, adoption, foster care placement, or medical treatment. In the case of a serious health condition, if it is not possible to give such advance notice, the employee must submit the request as soon as possible. “Designation Notice (FMLA/CFRA)” (CalHR753)
- After the medical certification form (in appendix) is received, the new “Designation Notice” (CalHR 753) informs the employee whether the FMLA/CFRA leave is approved. The department has five business days to inform the employee if the leave will be designated as FMLA/CFRA leave. If the leave is not designated as FMLA/CFRA, the department must state in writing the reason why the leave is denied and provide consequences for failing to provide a complete certification. A return-to-work release may be required to return from leave if that is the department’s policy for returning employees to work after illness, injury, or disability.
- The amended regulations clarified that only one Designation Notice is required for each FMLA/CFRA qualifying reason, per leave year, regardless of whether the leave is taken as a continuous block of leave or on an intermittent or reduced leave schedule basis. A retroactive notice is permissible if it does not cause employee harm or injury. Departments may not retroactively designate leave after the employee has returned.

- Employers must post a notice explaining the CFRA provisions and procedures for filing complaints in conspicuous places where employees are employed.
 - Employers must post the notice where it can be readily seen by employees and applicants for employment.
 - Electronic posting is sufficient to meet this posting requirement as long as it otherwise meets the requirement of the new CFRA regulations. (Cal. Code Regs., tit. 2, 11095, subd. (a)).
 - Employers may post the CFRA notice on an Intranet site, but employers will also need to post in an area accessible to applicants.

A.9 MEDICAL CERTIFICATION AND EMPLOYEE NOTICE AND CERTIFICATION

Employees who are eligible for FMLA/CFRA leave provide the employee with the California Department of Fair Employment and Housing (DFEH) “Certification of Health Care Provider for CFRA/FMLA” (DFEH-E11p-ENG). This form is used for both the employee and family member’s serious health condition.

- It is the employee’s responsibility to provide the department with the appropriate medical certification within 15 calendar days. The “Certification of Health Care Provider for CFRA/FMLA” (DFEH-E11P-ENG) is maintained as a confidential document.

Employees seeking to use FMLA/CFRA leave are required to provide 30-day advance notice of the need to take FMLA/CFRA leave when the need is foreseeable and such notice is practicable. When intermittent leave is needed to care for an immediate family member or the employee's own illness, and is for planned medical treatment, the employee must try to schedule treatment so as not to unduly disrupt the employer's operation.

SPMUD may also require employees to provide:

- Medical certification supporting the need for leave due to a serious health condition affecting the employee or an immediate family member.
- Second or third medical opinions (at the employer's expense) for the employee only.
- Periodic re-certification, but only if additional leave is requested and the time period the health care provider originally estimated for leave has expired.

If the employer has a good faith, objective reason to doubt the validity of a medical certification for his or her own medical condition, the employer may require a second medical opinion. The request will be at the employer’s own expense. (Cal. Code Regs., tit. 2, § 11091, subd. (b)(2)(A)).

The CRFA regulations provide the employer may only contact the health care provider for the limited purpose of authenticating the certification. (Cal. Code Regs., tit. 2, § 11091, subd. (b)(2).) Accordingly, if an employer receives a deficient or incomplete certification, the employer must write to the employee and explain the deficiencies in the certification and provide the employee an opportunity to provide the necessary information. Moreover, the employer should advise the employee of the consequences of failing to timely provide a complete certification.

A.10 MILITARY FAMILY LEAVE

The FMLA provides two types of Military Family Leave entitlements. The first is Military Caregiver Leave (MCL) and the second is Qualifying Exigency leave (QEL). The law contains requirements on employer coverage; employee eligibility for the law's benefits; entitlement to leave, maintenance of health benefits during leave, and job restoration after the leave; notice and certification of the need for FMLA leave; and, protection for employees who request or take FMLA leave. The law also requires employers to keep certain records.

Effective January 1, 2021, SB 1383 expanded the CFRA to include leave because of a qualifying exigency related to the covered active duty or call to active duty of an employee's spouse, domestic partner, child, or parent in the Armed Forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code.

For both MCL and QEL employees must meet the same FMLA/CFRA eligibility requirements in terms of their tenure of service and the amount of time worked in the previous 12 months. Departments are required to notice the employee using the following forms:

- Notice of Eligibility and Rights & Responsibilities (FMLA) (DOL Form WH-381) or (CalHR 752)
- Designation Notice (FMLA) (DOL Form WH-382) or (CalHR 753)

These forms notify employees of their eligibility and determination for MCL and QEL leave. The Notice of Eligibility and Rights & Responsibilities form must be given to the employee within five business days after the employer receives a request for leave or becomes aware of the need for leave. The Designation Notice form must be given to the employee within five business days after sufficient information has been provided to the department.

A.11 MILITARY CAREGIVER LEAVE

Eligible employees are entitled to take up to 26 weeks of unpaid, job-protected leave in a 12-month period to care for a covered servicemember with a serious illness or injury incurred in the line of active duty. This leave may be taken intermittently when medically (psychological and physical care) necessary. Covered servicemembers include current members of the regular Armed Forces, National Guard or Reserves, veterans undergoing medical treatment, or recuperation, and members who are on a temporary disability retired list. The veteran must have been a member of the Armed Forces (including the National Guard or Reserves) at any time within five years preceding treatment.

Employees who are eligible for MCL include: the servicemember's parent, spouse, or child and next of kin. For purposes of this leave, the definition of son or daughter includes the servicemember's "biological, adopted or foster child, stepchild, legal ward or child for whom the service member stood in loco parentis, and who is of any age." The definition of parent includes the servicemember's "biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the service member." However, parents-in-law are not included. Next of kin is defined as the servicemember's nearest blood relative (other than a spouse, parent, or child) in the following priority order - custodial blood relatives, siblings, grandparents, aunts and uncles, and first cousins. Family members sharing the same relationship (e.g., all siblings) will all be considered next of kin and each will be entitled to leave for care giving. A husband and wife who are FMLA eligible and work for the same employer may be limited to a combined total of 26 weeks' caregiver leave. Confirmation of the employee's relationship to the covered servicemember must be provided to the department.

Example: If a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling and designates a cousin as his/her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin.

MCL is not in addition to the 12 weeks of FMLA leave normally available to eligible employees, but is aggregated with all other types of FMLA qualifying leave during the applicable 12-month period. The 12-month period begins on the day the employee begins caregiver leave and ends 12 months thereafter.

Because MCL is available on a per servicemember per injury basis, an eligible employee may be entitled to take more than one such leave during the course of his or her employment to care for different servicemembers or for the same servicemember with a subsequent injury or illness. In such circumstances, leave is still limited to no more than 26 weeks during the applicable period.

When leave is taken to care for a covered servicemember with a serious injury or illness, an employee must obtain a medical certification. The “Certification for Serious Injury or Illness of a Current Service Member for Military Caregiver Leave under the FMLA” (DOL Form WH-385) may be used or departments may customize their own form so long as it includes, at a minimum, all the information specified in DOL Form WH-385. The medical certification form is completed by an authorized health care provider of the covered servicemember, such as the Department of Defense (DOD), Veteran Affairs (VA), DOD Tricare, DOD non-network Tricare, and DOD authorized representative.

Employees must provide 30 days’ advance notice of the need to take leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable, but 30 days’ advance notice is not practicable, the employee must provide notice as soon as practicable - generally, either the same or next business day.

A.11 QUALIFYING EXIGENCY LEAVE (QEL)

Eligible family members will be entitled to take up to 12 weeks of FMLA/CFRA leave for "qualifying exigencies" arising out of a covered military member's active-duty status, or call to active duty, in support of a contingency operation or deployment to a foreign country. This leave may be taken intermittently. QEL is not available to family members of military members who are retired members of the regular Armed Forces, a state Reserve or National Guard unit, or are called to active duty by a state rather than the federal government. It is available only to the family members of regular Armed Forces, National Guard or Reservists called to federal active duty. QEL includes the following events:

- Issues arising from short-notice deployments (i.e. deployment to active duty seven or less days prior to the date of deployment).
- Military events, ceremonies, or programs related to active duty or related activities.
- Childcare and school activities.
- Financial or legal appointments.
- Consulting.
- Rest and recuperation.
- Post-deployment activities (e.g., arrival ceremonies and reintegration briefings).
- Parental care (e.g., to arrange for alternative care for a parent is incapable of self-care).
- Additional activities agreed upon by the employer and employee.

When an employee requests QEL they must complete the “Certification for Military Family Leave for Qualifying Exigency under the FMLA” (DOL Form WH-384). Departments may customize their own form so long as it includes, at a minimum, all of the information required by the regulation as specified in DOL Form WH-384.

As part of the certification process, the employee is required to provide copies of the military member's orders or other military documentation, facts regarding the exigency, and dates of the military member's active-duty service and beginning of the exigency.

If foreseeable, the employee must provide advance notice of the need for QEL. The employee’s notice timeframe must be “reasonable and practicable.” The DOL interprets “as soon as practicable” to mean same day or next business day.

Example: An employee receives notice of a family support program a week in advance of the event; it should be practicable for the employee to provide notice to their department of the need for QEL the same day or the next business day.

When the need for leave is unforeseeable, an employee must comply with a department's normal call-in procedures.

Employees are not obligated to provide notice to their departments when they first become aware of a covered family member's active duty or call to active-duty status. An employee's obligation to provide notice of leave due to a qualifying exigency is triggered when the employee first seeks to take QEL.

A.12 JOB RESTORATION

The regulations provide that as a condition of an employee's return from medical leave, the employer may require the employee obtain a release to return to work from their health care provider stating they are able to resume work only if the employer has a uniformly applied practice or policy of requiring such release from other employees returning to work after illness, injury, or disability.

In accordance with the Code of Federal Regulations, tit 29, section 825.214 and California Code of Regulations, tit 2, section 11089, upon return from FMLA/CFRA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and condition of employment.

In addition, an employee's use of FMLA/CFRA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA/CFRA leave, nor be counted against the employee under a "no fault" attendance policy.

If an employee accepts light duty work while recovering from a serious health condition, the period on light duty assignment will not be counted as FMLA/CFRA. Employees may not be required to work light duty jobs in lieu of taking leave, and those who do so voluntarily are not on FMLA/CFRA leave. At the end of the assignment, the employee has the right to be reinstated to the same or an equivalent position.

Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, an employer may refuse to reinstate certain highly-paid "key" employees after using FMLA leave during which health coverage was maintained. In order to do so, the employer must:

- Notify the employee of his/her status as a key employee in response to the employee's notice of intent to take FMLA leave.
- Notify the employee as soon as the employer decides it will deny job restoration and explain the reasons for this decision.
- Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice.
- Make a final determination as to whether reinstatement will be denied at end of the leave period if the employee then requests restoration.

A "key" employee is a salaried eligible employee who is among the highest paid ten percent of employees within 75 miles of the work site. If a "key" employee's leave is covered by both FMLA and CFRA or CFRA only, an employer may not refuse the employee's right to reinstatement. Under CFRA regulations, "an employee who fraudulently obtains or uses CFRA leave from an employer is not protected by CFRA's job restoration or maintenance of health benefits provisions. An employer has the burden of proving that the employee fraudulently obtained or used CFRA leave." (Cal. Code Regs., tit. 2, § 11089, subd. (d)(3).)

A.13 ADDITIONAL FMLA/CFRA PROVISIONS AND UNLAWFUL ACTS

The following salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29

CFR Section 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave. This special exception to the "salary basis" requirements for FLSA's exemption extends only to "eligible" employee's use of leave required by FMLA.

DFEH has provided a model Certification of Health Care Provider Form. Included within the new CFRA regulations is a template Certification of Health Care Provider (CFRA) form which captures all the information that must be included in the certification. (Cal. Code Regs., tit. 2, § 11097.) Departments are encouraged to follow the template provided by DFEH.

A.14 CATASTROPHIC LEAVE

The Catastrophic Leave program allows employees who have exhausted their leave credits and must miss work due to a prolonged illness or injury (including that of an eligible family member), or due to a natural disaster, to request catastrophic leave for a limited time. Employees unable to return to work from Catastrophic Leave will be separated from District service through resignation, termination, or retirement.

A catastrophic illness or injury is defined as an illness or injury that is serious and expected to incapacitate the employee or a member of the employee's family or household, and which creates a financial hardship because the employee has exhausted all eligible leave credits.

A natural disaster is defined as an act of nature, such as a flood or an earthquake, which has had an effect on the employee's principle residence and the Governor has declared a state of emergency in the county where the employee resides.

Purpose of Catastrophic Leave

Catastrophic Leave permits salary and benefit continuation for employees who have exhausted all paid leave because of their own serious injury or illness, the need to care for a seriously injured or ill family member, or they reside in a county where the Governor has declared a state of emergency because of a natural disaster.

In such cases, a Catastrophic Leave bank will be established by the department for the employee to receive eligible leave credits. Eligible leave credits include, but are not limited to, annual leave, vacation, compensating time off (CTO). The total leave credits received by the employee shall not exceed three months; however, if approved by the General Manager, the total leave credits received may be up to six months.

Employees on Catastrophic Leave will not earn vacation, sick leave, or holiday time.

Employees on Catastrophic Leave will be responsible for making their full benefits payment to the Administrative Services Department by the last business day of the month. The Administrative Services Manager will provide the cost of the employee's benefits in a written document before approving the employees Catastrophic leave request.

Employees who cannot return to their positions after their Catastrophic Leave is exhausted will be separated from District Service.

EXHIBIT B: AMERICAN DISABILITIES ACT, EQUAL PAY, AGE DISCRIMINATION

This Exhibit provides an overview of Federal Equal Opportunity Laws, including the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act.

The U.S. EEOC enforces the following laws:

- **Title VII of the Civil Rights Act of 1964 (Title VII)** - prohibits race, color, religion, sex, and national origin discrimination. Title VII applies to employers with fifteen (15) or more employees.
- **The Pregnancy Discrimination Act** - prohibits discriminate against a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.
- **Age Discrimination in Employment Act of 1967 (ADEA)** - prohibits age discrimination against individuals who are forty (40) years of age or older. The ADEA applies to employers with twenty (20) or more employees.
- **Title I of the Americans with Disabilities Act of 1990 (ADA)** - prohibits employment discrimination against qualified individuals with disabilities. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee unless doing so would impose an undue hardship on the operation of the employer's business. The ADA applies to employers with fifteen (15) or more employees.
- **Equal Pay Act of 1963 (EPA)** - prohibits wage discrimination between men and women in substantially equal jobs within the same establishment. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. The EPA applies to most employers with one or more employees.

These laws prohibit employment discrimination based on race, color, sex, religion, national origin, age, or disability and prohibits retaliation for opposing job discrimination, filing a charge, or participating in proceedings under these laws.

If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." All of the laws enforced by EEOC, except for the Equal Pay Act, require the employee to file a Charge of Discrimination with the District before they can file a job discrimination lawsuit. In addition, an individual, organization, or agency may file a charge on behalf of another person in order to protect the aggrieved person's identity.

The anti-discrimination laws give you a limited amount of time to file a charge of discrimination. In general, you need to file a charge within one hundred and eighty (180) calendar days from the day the discrimination took place. The one hundred and eighty (180) calendar day filing deadline is extended to three hundred (300) calendar days if a state or local agency enforces a law that prohibits employment discrimination on the same basis. For age discrimination, the filing deadline is extended to three hundred (300) days in California. *Note:* Federal employees and job applicants have a different complaint process, and generally must contact an agency EEO Counselor within forty-five (45) days. The time limit can be extended under certain circumstances. The EEOC provides additional information on these timelines, an employee's rights, and what actions should be taken.

EXHIBIT C: OVERVIEW OF THE IMMIGRANTS' RIGHTS UNDER FEDERAL ANTI-DISCRIMINATION LAWS

Immigrants are protected from employment discrimination by laws enforced by the Equal Employment Opportunity Commission (EEOC).

The Immigration Reform and Control Act of 1986 (IRCA) makes it unlawful for an employer to hire any person who is not legally authorized to work in the United States and it requires employers to verify the employment eligibility of all new employees.

National Origin Discrimination under Title VII protects people against employment discrimination on the basis of their national origin.

- **Discrimination Because of a Person's or Person's Ancestor's Place of Birth** - unlawful national origin discrimination may include discrimination because of a person's looks, customs, or language. It is not necessary for a person to show that their ancestors are from a particular country or region to prove national origin discrimination. A claim can be proven if a person is discriminated against for having the characteristics for a different group. For example, a person might mistakenly be thought to be Haitian and may be discriminated against based on certain characteristics, even though he is not actually Haitian. Similarly, a person may be perceived as being foreign born or of foreign ancestry and may be discriminated against in violation of the law.
- **Discrimination Based on Association with Persons of a Different National Origin Group** - the law prohibits discrimination because a person associates with people of a national origin group, (discrimination because of attendance at schools or places of worship used by persons of a particular nationality and discrimination because a person's or spouse's name is associated with a national origin group). For example, if someone is denied a promotion or otherwise discriminated against because they are married to a Hispanic person, that violates the law.
- **Practices May Have an Adverse Effect on Particular National Origin Groups** - Some employment practices, such as citizenship requirements, minimum height requirements, and policies against hiring individuals with arrest and conviction records, may screen out people of a particular national origin. For example, a minimum height requirement for certain jobs, such as police officers or firefighters, may disproportionately screen out people of certain national origins, such as Hispanics and Asians, and would be against the law unless the employer could prove that it is related to the job and needed for the employer to operate safely or efficiently.

C.1 HARASSMENT BASED ON NATIONAL ORIGIN

Ethnic slurs and other verbal or physical conduct because of nationality are illegal if they are severe or pervasive and create an intimidating, hostile, or offensive working environment, interfere with work performance, or negatively affect job opportunities. Examples of potentially unlawful conduct include insults, taunting, or ethnic epithets, such as making fun of a person's foreign accent or comments like, "Go back to where you came from," whether made by supervisors or by co-workers.

C.2 DISCRIMINATION BASED ON ACCENT

Treating employees differently because they have a foreign accent is lawful only if accent materially interferes with being able to perform their job.

- Generally, an employer may only base an employment decision on accent if effective oral communication in English is required to perform job duties and the individual's foreign accent materially interferes with their ability to communicate orally in English.

- Jobs that may require effective oral communication in English include teaching, customer service, and telemarketing to English speaking clients.
- If a person has an accent but it is able to communicate effectively and be understood in English, they cannot be discriminated against.

C.3 SPEAK-ENGLISH -ONLY RULES

The EEOC has stated that rules requiring employees to speak only English in the workplace violate the law unless the employer can show that they are justified by business necessity.

- A rule requiring employees to speak only English in the workplace at all times, including breaks and lunch time, will rarely be justified.
- An English-only rule should be limited to the circumstances in which it is needed for the employer to operate safely or efficiently.
- Circumstances in which an English-only rule may be justified include: communications with customers or coworkers who only speak English; emergencies or other situations in which workers must speak a common language to promote safety; cooperative work assignments in which the English-only rule is needed to promote efficiency.
- Even if there is a need for an English-only rule, an employer may not take disciplinary action against an employee for violating the rule unless the employer has notified workers about the rule and the consequences of violating it.

C.4 DISCRIMINATION BASED ON APPEARANCE

Discrimination based on a person's ethnic appearance violates the law.

C.5 THE IMMIGRATION AND NATIONALITY ACT (INA), 8 U.S.C. § 1324

Discrimination based on citizenship status is expressly prohibited by the Immigration and Nationality Act's (INA) anti-discrimination provision, 8 U.S.C. § 1324b. The law prohibits:

- Citizenship status discrimination in hiring, firing, or recruitment or referral for a fee
- National origin discrimination in hiring, firing, or recruitment or referral for a fee
- Unfair documentary practices during the employment eligibility verification, Form I-9, and E-Verify processes
- Retaliation or intimidation

EXHIBIT D: PERFORMANCE AND BEHAVIOR STANDARDS

This Exhibit contains items and respective criteria regarding the behavioral standards that are used by District Supervisors to evaluate an employee's progress and performance levels.

D.1 ATTENDANCE

Sections *2.5 Hours of Work* and *2.12 Attendance & Punctuality* of this Manual define the regular work hours and the importance of compliance thereof. Field Services Department personnel must be in uniform (as applicable) and ready to accept their assignment by 7:00 a.m. Excessive absenteeism or tardiness is unacceptable and may result in disciplinary action. Employees who are unable to report to work, must make positive contact with their supervisor prior to the start of business. Positive contact means the supervisor has received and acknowledged the contact. The Field Supervisor or Department Head is responsible for entering the leave on the Leave Calendar upon notification. Department Heads or Field Supervisors must be notified of any scheduled Doctor's appointments at least two business days prior to the appointment. Failure to comply may result in discipline in accordance with the Employee Manual see *Section 2.15 Vacation*. A leave request through the timecard system must be submitted to the Field Supervisor three (3) days prior to use of any vacation or Compensation Time Off (CTO) time. Short-notice requests may not be considered.

D.2 COMPLIANCE WITH RULES AND REGULATIONS

Work shall be accomplished in accordance with District policy and/or pertinent regulations as defined by OSHA – Cal OSHA. Employees should consult their immediate Supervisor/Manager for any needed clarification.

D.3 SAFETY PRACTICES

Work assignments shall not proceed before all requirements for safety have been addressed. Employees should notify their Supervisor/Manager if they feel a hazard exists. Employee's should not attempt to perform work or operate equipment until they have completed the appropriate training. Personal safety equipment must be used as directed.

D.4 CARE OF EQUIPMENT

Equipment that is properly cared for and maintained, not only makes work safer and easier, but also expedites the job. Employees are expected to familiarize themselves with a piece of equipment's capabilities and limitations before they use it. Employees shall not operate equipment unless they are qualified to do so. Unsafe or worn equipment shall be reported and replaced as soon as an employee becomes aware of the condition. **Employees shall not put a piece of malfunctioning or unsafe equipment away when they are through using it. It must be "Red Tagged" and reported to the Department Head or Field Supervisor.**

D.5 ORAL AND WRITTEN EXPRESSION

Oral expression should be as brief and accurate as possible. Employees should make certain that their message is understood. Employees should request to have instructions that they do not understand repeated. Written communications in reports, logs and journals shall be as clear, concise, and accurate as possible. They may become critical if subjected to legal scrutiny.

D.6 PERFORMANCE IN NEW/EMERGENCY SITUATION

Employees are expected to maintain their composure and think positively. Employees should contribute what they believe may be the solution to a problem. Employees should listen closely to instructions and follow direction. Following instructions as directed may be critical when under duress. Employees are expected to know their limits

and understand when to request help.

D.7 ACCEPTANCE OF SUPERVISION

Department Managers and Supervisors have the responsibility of seeing to the safe completion of jobs in a timely manner. Part of the supervisor's job is to see that employees are adequately trained, and that appropriate equipment has been provided. Employees are responsible for following direction, using the equipment, and performing the work in a safe manner. Employees should make suggestions or point out matters of which they feel the supervisor may not be aware. Assignments shall be accomplished in a safe, efficient fashion.

D.8 WILLINGNESS TO ACCEPT ASSIGNMENTS

Daily assignments are dictated by the District's needs. An employee may be assigned to work with various crews or perform different tasks in order to gain as much experience and on-the-job training as possible. Occasionally employees will be required to work overtime and/or perform emergency assignments.

D.9 STANDBY DUTY

In accordance with *Section 2.9 Standby Duty*, the Standby Duty calendar will be established prior to the beginning of each calendar year, to enable staff to arrange vacation schedules. The Duty roster will be entered into the Districts "Leave Calendar". All employees required to perform Standby Duty shall perform their tours throughout the year. Employees are required to serve at least five (5) days of their tour (two (2) days can be traded with another qualified employee). Employees may swap entire duties with the approval of their Field Supervisor. The intent is for all employees to share the responsibility equally and all employees remain competent to perform this duty. In the event that Standby Duty conflicts with a requested vacation, the requesting employee shall find a replacement worker to exchange tours with prior to the leave being approved. It shall then be recorded in the Leave Calendar by the employee's Field Supervisor. Additionally, the Standby Employee is required to secure the Corporation Yard and complete the security log, with the exception of their Friday off. Field Supervisors are ultimately responsible to ensure the Security Log is completed.

D.10 LUNCH BREAKS

Per *Section 2.5 Hours of Work* of this Manual, employees are entitled to a thirty (30) minute un-paid lunch break. Field Services employees shall take their lunch break during the course of their work assignments and shall generally take their break in the area assigned for duty. Any employee that does not bring their lunch shall include time spent traveling to get lunch in the thirty (30) minute break period.

D.11 COOPERATION WITH CO-WORKERS

Being able to get along with others is a very important aspect of District service. Employees are expected to show respect for other people and their ideas. It is essential that employees are able to cooperate and communicate. Teamwork is essential to a high functioning work force.

D.12 MEETING AND DEALING WITH THE PUBLIC

Employees are expected to be courteous and helpful when dealing with the public. When out in the field, it should not be assumed that a customer knows why the District is there. An employee's conduct represents the District, as such employees are "the Face" of the District.

D.13 JOB INITIATIVE AND INTEREST

Sanitary sewer service has been proclaimed THE most important invention since the Industrial Revolution. Every

position at the District provides an essential, important service to the public. Customers depend on the District for uninterrupted sewer service, effecting both life and health. Everyone's contribution is important to this end.

D.14 SELF-IMPROVEMENT /JOB RELATED

Employees are expected to be familiar with all of the elements of their occupation and attend training classes offered through the Office of Water Programs – California State University Sacramento. Employees are encouraged to take advantage of courses offered by community colleges, the extension courses listed above, and local training through California Water Environment Association (CWEA). Computer familiarization, college level English, and Operation and Maintenance of wastewater collection systems are highly recommended and will be utilized for consideration of advancement.

D.15 PERSONAL APPEARANCE

District expectations are that uniforms will be complete, clean, and well fitting. Shirts shall be tucked in and District-issued over garments shall be worn. The District has provided a washing machine to supplement the uniform service. Overalls, cloth, and disposables are provided and should be utilized when appropriate. The District expects a professional and appealing public image.

D.16 PHYSICAL FITNESS

Employees are encouraged to keep themselves physically fit. Many positions in the District are physically demanding and employees must be able to meet the physical requirements of their position.

The District's Wellness Program provides financial assistance for gym memberships and related health and fitness activities. The District Employee Assistance Program (EAP) is available to all employees and their dependents.

D.17 PERSONAL PHONE USE

Section 2.20 Use of District Property/Facilities addresses telephone use; both District issued and personal. The District acknowledges that personal cell phones are an employee's "life-line" to their family and friends; however, the operations and needs of the District take precedence. Personal cell phones are to be used during break periods and lunch. Personal cell phone use during work hours is subject to disciplinary action. Personal cell phones are not to be used for District business during working hours, except in the event of an emergency. Radio communication is available in District vehicles.

D.18 DISCIPLINARY ACTION

The Disciplinary action process is discussed in *Section 6.2 Discipline* of this Manual. The General Manager has simplified this process and implemented a Corrective Action form. If an employee's behavior requires an oral reprimand, the Supervisor or the Department Manager will document the incident on using the Corrective Action form. This is the beginning of the discipline process. Dependent upon the severity of the employee's actions, a written reprimand may be necessary and furthermore, time off without pay may ensue.

EXHIBIT E: DRIVER PULL NOTICE PROGRAM

E.1 DRIVER PULL NOTICE PROGRAM

The Employer Pull Notice (EPN) Program was established to provide employers and regulatory agencies with a means of promoting driver safety through the ongoing review of driver records.

E.2 THE EPN PROGRAM (CVC 1808.1)

An employer enrolled in the EPN program is assigned a requester code. The requester code is added to an employee's driver license (DL) record. When an employee's DL is updated to record an action/activity, a check is made electronically to determine if a pull notice is on file. If the action/activity is one that is specified to be reported under the EPN program, a driver record is generated and sent to that employer.

The EPN program allows the organization to monitor DL records of employees who drive on an organization's behalf. This monitoring accomplishes the following:

- Improves public safety.
- Determines if each driver has a valid DL.
- Reveals problem drivers or driving behavior.
- Helps to minimize an organization's liability.

E.3 EPN ACTION/ACTIVITIES REPORTS

The EPN program automatically generates a driver record when any of the following actions/activities occurs:

- Upon enrollment of a driver in the EPN program.
- Annually from the date of enrollment or twelve (12) months from the last action/activity printout.
- When a driver has any of the following actions/activities added to their driving record:
 - Convictions
 - Failures to Appear
 - Accidents
 - Driver License Suspensions or Revocations
 - Any other actions taken against the driving privilege

EXHIBIT F: HEALTH BENEFITS

CAFETERIA PLAN	
HEALTH INSURANCE	
Medical for Active Employees	Up to Kaiser Family Rate Plan
Other Available Insurance	
Accident, Cancer, Life, etc.	Employee Paid
Long Term Disability	Employee Paid

F.1 ACTIVE EMPLOYEES

For active employees, the District will pay for health benefits up to the Kaiser Family Rate Plan of the CalPERS, Sacramento Area Region health benefit rate. Any amount in excess of the Kaiser Family Rate Plan is the responsibility of the employee. Employees have sixty (60) calendar days from their appointment date to enroll in a District sponsored health plan.

Other optional insurance such as Accident, Cancer, Long Term Disability, and flexible spending accounts are offered to the employee, at the employees' own expense and can be paid through payroll deductions.

F.2 PLAN TYPES

- HMO - A Health Maintenance Organization (HMO) plan provides health care from specific doctors and hospitals under contract with the plan. Members pay co-payments for some services but have no deductible, no claim forms, and a geographically restricted service area.
- PPO - A Preferred Provider Organization (PPO) is similar to a traditional "fee-for-service" plan, but members must use doctors in the PPO provider network or pay higher co-insurance (percentage of charges). Members must typically pay an annual deductible before benefits apply and are responsible for a certain co-insurance amount with the plan paying the balance up to an allowable amount.
- EPO - The Exclusive Provider Organization (EPO) plan offers the same covered services as an HMO plan, but members must seek services from the plans' PPO network of preferred providers. Members are not required to select a primary care physician.
- Combination Plans - A combination plan means at least one family member is enrolled in a Medicare health plan and at least one family member is enrolled in a Basic health plan through the same health carrier. CalPERS requires all family members to have the same health carrier.

F.3 SELECTING A PLAN

The CalPERS website has several tools to assist a member in choosing a health plan. These tools include:

- A "Search Health Plans Tool" that can be used to find available doctors, estimate costs, and view satisfaction ratings.
- Plans and Rates to view Premium Rates and Evidence of Coverage.
- A Health Plan Search by Zip Code tool to see which plans are available.
- Non-Discrimination Notice in accordance with Section 1557 of the Affordable Care Act.

F.4 ELIGIBILITY

Eligibility is not based on an employee's job classification. To be eligible for the CalPERS Health Program employees must:

- Be appointed to a job that will last at least six months and one day.
- Work at least half time.
- Work for an employer who has contracted with CalPERS to administer their health benefits program.

F.5 OPEN ENROLLMENT

Open Enrollment takes place annually each fall and changes take effect on January 1 of the following year. Open Enrollment is an employee's chance to:

- Re-enroll if coverage has been dropped.
- Change health plans.
- Add qualified dependents to an existing health, dental, or vision plan.

F.6 LATE ENROLLMENT

If an eligible employee declines or cancels enrollment for themselves or their dependents and does not qualify for special enrollment, there will be limited opportunities to enroll in the future. Employees may enroll during the next CalPERS Open Enrollment or at any time with a ninety (90) day waiting period. The earliest effective date of enrollment will be the first of the month following the ninety (90) day waiting period or January 1 after Open Enrollment.

F.7 ADDING A NEW DEPENDENT

Children, adopted children, or stepchildren must be under the age of twenty-six (26) regardless of whether or not they live with the member.

A child over age twenty-six (26), who is incapable of self-support due to a mental or physical condition that existed prior to age twenty-six (26), may be included when first enrolling. A *Questionnaire for Disabled Dependent Benefit Form* (HBD-98) and *Medical Report for the CalPERS Disabled Dependent Benefit Form* (HBD-34) must be approved by CalPERS prior to enrollment and must be updated upon request.

Another person's child under age twenty-six (26) may be eligible for coverage if a parent-child relationship exists. An *Affidavit of Parent - Child Relationship Form* (HBD-40) must be filed prior to enrollment and must be updated upon request.

New dependents must be added within sixty (60) days of a qualifying event. Qualifying events include:

- Marriage or Registered Domestic Partnership
- Birth, Adoption, or Legal Guardianship
- Loss of Other Health Coverage

F.8 DELETING INELIGIBLE DEPENDENTS

An enrollment change form deleting ineligible dependents must be completed and submitted to Administrative Services within thirty (30) days of the following events:

- Divorce: In the event of a divorce or termination of a domestic partnership, the former spouse/domestic

partner is no longer eligible to be enrolled in the members health coverage, even if the court orders the member to provide health coverage for them. The coverage terminates on the first day of the month in which the final decree of divorce or termination is granted. Former spouses may be eligible for coverage under a COBRA or an Individual Conversion Policy. Employees must submit a copy of their final divorce decree or *Notice of Termination of Domestic Partnership Form* to Administrative Services (if active) or CalPERS (if retired).

- Reaching maximum dependent age – currently set at age 26.
- No longer a dependent
- Entering regular, full-time military service
- Death

Note: If Administrative Services is not notified within thirty (30) days of the disqualifying event, the employee will be liable for the cost of all premiums paid by the District for the ineligible dependent.

F.9 RETIREES

For employees hired before July 1, 2011, and retired before July 1, 2012, benefits will be reimbursed by the District up to the Highest HMO Family Rate Plan of the CalPERS, Sacramento Region health benefits rates.

For employees hired before July 1, 2011, and retiring after July 1, 2012, benefits will be reimbursed up to the Kaiser Family Rate Plan of the CalPERS Sacramento Region health benefit rate. Any amount in excess of the Kaiser Family Rate Plan is the responsibility of the retiree.

For employees hired after July 1, 2011, but before January 1, 2013, the retiree medical vesting schedule will apply. Benefits will be reimbursed by the District up to the Kaiser Family Rate Plan of the CalPERS Sacramento Area Region health benefit rate. Any amount in excess of the Kaiser Family Rate Plan is the responsibility of the retiree.

For employees hired after January 1, 2013, the retiree medical vesting schedule will apply. Benefits will be reimbursed by the District up to the Kaiser Employee Plus One (1) Dependent Rate Plan of the CalPERS Sacramento Area Region health benefit rate. Any amount in excess of the Kaiser Employee Plus One (1) Dependent Rate Plan is the responsibility of the retiree.

Hire Date	Retire Date	Subject to Medical Vesting Schedule	Maximum CalPERS Sacramento Region Plan
Prior to 7/1/2011	Prior to 7/1/2012	No*	Highest HMO Family Rate
Prior to 7/1/2011	After 7/1/2012	No*	Kaiser Family Rate
From 7/1/2011 to 12/31/2012	N/A	Yes	Kaiser Family Rate
After 1/1/2013	N/A	Yes	Kaiser Employee +1 Rate

**Employees hired before July 1, 2011 must meet the CalPERS minimum vesting requirement of five (5) years of service credit as a CalPERS member.*

An employee must retire from the District in order to be eligible for these retirement health benefits; benefits are not held in abeyance.

F.10 RETIRE VESTING SCHEDULE

Employees that are hired after July 1, 2011, that have been CalPERS members for ten (10) years (five (5) of which must be as an employee of the District) are entitled to retiree medical contributions in accordance with the vesting

schedule as shown in Table I - 1. For the purpose of meeting the minimum 10-year CalPERS vesting, CalPERS accepts service credit accrued under CalPERS reciprocal retirement systems.

Table I -1

EMPLOYEES HIRED AFTER JULY 1, 2011 RETIREE MEDICAL VESTING	
Credited Years of Service	% of Employer Contribution
0 to 10	0
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20 or more	100

F.11 DEATH OF A MEMBER OR RETIREE

If the member is still employed, contact Administrative Services. In the event of a retired member's death, please report this information by contacting CalPERS **888 CalPERS** (or **888-225-7377**).

Surviving retiree family members may be eligible for health coverage, as long as they:

- Qualify for a monthly survivor check from CalPERS.
- Were enrolled or were eligible to enroll as dependents at the time of the member's death.
- Continue to qualify as eligible family members.