



Morongo Valley Community Services District

Policy Handbook

Table of Contents

GENERAL	5
POLICY TITLE: ADOPTION/AMENDMENT OF POLICIES	6
POLICY TITLE: ASSOCIATION MEMBERSHIPS	7
POLICY TITLE: BASIS OF AUTHORITY	8
POLICY TITLE: BOARD SECRETARY	9
POLICY TITLE: BOARD/STAFF COMMUNICATIONS	10
POLICY TITLE: CLAIMS AGAINST THE DISTRICT	13
POLICY TITLE: CODE OF ETHICS	16
POLICY TITLE: CONFLICT OF INTEREST	20
POLICY TITLE: CORRESPONDENCE TO THE BOARD	21
POLICY TITLE: LEGAL COUNSEL AND AUDITOR	22
POLICY TITLE: OVERVIEW OF THE GENERAL MANAGER'S ROLE	23
POLICY TITLE: LEGISLATIVE ADVOCACY POLICY	24
POLICY TITLE: DIGITAL SIGNATURE POLICY	29
ADMINISTRATION	32
FINANCIAL MANAGEMENT	33
POLICY TITLE: ACCOUNTS RECEIVABLE POLICY	33
POLICY TITLE: ASSET PROTECTION AND FRAUD IN THE WORKPLACE	34
POLICY TITLE: BUDGET PREPARATION	41
POLICY TITLE: CREDIT CARD USE	42
POLICY TITLE: EMPLOYMENT OF OUTSIDE CONTRACTORS AND CONSULTANTS	43
POLICY TITLE: EXPENSE AUTHORIZATION	44
POLICY TITLE: INVESTMENT OF DISTRICT FUNDS	45
POLICY TITLE: PURCHASING	46
POLICY TITLE: RECEIVING/DEPOSITING REMITTANCES	47
POLICY TITLE: RECORDS RETENTION	48
POLICY TITLE: RESERVE POLICY	59
POLICY TITLE: DEBT MANAGEMENT	60
POLICY TITLE: INTERNAL CONTROLS	64
POLICY TITLE: PROCUREMENT PROCEDURES FOR FEDERAL AWARDS	66
INVENTORY AND PROPERTY MANAGEMENT	79
POLICY TITLE: DISPOSAL OF SURPLUS PROPERTY OR EQUIPMENT	79
POLICY TITLE: DISTRICT ELECTRONIC RESOURCES POLICY AND PROCEDURES	80
POLICY TITLE: USE/RENTAL OF DISTRICT FACILITY	84
POLICY TITLE: NAMING OF DISTRICT PARKS AND FACILITIES	86
POLICY TITLE: FLAG DISPLAY POLICY	90
RISK MANAGEMENT	93
POLICY TITLE: EMERGENCY PREPAREDNESS	93
POLICY TITLE: EMERGENCY RESPONSE GUIDELINE FOR HOSTILE OR VIOLENT INCIDENTS	95
COMMUNICATION AND TECHNOLOGY	99
POLICY TITLE: CUSTOMER RELATIONS	100
POLICY TITLE: PRESS RELATIONS	101

POLICY TITLE:	PUBLIC COMPLAINTS	102
POLICY TITLE:	SOCIAL MEDIA USE	103
POLICY TITLE:	DISTRICT WEB PAGE	107
POLICY TITLE:	CALIFORNIA PUBLIC RECORDS ACT RESPONSE PROCEDURES	114
POLICY TITLE:	ELECTRONIC DOCUMENT RETENTION POLICY	117

PERSONNEL 119

EMPLOYMENT PRACTICES 120

POLICY TITLE:	ACCOMMODATIONS FOR DISABILITY	120
POLICY TITLE:	DEMOTION – NON-DISCIPLINARY	121
POLICY TITLE:	DISCIPLINARY ACTION	122
POLICY TITLE:	DRIVER TRAINING AND RECORD REVIEW	128
POLICY TITLE:	DRUG AND ALCOHOL TESTING	130
POLICY TITLE:	EMPLOYEE INFORMATION/EMERGENCY DATA	132
POLICY TITLE:	EMPLOYEE PROMOTION	134
POLICY TITLE:	EMPLOYEE RECORDS	135
POLICY TITLE:	EMPLOYEE STATUS	136
POLICY TITLE:	EQUAL OPPORTUNITY	138
POLICY TITLE:	GRIEVANCE PROCEDURE	139
POLICY TITLE:	HOURS OF WORK AND OVERTIME	143
POLICY TITLE:	LETTERS OF RECOMMENDATION	144
POLICY TITLE:	NEPOTISM	145
POLICY TITLE:	PAYROLL DEDUCTIONS FOR SALARIED EMPLOYEES	146
POLICY TITLE:	PERFORMANCE EVALUATION	147
POLICY TITLE:	RECRUITMENT AND HIRING	149
POLICY TITLE:	SEPARATION FROM DISTRICT EMPLOYMENT	153
POLICY TITLE:	TEMPORARY RECLASSIFICATIONS	156
POLICY TITLE:	UNLAWFUL HARASSMENT	157
POLICY TITLE:	INCLUSIVE WORKPLACE POLICY	162
POLICY TITLE:	WHISTLEBLOWING POLICY	165
POLICY TITLE:	TELECOMMUTING POLICY	170
POLICY TITLE:	LACTATION ACCOMMODATION POLICY	176
POLICY TITLE:	TERMINATION POLICY	177
POLICY TITLE:	VOLUNTEER POLICY	182

STANDARDS OF CONDUCT 184

POLICY TITLE:	DRESS CODE & PERSONAL STANDARDS	184
POLICY TITLE:	HOUSEKEEPING	186
POLICY TITLE:	OUTSIDE EMPLOYMENT	187
POLICY TITLE:	RECEIPT OF GIFTS	188
POLICY TITLE:	UNIFORMS AND PROTECTIVE CLOTHING	189

COMMUNICATIONS 190

POLICY TITLE:	INTERNET, EMAIL AND ELECTRONIC COMMUNICATIONS	190
POLICY TITLE:	CELL PHONE AND WIRELESS COMMUNICATION DEVICE POLICY	192

COMPENSATION & BENEFITS 197

POLICY TITLE:	AUTHORIZED LEAVE	197
POLICY TITLE:	BEREAVEMENT LEAVE	198
POLICY TITLE:	CATASTROPHIC TIME BANK	199
POLICY TITLE:	COMPENSATION	201
POLICY TITLE:	EDUCATIONAL ASSISTANCE	203

.....		
POLICY TITLE:	FAMILY AND MEDICAL LEAVE _____	204
POLICY TITLE:	CALIFORNIA FAMILY RIGHTS ACT LEAVE _____	206
POLICY TITLE:	HOLIDAYS _____	208
POLICY TITLE:	JURY DUTY _____	209
POLICY TITLE:	LEAVE FOR CRIME VICTIMS AND FAMILY MEMBERS _____	210
POLICY TITLE:	MILITARY LEAVE _____	211
POLICY TITLE:	PREGNANCY DISABILITY LEAVE _____	212
POLICY TITLE:	REST & MEAL PERIODS _____	214
POLICY TITLE:	SICK LEAVE _____	215
POLICY TITLE:	TIME KEEPING/TIME RECORDS _____	217
POLICY TITLE:	TIME OFF FOR CHILDREN - SCHOOL ACTIVITIES _____	218
POLICY TITLE:	TIME OFF TO VOTE _____	219
POLICY TITLE:	UNAUTHORIZED VOLUNTARY ABSENCE _____	220
POLICY TITLE:	USE OF MAKE-UP TIME _____	221
POLICY TITLE:	VACATIONS _____	222
POLICY TITLE:	LONGEVITY POLICY _____	224
POLICY TITLE:	REIMBURSEMENT POLICY _____	226
HEALTH, SAEFTY & SECURITY _____		229
POLICY TITLE:	EMPLOYEE ASSISTANCE DURING RESPONSE TO EMERGENCY SITUATIONS _____	229
POLICY TITLE:	HEALTH AND WELFARE BENEFITS _____	231
POLICY TITLE:	ILLNESS AND INJURY PREVENTION PROGRAM _____	232
POLICY TITLE:	SMOKE-FREE WORKPLACE _____	240
POLICY TITLE:	SUBSTANCE ABUSE _____	241
POLICY TITLE:	WORKPLACE VIOLENCE PREVENTION POLICY _____	256

BOARD _____ 261

BOARD OF DIRECTORS _____		262
POLICY TITLE:	ATTENDANCE AT MEETINGS _____	262
POLICY TITLE:	COMMITTEES OF THE BOARD OF DIRECTORS _____	263
POLICY TITLE:	DUTIES OF THE BOARD PRESIDENT _____	265
POLICY TITLE:	ETHICS TRAINING _____	267
POLICY TITLE:	MEMBERS OF THE BOARD OF DIRECTORS _____	268
POLICY TITLE:	TRAINING, EDUCATION AND CONFERENCES _____	269
BOARD METTINGS _____		271
POLICY TITLE:	BOARD ACTIONS AND DECISIONS _____	271
POLICY TITLE:	BOARD MEETING AGENDA _____	273
POLICY TITLE:	BOARD MEETING CONDUCT _____	276
POLICY TITLE:	BROWN ACT COMPLIANCE – OPEN MEETING REQUIREMENTS _____	278
POLICY TITLE:	MINUTES OF BOARD MEETINGS _____	280
POLICY TITLE:	REVIEW OF ADMINISTRATIVE DECISIONS _____	282
POLICY TITLE:	RULES OF ORDER FOR CONDUCT OF BOARD AND COMMITTEE MEETINGS _____	283
POLICY TITLE:	TYPES OF BOARD MEETINGS _____	285



General

MORONGO VALLEY COMMUNITY SERVICES DISTRICT
Policy Handbook

.....

GENERAL.

POLICY TITLE: Adoption/Amendment of Policies

POLICY NUMBER: 1000

1000.1 Consideration by the Board of Directors to adopt a new policy or to amend an existing policy may be initiated by any Director or the General Manager. The proposed adoption or amendment shall be initiated by a Director or the General Manager by submitting a written draft of the proposed new or amended policy to the Board Chairperson and the General Manager, which may be submitted in person or by any communication method approved by the District and requesting that the item be included for consideration on the agenda of the next appropriate regular meeting of the Board of Directors. Any member of the Board may place an item on a future agenda by making a formal request to the General Manager at a meeting of the Board. The General Manager will place Board items on a future Board agenda when reasonable, based on the staff time and research necessary to prepare the item for Board consideration.

1000.2 Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors in accordance with the District's state statutes regarding the constitution of a majority vote.

1000.3 Copies of the proposed new or amended policy shall be included in the agenda-information packet for any meeting in which they are scheduled for consideration (listed on the agenda). A copy of the proposed new or amended policy(ies) shall be made available to each Director for review at least 72 hours, per the Brown Act, prior to any meeting at which the policy(ices) are to be considered.

GENERAL.

.....

.....

POLICY TITLE: Association Memberships

POLICY NUMBER: 1005

Purpose: This policy sets forth the rules for membership in associations and establishes who may represent the District.

1005.1 Appropriate Memberships. To take advantage of in-service training opportunities, the District may hold membership in industry related associations. Board Members and staff may attend meetings of national, state, and local associations directly related to the purposes and operations of the District. Decisions to continue, discontinue, or add new memberships shall occur through the annual budget process.

1005.2 Appointment of Representatives. The President shall appoint Board Members as representatives and alternates, as appropriate, to serve as contacts between the District, stakeholder groups, associations, and others. The representatives and alternates shall report to the Board in a timely manner on their activities involving these associations. In some cases, members may be allowed certain expenses for travel and membership in such associations. This shall be determined and approved by the full Board.

1005.3 District Manager Memberships. The President may designate the District Manager as the appropriate representative or alternate in connection with memberships in any association. The District Manager may designate those associations or industry specific organizations with which his/her association is necessary or desired.

GENERAL.

.....

.....

POLICY TITLE: Basis of Authority

POLICY NUMBER: 1010

1010.1 The Board of Directors is the legislative body and unit of authority within the District. Power is centralized in the elected Board collectively and not in an individual Director. Apart from his/her normal function as a part of this unit, Directors have no individual authority. As individuals, Directors may not commit the District to any policy, act, or expenditure.

1010.2 Directors do not represent any fractional segment of the community but are, rather, a part of the body that represents and acts for the community as a whole. Routine matters concerning the operational aspects of the District are delegated to District staff members.

GENERAL.

.....

.....

POLICY TITLE: Board Secretary

POLICY NUMBER: 1015

1015.1 The Secretary performs duties including recording of minutes and actions of the Board of Directors and certifying all actions and resolutions of the Board.

1015.2 If for any reason the President and Vice-President resign or are absent or disabled, the Secretary shall perform the President's duties until the position of President is filled.

1015.3 If for any reason the President and Vice-President disqualify themselves from participating in an agenda item or become partisan in the debate on any such item, the Secretary shall perform the duties of the presiding officer.

1015.4 Duties of the Secretary

The Secretary of the Governing Board shall have the following duties:

- a) Certify or attest to actions taken by the Board when required;
- b) Sign the minutes of the Board meeting following their approval;
- c) Sign the documents as directed by the Board on behalf of the Authority, and sign all other items which require the signature of the Secretary;
- d) Perform any other duties assigned by the Board and the General Manager; and
- e) Perform any other duties required under law.

1015.5 Responsibilities of the Secretary

The duties of the Secretary are:

- a) Respond to routine correspondence;
- b) Prepare for Board meetings, including preparing the agenda with the advice of the General Manager and providing public notice of Board meetings in accordance with state law;
- c) Attend all Board meetings and ensure minutes of the Board of Directors meetings are recorded. These recordings are for use by the Secretary only for the purpose of preparing minutes for adoption at the next regularly scheduled meeting of the Board. Upon adoption of these minutes the recording media will be reused;
- d) Ensure accurate Minutes of each Board meeting are prepared and maintained;
- e) Maintain Board records and other documents and reports as required by law; and
- f) Disseminate correspondence to Board officers addressed to them.

.....

POLICY TITLE: Board/Staff Communications

POLICY NUMBER: 1020

Objectives: Effective governance of the District relies on the cooperative efforts of the agency's elected Board, who set policy and priorities, and the District's staff members, who analyze problems and issues, to make appropriate recommendations, and implement and administer Board policies. It is the responsibility of District staff to ensure Board members have access to information and to ensure such information is communicated completely and with candor to those making the request. However, Board members should avoid intrusion into those areas that are the responsibility of District staff. Individual Board members must avoid intervening in staff decision-making, the development of staff recommendations, scheduling of work, and executing department priorities without the prior knowledge and approval of the General Manager and Board as a whole. This is necessary to protect District staff from undue influence and pressure from individual Board members and to allow staff to execute priorities given by management and the Board without fear of reprisal.

Role of the Board: As the legislative body for the agency, the Board is responsible for approving the District's budget, setting policy goals and objectives, and adopting strategic plans. The primary functions of the District staff members are to execute Board policy and other Board actions and to keep the Board well informed.

Individual members of the Board should not make attempts to pressure or influence staff decisions, recommendations, workloads, schedules, and department priorities, without the prior knowledge and approval of the Board as a whole. If a Board member wishes to influence the actions, decisions, recommendations, workloads, work schedule, and priorities of staff, that member must prevail upon the Board to do so as a matter of Board policy.

Board members also have a responsibility of information flow. It is critical that they make extensive use of staff and agency reports and Board meeting minutes. Board members should come to meetings prepared; having read the agenda packet materials and supporting documents, as well as any additional information or memoranda provided on agency projects or evolving issues. Additional information may be requested from staff, if necessary.

Individual Board members, as well as the Board as a whole, are permitted complete freedom of access to any information requested of staff and shall receive the full cooperation and candor of staff in being provided with any requested information. The General Manager or Legal Counsel will pass critical information to all Board members.

There are limited restrictions when information cannot be provided. Draft documents (e.g. staff reports in progress, etc.) are under review and not available for release until complete and after review by District staff. In addition, there are legal restrictions on the agency's ability to release certain personnel information even to members of the Board.

.....
Any concerns Board members may have regarding the release of information or the refusal of staff to release information, should be discussed with Legal Counsel for clarification.

Policies: There shall be always mutual respect from both staff and Board members of their respective roles and responsibilities. There is a need for access to staff by Directors and at the same time, unlimited access could result in work priority conflicts for staff.

Purpose: The purpose of the policies listed below is to facilitate Board/staff communications consistent with these principles.

1020.1 All requests for information or questions by the Board to staff outside of a Board or Committee meeting, shall be directed to the General Manager or Legal Counsel as appropriate and shall include the desired time and date for receiving the information. Staff will confirm the date they can provide the information. So that all Board members are equally informed, all written informational material requested by any Director shall be submitted by staff to all Board members with the notation indicating which Board member requested the information. If a Board member requests information from any other member of the staff, staff may either direct the matter to the General Manager or may ask the Board member to contact the General Manager directly.

1020.2 Individual Directors cannot directly assign work to staff members. Board initiated projects will follow organizational channels, through the General Manager, unless there is an emergency. As no formal procedure will answer all cases, the following should be considered as a guide and used with restraint and judgment:

- a) Directors should clear all short-term requests of Staff with the General Manager prior to contacting individual members of the staff and, in most cases, the General Manager should direct and handle the request for the Director.
- b) For long-term, involved studies or where the matter includes confidential material, the General Manager should be contacted, and the subject matter discussed with the full Board at a Board meeting prior to staff working on the assignments.
- c) In the event that staff is a participant or representative of a Committee or Work Group of the Board, the Board may contact the staff member directly to request or provide information or confer regarding matters of the Committee or Work Group.

1020.3 At Board meetings and other public meetings, respectful communication is expected. Staff is encouraged to give their professional recommendations, and the Board should recognize that staff may make recommendations that could be viewed as unpopular with the public and with individual Board members. Board members may request clarification and ask questions of staff at public meetings, and Directors are encouraged to participate in healthy discussions amongst each other regarding items

.....

under discussion on the Agenda. However, Directors should refrain from debate with staff at Board meetings about staff recommendations or other items being discussed. Staff must recognize that the Board, as the decision maker, is free to reject or modify a staff recommendation and that the Board's wishes will be implemented by staff even if it was contrary to a staff recommendation.

1020.4 Directors shall not attempt to coerce or influence staff, included in the making of recommendations, the awarding of contracts, the selection of consultants, the processing of any projects or applications, or the granting of permits. Directors shall not attempt to change or interfere with the operating policies and practices of any district department through interaction with staff. Individual Directors may discuss these items with the General Manager to get clarification or raise concerns.

1020.5 Board members should not make public comments critical of the performance of a District staff member. Any concerns by a Director over the behavior or work of a district employee during a Board meeting should be directed to the General Manager privately to ensure the concern is resolved. All complaints about employees from Directors should be submitted privately to the General Manager or, if a complaint concerns the General Manager, to Legal Counsel.

1020.6 Staff will respect the right of Directors to refuse to provide information or answers to staff and recognize that Directors may be bound by other rules of law or procedure that do not permit the Director to speak about the subject matter presented. If a Director violates any of the policies regarding communications as stated in this policy, any member of staff has the right to request that the Director speak directly with the General Manager about the subject matter presented without any fear of reprisal.

.....

POLICY TITLE: Claims against the District

POLICY NUMBER: 1025

Purpose: The purpose of this policy is to provide direction to District staff for processing and resolving (if possible) account adjustment requests and property damage claims against the District. Inherent in this policy is the recognition that every adjustment request or claim will be unique, and that guidelines cannot be written to accommodate every case. Therefore, staff must use discretion and good sense in handling each claim.

1025.1 Property (Land and Improvements) Damage Claims

In the course of the District's operations – damage to land and improvements thereon occasionally occurs due to the proximity of the District's facilities to private property. When District employees are aware that property has been damaged in the course of their work, restorative measures are to be taken to return the property as close to its original condition as possible.

When a property owner informs a District employee of damage to their property (by telephone or in person), the employee receiving the claim will document in writing the time and date and a description of the stated circumstances and allegations. Employees should respond to questions, be cordial and respectful, but refrain from commenting on liability questions.

As soon as possible after information about the damage has been received, it shall be given to the General Manager. The general manager, or his/her designee, shall investigate the property owner's allegations.

If the owner of damaged property informs a member of the Board, the information will be given to the General Manager. Directors should not independently investigate claims or make any representations to the property owner but may go with staff to observe.

Investigations shall be done in a timely fashion and documented with a written report, including photographs and/or interviews, when appropriate. A copy of the report shall be submitted to the General Manager.

If the investigating staff person is convinced that the damage was caused by District personnel, equipment, or infrastructure, he/she shall prepare a work order to have the damage repaired, subject to the following conditions:

- a) General Manager approves the work order;
- b) Property owner agrees that the proposed repairs are appropriate and adequate;
- c) Property owner agrees to allow District personnel access to their property to perform the repair work;
- d) District personnel have the necessary tools, equipment, and expertise to perform the necessary work;

.....

- e) Repair work can be accomplished within a reasonable amount of time; and
- f) Cost of material for the repairs will not exceed five hundred dollars (\$500).

If the cost of material for repairs is stated by claimant or estimated by staff to exceed five hundred dollars (\$500), the owner will be asked to submit their claim in writing on a District claim form.

The General Manager shall review the damage claim and the proposed repair work within a reasonable amount of time. If he/she determines that the damage is the District's responsibility and that the proposed repair work is appropriate, he/she may authorize the work if the cost of material for the repairs will not exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Board of Directors describing the damage claim, including a description of the manner in which it was resolved. The claimant shall be notified of any action by the Board regarding their claim.

If the cost of material for repairs is stated by claimant or estimated to exceed one thousand five hundred dollars (\$1,500), the claim will be submitted to the Board of Directors. The Board of Directors shall review the claim and receive input from staff in closed session [qualifies as "anticipated litigation" under the Brown Act].

The Board will consider the claim during a closed session ["anticipated litigation"] of a regular or special meeting. Action to accept or reject the claim may be taken in open or closed session. The claimant shall be notified of the Board's action regarding their claim. Notification that a claim has been rejected shall be accompanied by proof of service.

The Board will not consider a claim of an amount in excess of the [insurance deductible] 00), including the cost of investigation, without prior written approval of the District's insurance company.

Claims in excess of the District's insurance deductible shall be forwarded to the insurance company, and the claimant shall be advised of this action.

Claims for personal injury/wrongful death shall not be investigated by District staff or directors but shall be immediately forwarded to the District's insurance company.

1025.2 Property (Vehicles and Unsecured Property) Damage Claims

All claims of damage to vehicles, or other unsecured property, shall be submitted to the General Manager. He/she shall review the damage claim and the requested restitution. If he/she determines that the damage is the District's responsibility, he/she may authorize repairs or reimbursement of expenses to an amount not to exceed one thousand five hundred dollars (\$1,500). A report shall be submitted to the Board of Directors describing the damage claim, including a description of the manner in which it was resolved.

.....

.....

The claim will be processed as described above if the cost of material for repairs is estimated to exceed the applicable thresholds.

1025.3 Property Damage Claims on District Form

Except for damage to land and improvements estimated to cost less than five hundred dollars (\$500), all damage claims must be submitted in writing on a District claim form. This will ensure that a claim is valid and protect important rights of the District.

If an individual does not wish to file a claim on the District form, he/she may present the claim by letter if it conforms to Section 910 and Section 910.2, of the California Government Code. Section 910 specifies that a claim needs to show all of the following:

- a) The name and post office address of the claimant;
- b) The post office address to which the person presenting the claim desires notices to be sent;
- c) The date, place, and other circumstances of the occurrence or transaction which gave rise to the claim asserted;
- d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known as the time of presentation of the claim;
- e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and
- f) The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

Section 910.2 of the California Government Code specifies the following:

The claim shall be signed by the claimant or by some person on his behalf. Claims against local public entities for supplies, materials, equipment, or services need not be signed by the claimant or on his behalf if presented on a billhead or invoice regularly used in the conduct of the business of the claimant.

If the filed letter/claim does not meet the requirements of the California Government Code Section 910 and Section 910.2, then a letter shall be sent to the claimant informing them of this fact.

District staff shall provide no assistance to the claimant in filling out the claim form. Claimant must fill out the claim form in its entirety and submit it via mail, fax, or personal delivery to the District office. Upon receipt, office staff shall date-stamp the document.

POLICY TITLE: Code of Ethics

POLICY NUMBER: 1030

1030.1 Background information:

Morongo Valley Community Services District designed its Code of Ethics & Values (the "Code") to provide clear, positive statements of ethical behavior reflecting the core values of the District and the communities it serves. The Code includes practical strategies for addressing ethical questions and a useful framework for decision-making and handling the day-to-day operations of the District. The Code is developed to reflect the issues and concerns of today's complex and diverse society.

1030.2 Goals of the code of ethics & values:

- a) To make the Morongo Valley Community Services District a better District built on mutual respect and trust.
- b) To promote and maintain the highest standards of personal and professional conduct among all involved in District government, District staff, volunteers, and members of the District's Board. All elected and appointed officials, officers, employees, members of advisory committees, and volunteers of the District, herein called "Officials" for the purposes of this policy.
- c) The Code is a touchstone for members of District Board and staff in fulfilling their roles and responsibilities.

1030.3 Preamble:

- a) The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The Morongo Valley Community Services District has adopted this Code to promote and maintain the highest standards of personal and professional conduct in the District's government.
- b) All Officials, and others, who participate in the District's government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice its eight core values in their work. Because we seek public confidence in the District's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

1030.4 Applicability:

This Code shall apply to all District Officials as defined in 1030.2 b.

1030.5 Core Value:

As participatory Officials in the District's government, we subscribe to the following Core Values:

1030.6 As a representative of the Morongo Valley Community Services District, I will be ethical. In practice, this value looks like:

.....

- a) I am trustworthy, acting with the utmost integrity and moral courage. I am truthful. I do what I say I will do. I am dependable.
- b) I make impartial decisions, free of bribes, unlawful gifts, narrow political interests, financial, and other personal interests that impair my independence of judgment or action.
- c) I am fair, distributing benefits and burdens according to consistent and equitable criteria.
- d) I extend equal opportunities and due process to all parties in matters under consideration. If I engage in unilateral meetings and discussions, I do so without making voting decisions or any improper or unauthorized representations on behalf of the District.
- e) I show respect for persons, confidences, and information designated as "confidential."
- f) I use my title(s) only when conducting official District business for information purposes or as an indication of background and expertise carefully considering whether I am exceeding or appearing to exceed my authority.
- g) I will avoid actions that might cause the public or others to question my independent judgment.
- h) I maintain a constructive, creative, and practical attitude toward the District's affairs and a deep sense of social responsibility as a trusted public servant.

1030.7 As a representative of the Morongo Valley Community Services District, I will be professional. In practice, this value looks like:

- a) I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
- b) I approach my job and work-related relationships with a positive, collaborative attitude.
- c) I keep my professional education, knowledge, and skills current and growing.

1030.8 As a Representative of the Morongo Valley Community Services District, I will be service-oriented. In practice, this value looks like:

- a) I provide friendly, receptive, courteous service to everyone.
- b) I attune to and care about the needs and issues of citizens, public Officials and District workers.
- c) In my interactions with constituents, I am interested, engaged and responsive.

1030.9 As a representative of the Morongo Valley Community Services District, I will be fiscally responsible. In practice, this value looks like:

- a) I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the District, especially its financial stability.

.....

.....

- b) I demonstrate concern for the proper use of District assets (e.g., personnel, time, property, equipment, funds) and follow established procedures.
- c) I make good financial decisions that seek to preserve programs and services for District residents.
- d) I have knowledge of and adhere to the District's Purchasing and Contracting and Allocation of Funds Policies.

1030.10 As a representative of the Morongo Valley Community Services District, I will be organized. In practice, this value looks like:

- a) I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
- b) I follow through in a responsible way, keeping others informed and responding in a timely fashion.
- c) I am respectful of established District processes and guidelines.

1030.11 As a representative of the Morongo Valley Community Services District, I will be communicative. In practice, this value looks like:

- a) I positively convey the District's care for and commitment to its citizens.
- b) I communicate in various ways, that I am approachable, open-minded, and willing to participate in dialog.
- c) I engage in effective two-way communication, by listening carefully, asking questions, and determining an appropriate response which adds value to conversations.

1030.12 As a representative of the Morongo Valley Community Services District, I will be collaborative. In practice, this value looks like:

- a) I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding.
- b) I work towards consensus building and gain value from diverse opinions.
- c) I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- d) I consider the broader regional and state-wide implications of the District's decisions and issues.

1030.13 As a representative of the Morongo Valley Community Services District, I will be progressive. In practice, this value looks like:

- a) I exhibit a proactive, innovative approach to setting goals and conducting the District's business.
- b) I display a style that maintains consistent standards; but is also sensitive to the need for compromise, "thinking outside the box" and improving existing paradigms when necessary.
- c) I promote intelligent and thoughtful innovation in order to forward the District's policy agenda and District services.

1030.14 Enforcement:

.....

.....

Any Official found to be in violation of this Code may be subject to Censure by the District Board. Any member of any advisory Committee found in violation may be subject to dismissal from the Committee. In the case of an employee, appropriate action shall be taken by the General Manager or by an authorized designee.

.....

.....

GENERAL.

POLICY TITLE: Conflict of Interest

POLICY NUMBER: 1035

1035.1 The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission (“FPPC”) has adopted a regulation (2 Cal. Code of Regs. §18730) which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the FPPC after public notice and hearings to conform to amendments in the Political Reform Act. The Board approved and adopted the FPPC’s standard conflict of interest on [insert meeting date or year]. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the FPPC are hereby incorporated by reference and, along with the attached Appendix, in which members of the Board of Directors and employees are designated, and in which disclosure categories are set forth, constitute the conflict of interest code of the District.

1035.2 Designated employees shall file statements of economic interests with the Clerk of the County of San Bernardino County.

GENERAL.

.....

.....

POLICY TITLE: Correspondence to the Board

POLICY NUMBER: 1040

1040.1 All written or electronic correspondence addressed to the Board of Directors is to be sent to the District office. Copies of the written or electronic correspondence and written responses in reply thereto, if any, shall be distributed to each member of the Board, together with the next regular agenda or at the next regular meeting of the Board, depending on date of receipt or response. Individual Board members may receive correspondence addressed to him or her in his or her official capacity. However, Board members are not permitted to use agency resources for sending or receiving personal correspondence.

GENERAL.

.....

.....

POLICY TITLE: Legal Counsel and Auditor
POLICY NUMBER: 1045

1045.1 The Board of Directors shall appoint a Legal Counsel to assist the Board and District in all applicable issues and activities.

1045.2 Legal Counsel shall be the legal adviser of the District, including the Board as a whole and the General Manager. Legal Counsel shall perform such duties as may be prescribed by the Board of Directors. Such duties include, but are not limited to, providing legal assistance necessary for formulation and implementation legislative policies and projects; represent the District's interests, as determined by the District, in litigation, administrative hearings, negotiations and similar proceedings; and to keep the Board and District staff apprised of court rulings and legislation affecting the legal interest of the District. Legal Counsel is required to review and approve as to form District legal documents, i.e. contracts, agreements, etc. The Legal Counsel shall present and report on all legal issues and Closed Session items before the Board. The Legal Counsel shall serve at the pleasure of the Board and shall be compensated for services as determined by the Board.

- a) The Legal Counsel reports to the Board as a whole but is available to each Director for consultation regarding legal matters particular to that Board member's participation. No Board member may request a legal opinion of legal counsel without concurrence by the Board, except as such requests relate to questions regarding that member's participation. The Legal Counsel shall be available to the District General Manager for consultation on applicable issues and activities.

1045.3 The District Auditor shall be appointed by the Board by a majority vote in a public meeting. The Board shall determine the duties and compensation of the Auditor. The Auditor shall serve at the pleasure of the Board. Selection of the Auditor shall be done in a noticed public meeting and at least every five years.

- a) The Board may appoint a committee to oversee the work of an independent auditor, who will report to the Board, to conduct an annual audit of the District's books, records, and financial affairs in accordance with state law and the Finance Committee Charter for Audit Compliance. The Financial Officer/General Manager will install and maintain an accounting system that will completely, and at all times, show the financial condition of the District.

.....

POLICY TITLE: Overview of the General Manager's Role

POLICY NUMBER: 1050

1050.1 The General Manager is an employee of the District and has an employment agreement which specifies his or her terms of employment. The General Manager is the administrative head of the District under the direction of the Board of Directors. He or she shall be responsible for the efficient administration of all the District's affairs which are under the General Manager's control. The General Manager plans, organizes, directs, coordinates, and evaluates all District operations, programs, and resources in accordance with short- and long-range goals, policy statements, and directives from the Board.

1050.2 The General Manager's Duties

The District's General Manager shall be responsible for:

- a) The implementation of policies established by the Board of Directors for the operation of the District;
- b) The planning, direction, and coordination of the day-to-day operations of the District through the appropriate department heads or managers including administration, financing, maintenance, human resources, and others to effect operational efficiency;
- c) The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employment policies established by the Board of Directors;
- d) Attend and participate in District Board meetings, prepare and present reports as necessary, represent the Board before external organizations including other agencies, governmental and regulatory entities, business and community groups;
- e) The supervision of the District's facilities and services; and
- f) The supervision of the District's finances.

1050.3 The District's General Manager serves at the pleasure of the Board. The Board will provide policy direction and instruction to the General Manager on matters within the authority of the Board during duly convened board meetings. Members of the Board will deal with matters within the authority of the General Manager through the General Manager and not through other District employees. Members of the Board will refrain from making requests directly to District employees (other than the General Manager) to undertake analyses, perform other work assignments, or change the priority of work assignments. As members of the public, Directors may request non-confidential, factual information regarding District operations from District employees. If requesting public records, Directors must follow the District's Request for Public Records Policy.

POLICY TITLE: Legislative Advocacy Policy**POLICY NUMBER: 1055****1055 Purpose**

The purpose of the policy is to guide the Morongo Valley Community Services District officials and staff in considering legislative or regulatory proposals that are likely to have an impact on the Morongo Valley Community Services District, and to allow for a timely response to important legislative issues. Although the expenditure of public funds for the purpose of supporting or opposing a ballot measure or candidate is prohibited,¹ the expenditure of public funds is allowed to advocate for or against proposed legislation or regulatory actions which will affect the public agency expending the funds.

The purpose for identifying Legislative Advocacy Procedures is to provide clear direction to the Morongo Valley Community Services District staff with regard to monitoring and acting upon bills during state and federal legislative sessions. Adherence to Legislative Advocacy Procedures will ensure that legislative inquiries and responses will be administered consistently with “one voice” as to the identified Advocacy Priorities adopted by the Board of Directors. The Legislative Advocacy Procedures and Advocacy Priorities will provide the Morongo Valley Community Services District General Manager, or other designee, discretion to advocate in the Morongo Valley Community Services District best interests in a manner consistent with the goals and priorities adopted by the Board of Directors. This policy is intended to be manageable, consistent, and tailored to the specific needs and culture of the Morongo Valley Community Services District.

1055.1 Policy Goals

- Advocate the Morongo Valley Community Services District legislative interests at the State, County, and Federal levels.
- Inform and provide information to the Board of Directors and district staff on the legislative process and key issues and legislation that could have a potential impact on the district.
- Serve as an active participant with other local governments, the California Special Districts Association, and local government associations on legislative and regulatory issues that are important to the district and the region.
- Seek grant and funding assistance for the Morongo Valley Community Services District projects, services, and programs to enhance services for the community.

1055.2 Policy Principles

The Board of Directors recognizes the need to protect the Morongo Valley Community Services District interests and local control, and to identify various avenues to

.....

implement its strategic and long-term goals. It is the policy of the Morongo Valley Community Services District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors.

¹Cal. Gov. Code § 54964.

²Cal. Gov. Code § 53060.5; *Stanson v. Mott* (1976) 17 Cal. 3d 206.

This policy provides the Morongo Valley Community Services District General Manager, or other designee, the flexibility to adopt positions on legislation in a timely manner, while allowing the Board of Directors to set Advocacy Priorities to provide policy guidance. The Board of Directors shall establish various Advocacy Priorities and, so long as the position fits within the Advocacy Priorities, staff is authorized to take a position without board approval.

Whenever an applicable Advocacy Priority does not exist pertaining to legislation affecting the Morongo Valley Community Services District, the matter shall be brought before the Board of Directors at a regularly scheduled board meeting for formal direction from the Board of Directors. [The Board of Directors may choose to establish a standing committee of two Directors, known as the “Legislative Advocacy Committee”, with the authority to adopt a position when consideration by the full Board of Directors is not feasible within the time-constraints of the legislative process.]

Generally, the Morongo Valley Community Services District will not address matters that are not pertinent to the district’s local government services, such as social issues or international relations issues.

1055.3 Legislative Advocacy Procedures

It is the policy of the Morongo Valley Community Services District to proactively monitor and advocate for legislation as directed by the Advocacy Priorities and by the specific direction of the Board of Directors. This process involves interaction with local, state, and federal government entities both in regard to specific items of legislation and to promote positive intergovernmental relationships. Accordingly, involvement and participation in regional, state, and national organizations is encouraged and supported by the Morongo Valley Community Services District.

Monitoring legislation is a shared function of the Board of Directors and General Manager or designated staff. The Legislative Advocacy Procedures are the process by which staff will track and respond to legislative issues in a timely and consistent manner. The General Manager, or other designee, will act on legislation utilizing the following procedures:

1. The General Manager or other designee shall review requests that the Morongo Valley Community Services District take a position on legislative

.....

.....

issues to determine if the legislation aligns with the district’s current approved Advocacy Priorities.

2. The General Manager or other designee will conduct a review of positions and analysis completed by the California Special Districts Association and other local government associations when formulating positions.
3. If the matter aligns with the approved priorities, the Morongo Valley Community Services District response shall be supplied in the form of a letter to the legislative body reviewing the bill or measure. Advocacy methods utilized on behalf of the district, including but not limited to letters, phone calls, emails, and prepared forms, will be communicated through the General Manager or designee. The General Manager or designee shall advise staff to administer the form of advocacy, typically via letters signed by the General Manager, or designee, on behalf of the Board of Directors.
4. All draft legislative position letters initiated by the General Manager or designee shall state whether the district is requesting “support”, “support if amended”, “oppose”, or “oppose unless amended” action on the issue and shall include adequate justification for the recommended action. If possible, the letter should include examples of how a bill would specifically affect the district, e.g. “the funding the district will lose due to this bill could pay for X capital improvements.”
 - a. Support – legislation in this area advances the district’s goals and priorities.
 - b. Oppose – legislation in this area could potentially harm, negatively impact or undo positive momentum for the district, or does not advance the district’s goals and priorities.
5. The General Manager may also provide a letter of concern or interest regarding a legislative issue without taking a formal position on a piece of legislation. Letters of concern or interest are to be administered through the General Manager or designee.
6. When a letter is sent to a state or federal legislative body, the appropriate federal or state legislators representing the Morongo Valley Community Services District shall be included as a copy or “cc” on the letter. The appropriate contacts at the California Special Districts Association and other local government associations, if applicable, shall be included as a cc on legislative letters.
7. A position may be adopted by the General Manager or designee if any of the following criteria is met:
 - a. The position is consistent with the adopted Advocacy Priorities;

.....

.....

- b. The position is consistent with that of organizations to which the district is a member, such as the California Special Districts Association; or
 - c. The position is approved by the Board of Directors [or the Legislative Advocacy Committee].
- 8. All legislative positions adopted via a process outside of a regularly scheduled Board Meeting shall be communicated to the Board of Directors at the next regularly scheduled Board Meeting. When appropriate, the General Manager or other designee will submit a report (either written or verbal) summarizing activity on legislative measures to the Board of Directors.

1055.4 Advocacy Priorities

Revenue, Finances, and Taxation

Ensure adequate funding for special districts' safe and reliable core local service delivery. Protect special districts' resources from the shift or diversion of revenues without the consent of the affected districts. Promote

the financial independence of special districts and afford them access to revenue opportunities equal to that of other types of local agencies. Protect and preserve special districts' property tax allocations and local flexibility with revenue and diversify local revenue sources.

Support opportunities that allow the district to compete for its fair share of regional, state, and federal funding, and that maintain funding streams. Opportunities may include competitive grant and funding programs.

Opportunities may also include dedicated funding streams at the regional, state, or federal levels that allow the district to maximize local revenues, offset and leverage capital expenditures, and maintain district goals and standards.

Governance and Accountability

Enhance special districts' ability to govern as independent, local government bodies in an open and accessible manner. Encourage best practices that avoid burdensome, costly, redundant or one-size-fits all approaches.

Protect meaningful public participation in local agency formations, dissolutions, and reorganizations, and ensure local services meet the unique needs, priorities, and preferences of each community.

.....

.....

Oppose additional public meeting and records requirements that unnecessarily increase the burden on public resources without effectively fostering public engagement and enhancing accountability of government agencies.

Promote local-level solutions, decision-making, and management concerning service delivery and governance structures while upholding voter control and maintaining LAFCO authority over local government jurisdictional reorganizations and/or consolidations.

Human Resources and Personnel

Promote policies related to hiring, management, and benefits and retirement that afford flexibility, contain costs, and enhance the ability to recruit and retain highly qualified, career-minded employees to public service. As public agency employers, support policies that foster productive relationships between management and employees.

Maintain special districts' ability to exercise local flexibility by minimizing state mandated contract requirements. Oppose any measure that would hinder the ability of special districts to maximize local resources and efficiencies through the use of contracted services.

Infrastructure, Innovation, and Investment

Encourage prudent planning for investment and maintenance of innovative long-term infrastructure. Support the contracting flexibility and fiscal tools and incentives needed to help special districts meet California's changing demands. Promote the efficient, effective, and sustainable delivery of core local services.

Prevent restrictive one-size-fits-all public works requirements that increase costs to taxpayers and reduce local flexibility.

.....

POLICY TITLE: Digital Signature Policy**POLICY NUMBER: 1060**

1060.1 Policy. It is the policy of the Morongo Valley Community Services District to accept electronic signatures affixed to documents in which a signature is required or used, provided that: (1) the electronic signatures are “digital” signatures that comply with the requirements of California Government Code Section 16.5 and applicable state regulations¹, (2) the signatories are willing and wanting to utilize digital signatures, and (3) the digital signatures are created by technologies authorized by the California Secretary of State and made available by the District.

The use, or the District’s acceptance, of a digital signature is at the option of the District and the signer(s). Nothing in this Policy requires the District to use or permit the use of a digital signature or accept the submission of a document containing a digital signature.

1060.2 Definitions.

- a) “Digital Signature” means an electronic identifier, created by computer, intended by the party using it to have the same force and effect as the use of a manual signature.²
- b) “Digital Signature Certification Authority” means an entity authorized by the Secretary of State to issue digital certificates that are required for a digital signature under California law and that is listed on the Secretary of State’s “Approved List of Digital Signature Certification Authorities.”
- c) “Digital Signature Provider” means an entity that provides document signing services using digital technology.
- d) “Electronic Signature” means an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record, including a digital signature.

1 Cal. Code Regs., tit. 2, § 22000 et seq.

2 Cal. Gov. Code, § 16.5(d).

3 Cal. Civ. Code, § 1633.2(h).

1060.3 Electronic Signatures. The use of electronic signatures is authorized by two California statutes, the Uniform Electronic Transactions Act (“UETA”), codified at Civil Code Section 1633.1 et seq., and Government Code Section 16.5.

The UETA provides that a signature may not be denied legal effect or enforceability solely because it is in electronic form. The UETA applies a transaction only when the parties have agreed to conduct the transaction by electronic means, and whether they have agreed to do so “is determined from the context and surrounding circumstances, including the parties’ conduct.”

Government Code Section 16.5 applies to public entities such as the District, and authorizes any party to a written communication with a public entity, in which a signature is required or used, to affix a signature by use of a digital signature that complies with the requirements of Section 16.5.7 Digital signature transactions involving public

.....

entities that are subject to the UETA are also subject to the more particular requirements of Government Code Section 16.5.8 The use of a digital signature will have the same force and effect as the use of a manual signature if, and only if, the digital signature embodies the five attributes⁹ discussed in Section 1060.4 below.

1060.4 Digital Signatures.

Government Code Section 16.5 and State regulations require that a digital signature (i) be created by a technology that is acceptable for use by the State of California and (ii) embody the following five attributes:

- 1) It is unique to the person using it;
- 2) It is capable of verification;
- 3) It is under the sole control of the person using it;
- 4) It is linked to data in such a manner that if the data are changed, the digital signature is invalidated; and
- 5) It conforms to regulations adopted by the Secretary of State, codified at Chapter 10 of Division 7 of Title 2 (commencing at Section 22000) of the California Code of Regulations.

1060.5 Digital Signature Technologies

The Secretary of State allows public entities to utilize digital signatures that are created by one of two different technologies – “public key cryptography” and “signature dynamics” – provided that the digital signatures are also created consistent with the provisions of Section 22003 of the California Code of Regulations.

⁴Cal. Civ. Code, § 1633.7.

⁵Cal. Civ. Code, § 1633.5(b)

⁶“‘Public entity’ includes the state, the Regents of the University of California, the Trustees of the California State University and the California State University, a county, city, district, public authority, public agency, and any other political subdivision or public corporation in the State.” Cal. Gov. Code, §§ 16.5(a) & 811.2 (emphasis added).

⁷Cal. Gov. Code, § 16.5(a).

⁸See Civ. Code, § 1633.3(e).

⁹Gov. Code, § 16.5(a).

¹⁰Cal. Gov. Code, § 16.5; 2 C.C.R. § 22002.

Public key cryptography (“PKC”) is a form of cryptography that generally allows users to communicate securely. PKC signatures are affixed to documents using software enhancements to existing applications and web browsers and are capable of immediate third-party verification.

Signature dynamics uses the individual’s handwritten signature. Unlike PKC signatures, signature dynamics signatures require additional hardware to create the signatures. An electronic drawing tablet and stylus are used to record the direction, speed, and coordinates of a handwritten signature – essentially, taking a snapshot of a person’s signature. This type of digital signature does not offer encryption, confidentiality, or the level of security that is inherent in PKC signatures. PKC allows for third party verification

.....

of the signature by certification authorities approved by the State, while signature dynamics signatures require additional steps (including handwriting analysis) to verify the signer of a document (similar to a non-notarized, paper-based signature). A formal handwriting analysis of a signature dynamics signature may be lengthy. However, some degree of certainty can be obtained by a lay comparison of manual handwritten signatures that may already be on file with the District.

The District shall only contract with digital signature providers that offer their digital signature services with a certificate issued by a digital signature certification authority. District staff shall only accept digital signatures created by PKC or signature dynamics technologies. As advised by the Secretary of State, District staff shall consider the following issues and other issues when identifying the appropriate technology to use for each document that includes a digital signature component:

- Are the documents containing signatures going to be transmitted over an "open" or a "closed" network?
- Does the signature on the document need to be verified?
- How much time and resources can be allocated to verification?
- Does the signature need to be compared to a manual signature on paper or can a digital certificate adequately provide one-stop verification?
- Will immediate verifiability reduce the potential of fraud?
- Will the documents containing digital signatures need to be reproduced for public access to the records?
- Will the documents containing digital signatures need to be utilized by another local, state or federal agency? If so, is the technology compatible with the other agency's needs?

However, whenever a document requires immediate absolute verification of a signature, District staff shall only use and accept digital signatures created by the PKC technology.

.....



Administration

MORONGO VALLEY COMMUNITY SERVICES DISTRICT
Policy Handbook

POLICY TITLE: Accounts Receivable Policy

POLICY NUMBER: 2100

2100.1 It is the policy of the District that accounts receivable be reviewed monthly, as it is critical to the cash flow of the District and requires continued follow-up and attention.

2100.2 Procedures:

- a) The accounts receivable balances are reviewed monthly by the General Manager, along with assigned staff.
- b) Notices are sent for all accounts 30 or more days past their due date.
- c) Finance charges of [x] percent per month are assessed on all accounts past due as provided by District [identify the ordinance or resolution imposing late payment charges].
- d) Credit memos are limited to control of the [position title], after consulting with the General Manager or his or her designee.
- e) At month-end closing, an accounts receivable schedule is prepared, reviewed, and reconciled to the General Ledger. The trial balance report is compared to the General Ledger for accuracy.
- f) An appropriate allowance for bad debt is carried on the Balance Sheet. Every attempt is made for collection. At year-end it is determined if there are uncollectible items and, if so, those are written off by the Accountant, upon approval by the General Manager or his or her designee. Any amount over the approved allowance for bad debt must be approved by the Board of Directors prior to write off.

POLICY TITLE: Asset Protection and Fraud in the Workplace**POLICY NUMBER: 2105**

2105.1 Purpose and Scope: To establish a policy and procedures for clarifying acts that are considered to be fraudulent, describing the steps to be taken when fraud or other dishonest activities are suspected, and providing procedures to follow in accounting for missing funds, restitution and recoveries.

2105.2 The Morongo Valley Community Services District is committed to protecting its assets against the risk of loss or misuse. Accordingly, it is the policy of Morongo Valley Community Services District to identify and promptly investigate any possibility of fraudulent or related dishonest activities against Morongo Valley Community Services District and, when appropriate, to pursue available legal remedies.

2105.3 Definitions:

- a) Fraud – Fraud and other similar irregularities include, but are not limited to:
- 1) Claim for reimbursement of expenses that are not job-related or authorized by District policy;
 - 2) Forgery, falsification, or unauthorized alteration of documents or records (including but not limited to checks, promissory notes, time sheets, independent contractor agreements, purchase orders, budgets, etc.);
 - 3) Misappropriation of District assets (including but not limited to funds, securities, supplies, furniture, equipment, etc.);
 - 4) Inappropriate use of District resources (including but not limited to labor, time, and materials);
 - 5) Improprieties in the handling or reporting of money or financial transactions;
 - 6) Authorizing or receiving payment for goods not received or services not performed;
 - 7) Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of District-owned or –licensed software;
 - 8) Misrepresentation of information;
 - 9) Theft of equipment or other goods;
 - 10) Any apparent violation of federal, state, or local laws related to dishonest activities or fraud;
 - 11) Seeking or accepting anything of material value from those doing business with the District including vendors, consultants, contractors, lessees, applicants, and grantees. Materiality is determined by the District's Conflict of Interest Code which incorporates the Fair Political Practices Commission's regulations;

.....

- 12) Any other conduct, actions or activities treated as fraud or misappropriation under any federal or state law, rule or regulation.
- b) Employee – In this context, “employee” refers to any individual or group of individuals who receive compensation, either full- or part-time, including members of the Board of Directors, from Morongo Valley Community Services District. The term also includes any volunteer who provides services to Morongo Valley Community Services District through an authorized arrangement with the District or a District organization.
- c) Management – In this context, “management” refers to any manager, supervisor, or other individual who manages or supervises District’s resources or assets.
- d) Internal Audit Committee – In this context, if the claim of fraud involves anyone other than the District’s General Manager, the Internal Audit Committee shall consist of the General Manager, the District’s Legal Counsel and any other persons appointed to the Internal Audit Committee by the General Manager. If the claim of fraud involves the District’s General Manager, the Internal Audit Committee shall consist of the President of the Board of Directors of the District, the District’s Legal Counsel and those persons appointed to the Internal Audit Committee by the President of the Board. Nothing contained in this policy shall be construed as requiring the General Manager or the President of the Board to appoint other persons to the Internal Audit Committee. Individuals appointed to the Internal Audit Committee by the General Manager or the President of the Board other than the District’s Legal Counsel shall serve at the pleasure of the General Manager or the President of the Board.
- e) External Auditor – In this context, “External Auditor” refers to independent audit professionals appointed by the District’s Board of Directors to perform annual audits of the District’s financial statements.

2105.4 It is the District’s intent to fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service or relationship with the District of any party who might be or become involved in or become the subject of such investigation. An employee being investigated for fraud may request representation by a representative of any recognized bargaining unit that represents the employee.

2105.5 Each department of the District is responsible for instituting and maintaining a system of internal controls to provide reasonable assurance of the prevention and detection of fraud, misappropriations, and other irregularities. Management staff should be familiar with the types of improprieties that might occur within their areas of responsibility and be alert for any indications of such conduct.

.....

.....

2105.6 For claims of fraud not involving the General Manager, the General Manager or an Internal Audit Committee appointed by the General Manager shall have primary responsibility for investigation of activity covered by this policy. For claims of fraud involving the General Manager, the President of the Board or an Internal Audit Committee appointed by the President shall have primary responsibility for investigation of activity covered by this policy. The District's General Counsel shall advise the Committee, the General Manager and/or the Board President on all such investigations.

2105.7 Throughout the investigation, the Internal Audit Committee will inform the General Manager of pertinent investigative findings if the General Manager is not involved in the claims of fraud.

2105.8 An employee will be granted whistle-blower protection when acting in accordance with this policy so long as he or she has not engaged in activity that violates this policy. When informed of a suspected impropriety by an employee not engaged in activity that violates this policy, neither the District nor any person acting on its behalf shall:

- a) Dismiss or threaten to dismiss an employee providing the information,
- b) Discipline, suspend, or threaten to discipline or suspend such an employee,
- c) Impose any penalty upon such an employee, or
- d) Intimidate or coerce such an employee.

Violations of this whistle-blower protection policy will result in discipline up to and including termination.

2105.9 Upon conclusion of an investigation, the results will be reported to the General Manager or, if the investigation involves the General Manager, the Board President, either of whom shall advise the Board of Directors.

2105.10 Following review of investigation results, the General Manager or the Board, as the case may be, will take appropriate action regarding employee misconduct. Disciplinary action can include employment discipline up to and including termination, referral for criminal prosecution, or both.

2105.11 The General Manager or the General Counsel will pursue every reasonable effort, including court ordered restitution, to obtain recovery of District losses from the offender, other responsible parties, insurers, or other appropriate sources unless the Board should otherwise direct in consultation with General Counsel.

2105.12 Procedures:

2105.12.1 Board of Directors Responsibilities

- a) If a Board Member has reason to suspect a fraud has occurred, he or she shall immediately contact the General Manager, or the Board President if

.....

.....

- the activity involves the General Manager, and the District's Legal Counsel.
- b) The Board Member shall not attempt to investigate the suspected fraud or discuss the matter with anyone other than the General Manager or Board President, as the case may be, and the District's Legal Counsel.
- c) The alleged fraud or audit investigation shall not be discussed with the media by any person other than the General Manager or the Board President after consultation with the District's Legal Counsel and any Internal Audit Committee appointed for the matter.

2105.12.2 Management Responsibilities

- a) Management staff are responsible for being alert to, and for reporting, fraudulent or related dishonest activities in their areas of responsibility.
- b) Each manager should be familiar with the types of improprieties that might occur in his or her area of responsibility and be alert for any indication that improper activity, misappropriation, or dishonest activity did occur or is occurring.
- c) When an improper activity is detected or suspected, management should determine whether an error or mistake has occurred or if there may be dishonest or fraudulent activity.
- d) If a manager determines a suspected activity may involve fraud or related dishonest activity, he or she should contact his or her immediate supervisor or the District's General Manager. If the activity involves the General Manager, it shall be reported to the Board President or the District's Legal Counsel.
- e) Managers should not attempt to conduct individual investigations, interviews, or interrogations other than as directed by the General Manager or General Counsel. However, management staff are responsible for taking appropriate corrective actions to implement adequate controls to prevent recurrence of improper actions.
- f) Management staff must support the District's responsibilities and cooperate fully with the Internal Audit Committee, other involved departments, and law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.
- g) Management staff must give full and unrestricted access to all necessary records and personnel to those responsible for identifying, investigating, and remedying fraud and related dishonest acts. All District assets, including furniture, desks, and computers, are open to inspection at any time. No District officer, agent or employee has a reasonable expectation of privacy in District property and other re- sources to preclude such inspection.
- h) In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management staff should avoid the following:
 - 1) Incorrect accusations;
 - 2) Alerting suspected individuals that an investigation is underway;

.....

.....

- 3) Treating employees unfairly; and
- 4) Making statements that could lead to claims of false accusations or other offenses.
- i) In handling dishonest or fraudulent activities, managers shall:
 - 1) Make no contact (unless requested) with the suspected individual to determine facts or demand restitution. Under no circumstances should there be any reference to “what you did”, “the crime”, “the fraud”, “the misappropriation”, etc;
 - 2) Avoid discussing the case, facts, suspicions, or allegations with anyone outside the District, unless specifically directed to do so by the General Manager or the Board President; and
 - 3) Avoid discussing the case with anyone inside the District other than employees who have a need to know such as the General Manager, Internal Audit Committee, or the District’s Legal Counsel.
 - 4) Direct all inquiries from the suspected individual, or his or her representative, to the General Manager, the Board President, or the District’s Legal Counsel. All inquiries by attorneys representing a suspected individual should be directed to the General Manager or the District’s Legal Counsel. All inquiries from the media should be directed to the General Manager or the Board President, if the activity involves the General Manager.
 - 5) Take appropriate corrective and disciplinary action, up to and including dismissal, after consulting with the [position or department] and Legal Counsel, in conformance with District policy and applicable law.

2105.12.3 Employee Responsibilities

- a) A suspected fraudulent incident or practice observed by, or made known to, an employee must be reported to the employee’s supervisor for reporting to the proper management official.
- b) When an employee believes his or her supervisor may be involved in inappropriate activity, the employee shall make the report to the next higher level of management and/or the General Manager. If the activity involves the General Manager, it shall be reported to the Board President or the District’s Legal Counsel.
- c) A reporting employee shall refrain from further investigation of the incident, confrontation with the alleged violator, or further discussion of the incident with anyone, unless requested by the General Manager, Internal Audit Committee, the District’s Legal Counsel, or law enforcement personnel.

2105.12.4 Internal Audit Committee Responsibilities

- a) Upon assignment by the General Manager or the Board President, an Internal Audit Committee will promptly investigate the allegations.
- b) In all circumstances when there is reason to suspect a criminal fraud has occurred, the Internal Audit Committee, in consultation with the District

.....

.....

- General Manager or the Board President and Legal Counsel, if the General Manager is suspected of involvement in the fraud, will contact the appropriate law enforcement agency.
- c) The Internal Audit Committee shall be available and receptive to relevant, confidential information to the extent allowed by law after consultation with the District's Legal Counsel.
 - d) If evidence is uncovered showing possible dishonest or fraudulent activities, the Internal Audit Committee will:
 - 1) Discuss the findings with management and the General Manager, to the extent management and/or the General Manager is not involved in the activities;
 - 2) Advise management, if the case involves District staff members, to meet with the employee(s) and his/her designated representative, if applicable, to determine if disciplinary action should be taken;
 - 3) Report to the External Auditor such activities to assess the effect of the illegal activity on the District's financial statements;
 - 4) Coordinate with the District's risk manager regarding notification to insurers and filing of insurance claims;
 - 5) Take immediate action, after consultation with the Legal Counsel, to prevent the theft, alteration, or destruction of evidence. Such action shall include, but is not limited to:
 - a) Removing relevant records and placing them in a secure location, or limiting access to those records
 - b) Preventing the individual suspected of committing the fraud from having access to the records.
 - 6) In consultation with the District Legal Counsel and the local law enforcement agency, the Internal Audit Committee may disclose particulars of the investigation to potential witnesses if such disclosure would further the investigation.
 - 7) If the Internal Audit Committee is contacted by the media regarding an alleged fraud or audit investigation, the Internal Audit Committee will refer the media to the General Manager or Board President, if the activity involves the General Manager.
 - 8) At the conclusion of the investigation, the Internal Audit Committee will document the results in a confidential memorandum report to the General Manager or the Board President for action. If the report concludes that the allegations are founded and the District's Legal Counsel has determined that a crime has occurred, the report will be forwarded to the appropriate law enforcement agency.
 - 9) The Internal Audit Committee shall make recommendations to the appropriate department as to the prevention of future similar occurrences.
 - 10) Upon completion of the investigation, including all legal and personnel actions; all records, documents, and other evidentiary

.....

.....

material, obtained from the department under investigation will be returned by the Internal Audit Committee to that department.

2105.13 Exceptions

There will be no exceptions to this policy unless provided and approved in writing by the General Manager, or the Board President, with consent from the District Legal Counsel. The Board of Directors reserves the right to amend, delete, or revise this policy at any time by formal action of the Board of Directors.

.....

POLICY TITLE: Budget Preparation
POLICY NUMBER: 2110

2110.1 An annual budget proposal shall be prepared by the General Manager [FINANCE DIRECTOR, or other responsible managing employee].

2110.2 Before review by the Board of Directors, the Board's Finance Director shall meet with the General Manager to review his/her annual budget proposal.

2110.3 The proposed annual budget as reviewed and amended by the Finance Director shall be reviewed by the Board at its regular meeting in [MONTH].

2110.4 The proposed annual budget as amended by the Board during its review shall be adopted at its regular meeting in [MONTH].

.....

POLICY TITLE: Credit Card Use

POLICY NUMBER: 2115

2115.1 Purpose: The purpose of this policy is to prescribe the internal controls for management of District credit cards.

2115.2 Scope: This policy applies to all individuals who are authorized to use District credit cards and/or who are responsible for managing credit card accounts and/or paying credit card bills.

2115.3 Implementation: A credit card shall be issued to the General Manager. Credit cards shall not be issued or used by members of the Board of Directors. Directors will use their personal credit cards for lawful expenses of the District and seek reimbursement on a form provided by the District for that purpose.

- a) All credit card bills shall be paid timely to avoid late fees and finance charges. The District shall not reimburse for late fees and finance charges.
- b) All credit card expenses shall be reasonable and necessary to the furtherance of District business and made in accordance with District policy. No personal expenses shall be charged on a District credit card. If a transaction involves both personal and District business, the employee shall pay for the transaction personally and request reimbursement by the District of the appropriate portion of the expense.
- c) All credit card transactions shall have third-party documents (receipts) attached and the District purpose annotated by the cardholder.
- e) All records of the District involving credit card use, including receipts, invoices, and requests for reimbursement are disclosable public records to be maintained consistently with the District's records management policy.

.....

.....

POLICY TITLE: Employment of Outside Contractors and Consultants
POLICY NUMBER: 2120

2120.1 The District employs outside contractors or consultants for construction, engineering, planning, and environmental review projects, auditing, and other purposes approved by the Board of Directors. The District's procedure is as follows:

- a) Construction projects will be advertised for bid in at least one local newspaper of general circulation and the local contractors bidding news if available. The bid opening is open to the public and will be specified in the bid documents.
- b) If public bidding requirements apply under State law or the terms of any grant contract, those requirements shall be complied with to the exclusion of the previous paragraph.

2120.2 Consultants will be approved by the Board of Directors on the recommendation of the General Manager. The General Manager and/or Board of Directors will make their decision based on the consultant's experience and qualifications. The consultant will also be required to provide an explanation of scope of work, hours to complete, and applicable cost estimate for their services that will be used in their evaluation in the selection process. Consultants for engineering, architectural, and other professional services shall be evaluated based upon qualification and not on cost of services per state law.

2120.3 Every person involved in the solicitation, selection, and approval of consultants shall comply with applicable conflicts of interest laws, including Government Code section 1090, the Political Reform Act of 1974, and the District's conflict of interest code.

.....

POLICY TITLE: Expense Authorization**POLICY NUMBER: 2125**

2125.1 All purchases made for the District by staff shall be authorized by the General Manager shall be in conformance with the approved District budget.

2125.2 Any commitment of District funds for a purchase or expense greater than \$20,000.00 [or other appropriate amount] shall first be submitted to the Board of Directors for approval or shall be in conformance with prior Board action and/or authorizations.

2125.3 A "petty cash" fund shall be maintained in the District office having a balance-on-hand maximum of \$100.00.

- a) Petty cash may be advanced to District staff or Directors upon their request and the execution of a receipt for same, for the purpose of procuring item(s) or service(s) appropriately relating to District business. After said item(s) or service(s) have been obtained, a receipt for same shall be submitted to the General Manager and any remaining advanced funds shall be returned. The maximum petty cash advance shall be \$50.00.
- b) No personal checks shall be cashed in the petty cash fund.
- c) The petty cash fund shall be included in the District's annual independent accounting audit.

2125.4 Whenever employees or Directors of the District incur "out-of-pocket" expenses for item(s) or service(s) appropriately relating to District business as verified by valid receipts, said expended cash shall be reimbursed upon request from the District's petty cash fund or by warrant request if needed. In those instances when a receipt is not obtainable, the requested reimbursement shall be approved by the General Manager before remuneration.

2125.5 Requests for reimbursement to the District must have a good faith basis. Submission of a request for a reimbursement without such a basis shall subject the requestor to appropriate sanctions, up to and including termination of employment and referral to an appropriate law enforcement agency for prosecution.

POLICY TITLE: Investment of District Funds**POLICY NUMBER: 2130****2130.1 Premise:**

- a) The State Legislature has declared the deposit and investment of public funds by local officials and local agencies is an issue of statewide concern (Government Code (GC) § 53600.6 and § 53630.1); and,
- b) Government Code Sections 53601, et seq., allow the legislative body of a local agency to invest surplus monies not required for the immediate necessities of the local agency; and,
- c) The treasurer or fiscal officer of a local agency is required to annually prepare and submit a statement of investment policy and such policy, and any changes thereto, is to be considered by the local agency's legislative body at a public meeting (GC § 53646(a)). The statement shall also be annually presented to any oversight agency of the local agency.
- d) For these reasons, and to ensure prudent and responsible management of the public's funds, it is the policy of the District to invest funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the District and conforming to all statutes governing the investment of District funds.

2130.2 Scope:

This investment policy applies to all financial assets of the District. These funds are accounted for in the annual audited financial statements of the District and include:

- a) Demand Accounts
- b) Investments
- c) General Fund
- d) Local Agency Investment Fund [others]
- e) Operation and Maintenance Fund
- f) Enterprise Funds [others]

2130.3 Prudence:

The Board and persons authorized to make investment decisions subject to these policies are fiduciaries subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a fiduciary shall act with care, skill, prudence, and diligence under the circumstances then prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the District, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the District. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of capital as well as the probable income to be derived.

.....

Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from policy or expectations are reported in the next issued quarterly treasury report and appropriate actions are taken to control adverse developments. When a deviation poses a significant risk to the District's financial position, the fiscal officer shall notify the Board immediately.

2130.4 Objectives:

As specified in GC §53600.5, when investing, reinvesting, purchasing, acquiring, exchanging, selling or managing public funds, the primary objectives of the investment activities, in priority order, shall be:

- a) **Safety:** Safety of principal is the foremost objective of the investment program. Investments of the District shall be undertaken in a manner that seeks to ensure the preservation of capital in the whole portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.
- b) **Liquidity:** The secondary objective shall be to meet the liquidity needs of the District.
- c) **Yield:** The third objective shall be to achieve a return on the funds under the District's control.

.....

.....

2135.1 To purchase small items — such as office supplies, auto parts, and other miscellaneous items costing less than \$1,000 — vendors will be asked to submit pricing information by telephone or written quotation. District accounts are then awarded to those firms that provide the best price, discount, service, etc.

2135.2 To purchase items costing more than \$1,000 and up to \$5,000 quotations will be solicited from vendors and received by telephone or written quotation. Quotations will be solicited from at least two sources before selecting a supplier and processing a purchase order. The General Manager must approve purchase orders.

2135.3 For items over \$5,000 or orders of large quantities, the District will provide suppliers with a list of items to be purchased. Suppliers will provide written quotes for consideration and recommendation. District staff will then present written quotes to the Board of Directors for award of contract. Items on the list will be purchased from the supplier quoting the lowest prices, with an acceptable delivery date.

2135.4 Vehicles will be purchased through the State's Contract for Fleet Vehicles unless they can be acquired at the same cost or less expensively from local sources by competitive quotation bids in accordance with section 2135.2.

2135.5 This policy covers the purchase of goods, not services and not public works construction services. Those matters are addressed in other policies of the District: Employment Of Outside Contractors And Consultants; Policy Number: 2120

.....

.....

2140.1 It is the policy of the District that the General Manager shall cause appropriate staff to timely receive and deposit remittances and to ensure accountability. The General Manager shall designate a person or position to act as the designated staff person under this policy.

2140.2 Procedures for incoming Checks:

- a) The administrate assistant opens mail, receiving all checks and stamping “for deposit only”.
- b) Using approved account codes, the administrate assistant logs each check on a weekly spreadsheet. If the application of any check to a particular fund or account of the District is unclear, the administrate assistant logs as “Miscellaneous”.
- c) The administrate assistant stamps any accompanying paperwork “Paid” and gives it to the designated staff person. If there is no accompanying paperwork, the administrate assistant will match check to open invoice(s) and proceed with above.
- d) Once a week, the spreadsheet is given to the designated staff person.
- e) Checks are given to the designated staff person each day.
- f) The designated staff person records each check in the accounting program. Any checks logged as “Miscellaneous” go to the General Manager for appropriate coding.
- g) The administrate assistant prepares the bank deposit.
- h) The administrate assistant verifies correct coding and dollar amounts coding and accounting for any check classified as payment for an administrative service will be verified by the General Manager.
- i) The designated staff person deposits with bank.
- j) The designated staff person records the deposit in the General Ledger.

.....

.....

2145.1 The purpose of this policy is to: provide guidelines to staff regarding the retention or disposal of District records; provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; ensure prompt and accurate retrieval of records; and ensure compliance with legal and regulatory requirements.

2145.2 Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

2145.3 The General Manager is authorized by the Board of Directors to interpret and implement this policy, and to cause to be destroyed any or all such records, papers and documents that meet the qualifications governing the retention and disposal of records, specified below and under applicable law, after consultation with the General Counsel.

2145.4 Under the provisions of Government Code §§ 60200 through 60204, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following qualifications will govern the retention and disposal of records of the District.

2145.4.1 Duplicate records, papers and documents may be destroyed at any time without Board authorization, advice of the General Counsel, or copying to photographic or electronic media.

2145.4.2 Originals of records, papers, and documents more than two years old that were prepared or received in any manner other than under State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media except for permanent records of the District, as defined in this policy and under applicable law.

2145.4.3 In no instance shall records, papers or documents be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

2145.4.4 Records, papers or documents which are not expressly required by law to be filed and preserved may be destroyed if all of the following conditions are met:

2145.4.4.1 The record, paper or document is photographed, micro-photographed, reproduced on film of a type approved for permanent photographic records by the National Institute of Standards and Technology of the U.S. Department of Commerce, or copied to an approved electronic media;

.....

.....

2145.4.4.2 The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details; and,

2145.4.4.3 The photographs, micro-photographs, or other reproductions on film are placed in conveniently accessible files and provisions are made for preserving, examining, and using the same, together with documents stored via electronic media.

2145.4.5 Any accounting record except the journals and ledgers which are more than five years old and which were prepared or received in any manner other than pursuant to State statute may be authorized for destruction, provided that:

2145.4.5.1 There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

2145.4.5.2 There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

2145.4.5.3 Said audit report or reports were prepared pursuant to procedures outlined in Government Code section 26909 and other State or Federal audit requirements, and that;

2145.4.5.4 Said audit or audits contain the expression of an unqualified opinion.

2145.4.6 Any accounting record created for a specific event or action may be destroyed upon authorization five years after said event or action has in all respects terminated. Any source document detailed in a register, journal, ledger, or statement may be authorized for destruction five years from the end of the fiscal period to which it applies. The following may be destroyed at any time without Board authorization or consultation with the General Counsel:

2145.4.6.1 Duplicated documents (original-subject to aforementioned requirements).

2145.4.6.2 Rough drafts, notes or working papers (except audit).

2145.4.6.3 Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

2145.4.7 All payroll and personnel records shall be retained indefinitely. Originals may, upon authorization, be destroyed after seven years' retention

.....

provided said records have been microfilmed or otherwise electronically duplicated and qualify for destruction in accordance with section 2145.4, above. Payroll and personnel records include the following:

- 2145.4.7.1 Accident reports, injury claims and settlements.
- 2145.4.7.2 Medical histories.
- 2145.4.7.3 Injury frequency charts.
- 2145.4.7.4 Applications, changes, and terminations of employees.
- 2145.4.7.5 Insurance records of employees.
- 2145.4.7.6 Time cards.
- 2145.4.7.7 Classification specifications (job descriptions).
- 2145.4.7.8 Performance evaluation forms.
- 2145.4.7.9 Earning records and summaries.
- 2145.4.7.10 Retirements.

2145.4.8 Records of proceedings for the authorization of long-term debt, bonds, warrants, loans, etc., after issuance or execution may be destroyed if microfilmed or otherwise electronically duplicated as provided for in section 2145.4.4, above. Terms and conditions of bonds, warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than 10 years if microfilmed or otherwise electronically duplicated as provided for in section 2145.4.4, above. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for 10 years.

2145.5 Minutes of the meetings of the Board of Directors shall be retained indefinitely in their original form. However, meeting minutes may, upon the General Manager's authorization, be destroyed if they are microfilmed or otherwise electronically duplicated as provided for in section 2145.4.4, above. Recording tapes (or other media) of Board meetings will be kept for a period of two years from the date of the recorded meeting, after which they will be destroyed.

2145.5.1 Construction records, such as bids, correspondence, change orders, etc., shall not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

2145.5.2 Contracts should be retained for their lives plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work which is more than two years old may be destroyed.

2145.5.3 Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

.....

2145.6 For records existing in paper form, retention periods apply to the original paper copy only. Drafts (i.e., initial or preliminary versions) may be disposed of at any time. Duplicate copies and electronic copies may be disposed of at any time at the discretion of the District's management, unless the original has been lost. Electronic records will be retained as if they were paper documents. Therefore, any electronic files, including emails that fall into one of the document types in this Policy will be maintained for the appropriate amount of time.

2145.7 Confidentiality. The District is committed to ensuring the security and confidentiality of all records within its custody or control containing personal, confidential, or proprietary information. When such records are due to be destroyed under this Policy, they will be shredded, erased, or otherwise modified or destroyed to make them unreadable or undecipherable through any means.

2145.8 Exceptions.

2145.8.1 Legal Requirements. To the extent that any Applicable Laws exceed the retention periods in this Policy, the Applicable Laws will control.

2145.8.2 Legal Hold. All Records required to be retained due to pending or threatened litigation or investigation shall be retained for so long as the legal hold is active.

2145.8.3 Contractual Requirements. To the extent that contractual records retention requirements exceed the retention periods in this Policy or specify the retention of Records not listed in the Policy, the contractual requirements will control. No originals of Records related to open contracts and subject to contractual retention requirements may be destroyed without the approval of the General Manager, who will consult with other District personnel as necessary.

Appendix A Definitions for Records Retention and Disposal Policy

1. AUTHORIZATION. Approval from the General Manager, as authorized by the District's Board of Directors.
2. ACCOUNTING RECORDS. Include but are not limited to the following:

.....

.....

- a. SOURCE DOCUMENTS
 - (1) Invoices
 - (2) Warrants
 - (3) Requisitions/Purchase Orders (attached to invoices)
 - (4) Cash Receipts
 - (5) Claims (attached to warrants in place of invoices)
 - (6) Bank Statements
 - (7) Bank Deposits
 - (8) Checks
 - (9) Bills
 - (10) Various accounting authorizations taken from Board minutes, resolutions, or contracts
- b. JOURNALS
 - (1) Cash Receipts
 - (2) Accounts Receivable or Payable Register
 - (3) Check or Warrant (payables)
 - (4) General Journal
 - (5) Payroll Journal
- c. LEDGERS
 - (1) Expenditure
 - (2) Revenue
 - (3) Accounts Payable or Receivable Ledger
 - (4) Construction
 - (5) General Ledger
 - (6) Assets/Depreciation
- d. TRIAL BALANCE
- e. STATEMENTS (Interim or Certified - Individual or All Fund)
 - (1) Balance Sheet
 - (2) Analysis of Changes in Available Fund Balance
 - (3) Cash Receipts and Disbursements
 - (4) Inventory of Fixed Assets (Purchasing)
- f. JOURNAL ENTRIES
- g. PAYROLL and PERSONNEL RECORDS include but are not limited to the following:
 - (1) Accident reports, injury claims and settlements
 - (2) Applications, changes or terminations of employees
 - (3) Earnings records and summaries
 - (4) Fidelity Bonds
 - (5) Garnishments

.....

.....

- (6) Insurance records of employees
- (7) Job Descriptions
- (8) Medical Histories
- (9) Retirements
- (10) Timecards

h. OTHER

- (1) Inventory Records (Purchasing)
- (2) Capital Asset Records (Purchasing)
- (3) Depreciation Schedule
- (4) Cost Accounting Records

3. LIFE. The inclusive or operational or valid dates of a document.

4. RECORD. Any “writing” as defined in government Code section 6252(f), which includes: means any handwriting, typewriting, printing, Photostatting, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored that is issued by or received in a department, and maintained and used as information in the conduct of its operations or the public’s business.

5. RECORD COPY. The District copy of a document or file.

6. RECORD SERIES. A group of records, generally filed together, and having the same reference and retention value.

7. RECORDS CENTER. The site selected for storage of inactive records.

8. RECORDS DISPOSAL. The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.

9. RECORDS RETENTION SCHEDULE. The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.

10. RETENTION CODE. Abbreviation of retention action which appears on the retention schedule.

11. VITAL RECORDS. Records which, because of the information they contain, are essential to one or all of the following:

- a. The resumption and/or continuation of operations;
- b. The re-creation of the legal and financial status of the District, in case of a disaster;
- c. The fulfillment of obligations to bondholders, customers, and employees.

.....

.....

Vital records include but are not limited to the following [detail the records structure of the District, stating the retention time for each class of records. Those times can be drawn from the recommendations of the Secretary of State (<http://archives.cdn.sos.ca.gov/local-gov-program/pdf/records-management-8.pdf>) or developed with the advice of legal counsel, as there are many laws governing records retention]:

- (1) Agreements
- (2) Annexations and detachments
- (3) As-built drawings
- (4) Audits
- (5) Contract drawings
- (6) Customer statements
- (7) Deeds
- (8) Depreciation schedule
- (9) Disposal of surplus & excess property
- (10) District insurance records
- (11) Employee accident reports, injury claims & settlements
- (12) Employee earning records
- (13) Employee fidelity bonds
- (14) Employee insurance records
- (15) Facility improvement plans
- (16) Individual claims/settlements
- (17) Inventory
- (18) Journal vouchers
- (19) Ledgers
- (20) Licenses & permits (to operate)
- (21) Loans & grants
- (22) Maps
- (23) Minutes of Board meetings
- (24) Payroll register
- (25) Policies, Rules & Regulations
- (26) Purchase orders & requisitions
- (27) Statements of Economic Interest

Appendix B
Records Retention & Storage Summary

.....

Group No.	Title or Description	Original	Duplicate	Retention Periods		
				Office	Record Center	Retain or Destroy
1	Records affecting title to real property or liens thereof.	X		2 yrs.	OP	ES
2	Records required to be kept permanently by statute.	X		2 yrs.	OP	ES
3	Minutes, ordinances & resolutions of Board.	X		2 yrs.	OP	ES
4	Documents with lasting historical, administrative, legal, fiscal, or research value.	X		2 yrs.	OP	ES
5	Correspondence, operational reports and information upon which District policy has been established.	X		2 yrs.	10 yrs.	12 yrs.
6	Duplicates of 5, above, when retention is necessary for reference.	X		2 yrs.		2 yrs.
7	Records requiring retention for more than five years, but no more than 15 years by statute or administrative value.	X		2 yrs.	13 yrs.	15 yrs.
8	Duplicates needed for administrative purposes for five to 15 years.		X	2 yrs.	13 yrs.	15 yrs.

.....

.....

9	All other original District records, or instruments, books or papers that are considered public documents not included in Groups 1 through 8.	X		2 yrs.	1 yr.	3 yrs.
10	Duplicates and other documents not public records required to be maintained for administrative purposes.	X	X	2 yrs.	3 yrs.	5 yrs.
11	Duplicate records requiring retention for administrative purposes such as reference material for making up budgets, planning and programming.		X	3 yrs.		3
12	Reference files (copies of documents which duplicate the record copies filed elsewhere in the District; documents which require no action and are non-record; rough drafts, notes, and similar working papers accumulated in preparation of a communication, study or other document, and cards, listings, indexes and other papers used for controlling work).		X	1 yr.		1 yr.
13	Transitory files, including letters of transmittal (when not a public record), suspense copies when reply has been received, routine requests for information and publication, tracer letters, and other duplicate copies no longer needed.	X	X	3 mos.		3 mos.
14	Original documents disposable upon occurrence of an event or an action (i.e., audit, job completion, completion of contract, etc.) or upon obsolescence, supersession, revocation.	X		2 yrs.	3 yrs.	5 yrs.

.....

.....

15	Policy files and reference sets of publications.		X	I		I
16	Duplicates or non-record documents required for administrative needs but destroyable on occurrence of an event or an action.		X	I		I

OP = Original or photographic copy.

ES = May be destroyed if stored in electronic media.

I = Indefinitely

.....

.....

POLICY TITLE: Reserve Policy
POLICY NUMBER: 2150

2150.1 Purpose: The Morongo Valley Community Services District (the District) shall maintain reserve funds from existing unrestricted funds as designated by the District's Reserve Policy. This policy establishes the procedure and level of reserve funding to achieve the following specific goals:

- a) Fund replacement and major repairs for the District's physical assets.
- b) Fund regular replacement of computer hardware and software.
- c) Fund designated conservation projects/programs or other special uses not otherwise funded by grants or requiring additional monetary support;
- d) Fund capital improvements; and
- e) Maintain minimal operational sustainability in periods of economic uncertainty.

The District shall account for reserves as required by Governmental Accounting Standards Board Statement No. 54, which distinguishes reserves as among these classes: non-spendable, restricted, committed, assigned and unassigned. The reserves stated by this policy, unless otherwise required by law, contract, or District policy shall be deemed "assigned" reserves.

2150.2 Policy: Use of District Reserves is limited to available "Unrestricted" Funds (not obligated by law, contract or agreement), including donations, interest earned, fees for service or other non-grant earnings. All special use funds will be designated by formal action of the Board of Directors. [The following reserves reflect common purposes of many Districts for cash reserves; the listed purposes and reserve amounts should be tailored to the needs of your District.]

- a) Vehicle Fleet Reserve:
Vehicle Fleet Reserves will accumulate from existing unrestricted funds, at a rate of [\$10,000] annually. The maximum amount of Vehicle Fleet Reserves will be [\$50,000]. When the annual accumulation would increase the Reserve beyond [\$50,000], only the amount required to reach the maximum will be reserved.
- b) Technology Reserve:
Technology Reserves will accumulate from existing unrestricted funds at a rate of [\$4,000] annually. The maximum amount of Technology Reserves will be [\$20,000]. When the annual accumulation would increase the Reserve beyond [\$20,000], only the amount required to reach the maximum will be reserved.
- c) Designated Project/Special Use Reserve:
Designated Project/Special Use Reserves will accumulate from existing unrestricted funds at a rate of [\$10,000 annually]. The maximum amount of Designated Project/Special Use Reserve will be [\$50,000]. When the annual accumulation would increase the Reserve beyond [\$50,000], only the amount required to reach the maximum will be reserved.

POLICY TITLE: Debt Management**POLICY NUMBER: 2155**

This Debt Policy is intended to comply with Government Code Section 8855(i) and shall govern all debt issued by the District. The District hereby recognizes that a fiscally prudent debt policy is required to:

- a) Maintain the District's sound financial position.
- b) Ensure the District has the flexibility to respond to changes in future service priorities, revenues, and operating expenses.
- c) Protect the District's creditworthiness.
- d) Ensure that all debt is structured to protect current and future taxpayers, ratepayers and constituents of the District.
- e) Ensure that the District's debt is consistent with the District's planning goals and objectives and capital improvement program or budget, as applicable.

This policy establishes parameters and provides guidance governing the issuance, management, continuing evaluation of, refunding, and reporting on all debt obligations of the District. This Debt Policy shall guide the assurance and management of all debt funded through the capital markets, including the selection and management of related financial and advisory services and products. When used in this Debt Policy, "debt" refers to all indebtedness and financing obligations of the District.

2155.1. Purposes for Which Debt May Be Issued

2155.1.1 Long-Term Debt. Long-term debt may be issued to finance the construction, acquisition, and rehabilitation of capital improvements and facilities, equipment and land to be owned and operated by the District. Long-term debt financings are appropriate:

- a) When a project to be financed is necessary to provide District services.
- b) When the project to be financed will benefit constituents over several years.
- c) When total debt does not constitute an unreasonable burden to the District and its taxpayers or rate-payers.
- d) When the debt is used to refinance outstanding debt to reduce the total cost of the debt or to realize other benefits of a debt restructuring, such as increased flexibility in the use of cash and reserves.

2155.1.1.2 Long-term debt financings will not generally be considered appropriate for current operating expenses and routine maintenance expenses. The District may use long-term debt financings subject to the following conditions:

- a) The project to be financed must be approved by the District Board.

.....

- b) The weighted average maturity of the debt (or the portion of the debt allocated to the project) will not exceed the average useful life of the project to be financed by more than 20%.
- c) The District estimates that sufficient revenues will be available to service the debt through its maturity.
- d) The District determines that the issuance of the debt will comply with the applicable state and federal law.

2155.1.2 Short-term debt. Short-term debt may be issued to provide financing for the District's operational cash flows to maintain a steady and even cash flow balance as in anticipation of periodic receipts of property taxes and other revenues. Short-term debt may also be used to finance short-lived capital projects; for example, the District may undertake lease-purchase financing for equipment consistently with debt limit requirements of article XVI of the California Constitution, article XVI, § 18.

2155.1.3 Financings on Behalf of Other Entities. The District may also find it beneficial to issue debt on behalf of other governmental agencies or private third parties to further the public purposes of District. In such cases, the District shall take reasonable steps to confirm the financial feasibility of the project to be financed and the financial solvency of any borrower and that the issuance of such debt is consistent with this policy.

2155.2. Types of Debt - The following types of debt are allowable under this Debt Policy:

- a) General obligation bonds (GO Bonds)
- b) Bond or grant anticipation notes (BANs)
- c) Lease revenue bonds, certificates of participation (COPs) and lease-purchase transactions
- d) Other revenue bonds and COPs
- e) Tax and other revenue anticipation notes (TRANs)
- f) Land-secured financings, such as special tax revenue bonds issued under the Mello-Roos Community Facilities Act of 1982, as amended, and limited obligation bonds issued under applicable assessment statutes
- g) Tax increment financing to the extent permitted under State law
- h) Refunding Obligations
- i) State Revolving Loan Funds
- j) Lines of Credit

2155.2.1 The District Board may from time to time find that other forms of debt would be beneficial to further its public purposes and may approve such debt without an amendment of this Debt Policy. Debt shall be issued as fixed rate debt unless the District makes a specific determination as to why a variable rate issue would be beneficial to the District in a specific circumstance.

2155.3. Relationship of Debt to Capital Improvement Program and Budget

.....

.....

2155.3.1 The District is committed to long-term capital planning. The District intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the District’s capital budget and capital improvement plan.

2155.3.2 The District shall strive to fund the upkeep and maintenance of its infrastructure and facilities due to normal wear and tear through the expenditure of available operating revenues (“pay as you go”). The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements that are the result of normal wear and tear.

2155.3.3 The District shall integrate its debt issuances with the goals of its capital improvement program by timing the issuance of debt to ensure that projects are available when needed in furtherance of the District’s public purposes.

2155.4. Policy Goals Related to Planning Goals and Objectives

2155.4.1 The District is committed to long-term financial planning, maintaining appropriate reserves, and employing prudent practices in governance, management and budget administration. The District intends to issue debt for the purposes stated in this Debt Policy and to implement policy decisions incorporated in the District’s annual operations budgets.

2155.4.2 It is a policy goal of the District to protect taxpayers, ratepayers, and constituents by using conservative financing methods and techniques so as to obtain the highest practical credit ratings (if applicable) and the lowest practical total borrowing costs.

2155.4.3 The District will comply with applicable state and federal law as it pertains to the maximum term of debt and the procedures for levying and imposing any related taxes, assessments, rates and charges.

2155.4.4 When refinancing debt, it shall be the policy goal of the District to realize, whenever possible, and subject to any overriding non-financial policy considerations, (i) minimum net present value debt service savings approximately 3.0% of the refunded principal amount, and (ii) present value debt service savings equal to or greater than any escrow fund negative arbitrage. The cost of refinancing will always be less than the savings.

2155.4.5 The District shall seek to avoid the use of debt to fund infrastructure and facilities improvements in circumstances when the sole purpose of such debt financing is to temporarily reduce annual budgetary expenditures. Capital investments intended to reduce District operating costs indefinitely, as by improving the efficiency of its operations, are appropriate for long-term debt.

.....

.....

2155.4.6 The District shall seek to time debt issues to avoid need for unplanned general fund expenditures for capital improvements or equipment.

2155.5. Internal Control Procedures

2155.5.1 When issuing debt, in addition to complying with the terms of this Debt Policy, the District shall comply with any other applicable policies regarding initial bond disclosure, continuing disclosure, post-issuance compliance, and investment of bond proceeds. Without limiting the foregoing, the District will periodically review the requirements of and will remain in compliance with the following:

- a) Any continuing disclosure undertakings entered into by the District in accordance with SEC Rule 15c2-12 (17 CFR § 240.15c2-12 “Municipal securities disclosure”).
- b) Any federal tax compliance requirements, including, without limitation, arbitrage and rebate compliance.
- c) The District’s investment policies as they relate to the use and investment of bond proceeds.

2155.5.2 Proceeds of debt will be held either (a) by a third-party trustee or fiscal agent, which will dis- burse such proceeds to or upon the order of the District upon the submission of one or more written requisitions by the [position title] of the District (or his or her written designee), or (b) by the District, to be held and accounted for in a separate fund or account to ensure debt proceeds are expended only for the purposes for which the debt was issued, the expenditure of which will be carefully documented by the District in records compliance with current accounting standards and subject to the District’s annual audit.

.....

POLICY TITLE: Internal Controls

POLICY NUMBER: 2160

2160.1 There will be established procedures for the adequate separation of duties, including at least the following:

- a) A receipt log of all cash/checks received will be prepared daily by the administrative assistant
- b) The Finance Director will confirm that the daily deposits agree with the original of the receipt log which the District maintains;
- c) The bank reconciliation will be prepared promptly after month-end by an employee with no authority to prepare or sign checks or authorize other debits against the account;
- d) All invoices presented for payment must be approved by a person authorized by the District Manager or Board of Directors;
- e) Every check must be signed by two authorized signers;
- f) All paid invoices shall be so marked and filed for reference;
- g) The same employee cannot be responsible for authorizing transactions, collecting or paying bills, and maintaining accounting records.

2160.2 There will be an annual financial audit and any finding(s) shall be reported to the Board of Directors with simultaneous notice to the General Manager.

2160.3 There will be biennial audits of the Property/Liability and Workers' Compensation Program claims paid by the District and those report(s) will be promptly presented to the Board of Directors.

2160.4 In regard to the District's cash reserve account in the Local Agency Investment Fund (LAIF), the District will maintain a balance for all programs, not to exceed the amount as currently authorized by LAIF guide- lines, and that transfers out of LAIF may only be made to the District's [Property/Liability General Account, Workers' Compensation General Account or Health Benefits Account] and must have the approval of one of the following individuals: 1) President of the Board, 2) Vice President of the Board, 3) Secretary of the Board, 4) General Manager, 5) Finance Director. The requests for such transfers out of LAIF shall be signed by one of the five individuals above and be supported by detailed information which shall be maintained by the District's Finance Director.

2160.5 That other excess funds shall be deposited in or transferred to such long-term investment accounts as the Board may, from time to time designate by resolution; and

2160.6 That funds in the investment account(s) shall only be withdrawn upon approval of the President of the Board, Vice-President of the Board, or Secretary of the Board. Such withdrawals must then be remitted only to one of the checking accounts

.....

referenced above in Section 2160.4 of this policy. The requests for such transfers shall be signed by the General Manager and be supported by detailed information which shall be provided to the Director approving the transfer. Such information shall be maintained by the District's Finance Director.

2160.7 To maximize interest earnings and manage the District's cash flow needs, the General Manager will strive to maintain a reasonable balance in the checking accounts to off-set monthly bank charges, but at the same time recognizing that surplus funds should be transferred as appropriate to LAIF or the long-term investment accounts. [However, the Workers' Compensation Program - Claims Account will maintain a higher balance to ensure funds are available for timely payment of claims and projected growth of the program.]

2160.8 Templates for Fed-wire or Automated-Clearing House (ACH) Transfers out of the District's bank accounts may only be established by the General Manager.

2160.9 The signing of any checks written on the accounts of the District will be in accordance with the district's [procurement policy]. All "fed wires" or ACH transfers that exceed \$50,000 (other than to/from LAIF or from the [Health Benefits Account]) shall be considered similar to a "large check" and be disclosed quarterly to the Board.

2160.10 Any payment of funds for claims and/or allocated loss adjustment expenses will be made in accordance with the District's [Claim Settlement Policy].

2160.11 The Board of Directors confirms that the Board will review these internal control policies upon completion of each year's audit with input from its external auditor.

This Policy No. 2160 supersedes any policy inconsistent with the provisions included above.

.....

POLICY TITLE: Procurement Procedures for Federal Awards

POLICY NUMBER: 2165

PURPOSE: These procurement procedures are for the acquisition of property or services funded under a federal award. These procedures are intended to implement the federal procurement requirements, as defined herein, to supplement to any local procurement requirements (e.g., ordinances, policies, etc.), and to ensure compliance with applicable state and federal legal requirements.

DEFINITIONS: The definitions set forth below apply to these procedures, regardless of whether the terms are capitalized herein:

Federal Procurement Requirements means the uniform federal award procurement requirements set forth in 2 CFR §§ 200.318 – 200.327, as may be amended from time to time, which apply to federally funded procurements, including FEMA reimbursements or funding, and any additional federal requirements that apply to a particular procurement.

FEMA means the Federal Emergency Management Agency.

Micro-Purchase Threshold means the dollar amount at or below which the District, as a non-federal entity, may purchase property or services subject to the Federal Procurement Requirements using micro-purchase procedures, currently \$10,000. (See Subsection 3.6(A)(1), Micro-Purchases, below.)

RFP means a request for proposals transmitted to qualified vendors to seek a competitive proposal to provide goods or services to the District.

RFQ means a request for qualifications transmitted to potentially qualified vendors to evaluate qualifications for providing required services.

Simplified Acquisition Threshold means the dollar amount below which the District, as a non-federal entity, may purchase property or services subject to the Federal Procurement Requirements using small purchase procedures, currently \$250,000. (See Subsection 3.6(A)(2), Small Purchases, below.) Vendor means a business entity or sole proprietor that may provide goods or services to the District.

2165.1 Legal Compliance. Any procurement made pursuant to a federal award or subject to reimbursement, in whole or in part, with federal funds must comply with the District's procurement procedures, including this Section 3, state law, and the Federal Procurement Requirements, including 2 CFR § 200.322, Domestic preferences for procurements; 2 CFR § 200.323, Procurement of recovered materials; 2 CFR § 200.324, Contract cost and price; 2 CFR § 200.325, Federal awarding agency or pass-

.....

through entity review; 2 CFR § 200.326, Bonding requirements; and 2 CFR § 200.327, Contract provisions. (2 CFR § 200.317.) In the event of any conflict between District, state, or federal requirements, the most stringent requirement must be used. (See 2 CFR § 200.318.) District employees must comply with funding agency requests for review of technical specifications or procurement documents as provided in 2 CFR § 200.325. The Federal Procurement Requirements are occasionally updated—be sure to check the currently applicable regulations using the provided references.

2165.2 Standards of Conduct. No employee, officer, or agent of the District may participate in the selection, award, or administration of a contract for the acquisition of property or services required under a federal award if he or she has a real or apparent conflict of interest, as further specified in this Section.

- a) Conflict of Interest. A conflict of interest includes any circumstances under which the employee, officer, or agent, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of those parties, has a financial interest in or a tangible personal benefit from a vendor considered for a contract. No officer, employee, or agent of the District may solicit or accept gratuities, favors, or anything of monetary value from vendors or parties to subcontracts. Disciplinary actions, up to and including termination for cause, will apply to any violation of these conflict of interest standards, in accordance with District policy, and/or, as applicable, a collective bargaining agreement, employment contract, or contract for services. (See 2 CFR § 200.318(c)(1).)
- b) Prohibitions. District employees may not violate laws pertaining to conflicts of interest, political contributions, or unlawful activities. A District employee may not participate in the vendor selection process if the employee has (1) a financial relationship, as set forth in Government Code § 87100 et seq., with the person or firm seeking a contract; or (2) a real or apparent conflict of interest under Government Code § 1090 et seq.
- c) Vendor Conflicts. A vendor that develops or drafts specifications, requirements, statement of work, invitation for bids, RFQ, or RFP for a procurement must be excluded from competing for that procurement. (See 2 CFR § 200.319(a), and Govt. Code § 1090 et seq.)

2165.3 Administration.

- a) Oversight. Department heads must maintain oversight over procurements to ensure that vendors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. (See 2 CFR § 200.318(b).)
- b) Procurement Records. Records must be maintained for each procurement of goods or services documenting the history of the procurement,

.....

including (1) records of the rationale for procurement method, (2) selection of contract type, (3) contractor selection or rejection, and (4) the basis for the contract price. (See 2 CFR § 200.318(i).)

- c) **Dispute Resolution.** All protests, disputes, or claims, arising from a procurement will be addressed promptly in accordance with good administrative practice and sound business judgment, and in compliance with all applicable legal or contractual requirements. (See 2 CFR § 200.318(k).)
- d) **Conflicting Requirements.** For projects involving grant agencies with specific requirements for procurement of consulting services, to the extent those requirements conflict or are inconsistent with these procedures, the more stringent provisions will control.

2165.4 General Federal Requirements and Recommendations.

- a) **Full Competition.** District personnel must discharge their duties impartially to ensure full and open competition for District business by responsible vendors. (See 2 CFR § 200.319.) District personnel will treat all vendors equally and fairly, with equal information given to each vendor who participates in the procurement process. District personnel will ensure that all prequalified lists of persons, firms, or products used in acquiring goods or services are current and include enough qualified sources to ensure maximum open and free competition. District personnel may not place unreasonable restrictions on competition, including any of the following restrictions (per 2 CFR § 200.319):
 - 1) Placing unreasonable requirements on vendors to qualify for the procurement;
 - 2) Requiring unnecessary experience and excessive bonding;
 - 3) Noncompetitive pricing practices between vendors or affiliates;
 - 4) Noncompetitive contracts to consultants that are on retainer contracts;
 - 5) Organizational conflicts of interest;
 - 6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement;
 - 7) Precluding potential bidders from qualifying during the solicitation period; and
 - 8) Any arbitrary action in the procurement process.
- b) **Economical Approach.** All procurements must be undertaken in a manner that will avoid acquisition of unnecessary or duplicative items, which may include consideration of consolidating or breaking out procurements, lease alternatives, and other appropriate analysis to determine the most

.....

economical approach, subject to the limits of applicable law, including prohibitions against bid-splitting. (See 2 CFR § 200.318(d).)

- c) Specifications and Requirements. All procurement solicitations must incorporate a clear and accurate description of the technical requirements or functions of the goods or services to be procured. The description may include a statement of the qualitative nature of the material, product, or services to be procured and, when necessary, must set forth those minimum essential characteristics to which it must conform if it is to satisfy its intended use. However, such descriptions should not be drafted to unduly restrict competition among qualified vendors. (See 2 CFR § 200.319(c), and Pub. Cont. Code § 3400.)
- d) Required Contract Provisions. Pursuant to 2 CFR § 200.327, contracts for federally-funded procurements must contain the applicable provisions described in Appendix II to Part 200 – Contract Provisions for non-Federal Entity Contracts Under Federal Awards. Sample Federal Contract Provisions are attached as Appendix A. Contracts over \$10,000 must address the District's ability to terminate for cause and for convenience, including the manner for effectuating termination, and the basis for final payment to the terminated vendor. In addition, contracts for federally-funded procurements that exceed the Simplified Acquisition Threshold must address administrative, contractual, or legal remedies for vendor violation of contract terms, and provide for sanctions and penalties as appropriate, subject to the limitations of law.
- e) Domestic Preferences for Procurements. As appropriate and to the extent consistent with the law, the District should, to the greatest extent practicable for a federally-funded procurement, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the

United States, including, but not limited to, iron, aluminum, steel, cement, and other manufactured products, as further specified in 2 CFR § 200.322. This requirement must be included in the contract requirements.

- f) Solid Waste Disposal Act. Federally-funded procurements must comply with the Solid Waste Disposal Act, as further specified in 2 CFR § 200.323. This requirement must be included in the contract requirements.
- g) Cost/Price Analysis. For federally-funded procurements in excess of the Simplified Acquisition Threshold, including contract modifications, a cost or price analysis must be performed, and must include making independent estimates before receiving bids or proposals. (See 2 CFR § 200.324.)

.....

.....

Costs or prices based on estimated costs for federally-funded contracts are allowable only as provided in 2 CFR § 200.324.

- h) Profit Negotiation. For a federal contract awarded without price competition, profit must be negotiated as a separate element of price. To establish fair and reasonable profit, consideration must be given to the complexity of the work, the contractor's risk, the contractor's investment, the amount of subcontracting, record of past performance, and industry profit rates, as further specified in 2 CFR § 200.324(b).
 - i) Excess or Surplus Property. When it will reduce project costs and is feasible, use of federal excess and surplus property is encouraged over purchasing new. (See 2 CFR § 200.318(f).)
 - j) Value Engineering. For larger federally-funded construction projects, a provision for value engineering may be added to the construction contract, subject to prior authorization from the District Engineer. A value engineering provision must include a clear procedure for submission, approval, and cost-sharing of savings, consistent with Public Contract Code section 7101, and approval as to form by General Counsel. (See 2 CFR § 200.318(g).)
 - k) Geographical Preferences. Geographical preferences generally may not be used for federally-funded procurements, unless an applicable federal statute expressly mandates or encourages geographic preference, or the use of geographical preferences is expressly authorized by the awarding agency. When contracting for architectural or engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. (See 2 CFR § 200.319(c).)
 - l) Time and Materials. A time and materials contract may not be used for a federally-funded procurement, unless the Department head has determined that no other type of contract is suitable for the procurement, and provided the procurement complies with 2 CFR § 200.318(j). Similarly, a "cost plus" contract may not be used, as further specified in 2 CFR § 200.324.
 - m) Intergovernmental Agreements. Use of intergovernmental agreements is encouraged where appropriate. (See 2 CFR § 200.318(e).)
- 2165.5 Federal Contractor Requirements.
- a) Responsible Contractors. Contracts subject to Federal Procurement Requirements will only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of a

.....

.....

proposed procurement, with consideration given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. (See CFR § 200.318(h).) A contractor must also be “responsible” as determined under California law, including Public Contract Code section 1103.

- b) Small and Minority Businesses. The District will take all necessary affirmative steps, including those identified in 2 CFR § 200.321(b), to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, for contracts subject to the Federal Procurement Requirements. The bid documents or RFP must require the vendor to take all necessary affirmative steps pursuant to 2 CFR § 200.321(b), when procuring subcontractors, to ensure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. (See Section 13, Small and Minority Businesses, in Appendix A, Sample Federal Contract Provisions.) In either case, the affirmative steps must include:
 - 1) Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
 - 2) Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
 - 3) Dividing total requirements, when economically feasible and subject to prohibitions on unlawful bid-splitting, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women’s business enterprises;
 - 4) Establishing delivery schedules, where the requirements permit, which encourage participation by small and minority businesses and women’s business enterprises; and
 - 5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

2165.6 Methods of Procurement. Depending on the type and amount of property or services, the District will use one of the below methods for federally-funded procurements, consistent with 2 CFR § 200.320. Check 2 CFR § 200.320 for the currently applicable procurement requirements.

- a) Informal Procurement Methods. Under 2 CFR § 200.320(a), when the value of the procurement for property or services does not exceed the Simplified Acquisition Threshold, or a lower threshold established by the District, formal procurement methods are not required. Instead, the District may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost.

.....

.....

The informal methods that may be used for procurement of property or services at or below the Simplified Acquisition Threshold include:

- 1) Micro-Purchases. The District may use a micro-purchase to acquire supplies or services, the aggregate dollar amount of which does not exceed the Micro-Purchase Threshold. A micro-purchase may be awarded without soliciting competitive price or rate quotations if the District considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly, and unless otherwise specified under the District's procurement procedures. Purchase cards may be used for micro-purchases if procedures are documented and approved by the District. To the maximum extent practicable, the District will distribute micro-purchases equitably among qualified suppliers. (See 2 CFR § 200.320(a).)
 - 2) Small Purchases. The District may use small purchase procedures to acquire property or services, the aggregate dollar amount of which is higher than the Micro-Purchase Threshold but does not exceed the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the District. (See 2 CFR § 200.320(a)(2).)
- b) Formal Procurement Methods. Under 2 CFR § 200.320(b), when the value of the procurement for property or services exceeds the Simplified Acquisition Threshold, or a lower threshold established by the District, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless noncompetitive procurement can be used. (See Subsection 3.6(C), below.) The following formal methods of procurement are used for procurement of property or services above the Simplified Acquisition Threshold or a value below the Simplified Acquisition Threshold the District determines to be appropriate:
- 1) Sealed Bids. A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. If the District uses this method, it must comply with the requirements of 2 CFR § 200.320(b)(1), in addition to any other local or state requirements.
 - 2) Proposals. A procurement method in which either a fixed price or cost-reimbursement type contract is awarded.
-

.....

Proposals are generally used when the conditions for use of sealed bids is not appropriate. If the District uses this method, it must comply with the requirements of 2 CFR § 200.320(b)(2), in addition to any other applicable local or state requirements.

- c) Noncompetitive Procurement. Under 2 CFR § 200.320(c), the District may use and award a non- competitive procurement if one or more of the following circumstances apply: (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the Micro-Purchase Threshold; (2) The item is available only from a single source; (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation; (4) The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the District; or (5) Competition is determined to be inadequate after solicitation of a number of sources. The procurement must comply with the requirements set forth in 2 CFR § 200.320(c).

2166 APPENDIX A: SAMPLE FEDERAL CONTRACT PROVISIONS

Note: For contracts subject to federal funding, in whole or in part, including contracts that may be subject to emergency funds from FEMA, the following provisions should be copied and pasted into the contract or contract documents. See special instructions in highlighted angle brackets <...> and delete instructions from final version. The term “Contractor” may be replaced with “Consultant” or “Vendor” if applicable. Consult the representative for the funding agency and/or legal counsel regarding applicability and use of these contract provisions.

Federally Funded Projects. This Project is funded in whole or in part by federal funds and subject to the following federal requirements under the terms of the funding agreement(s) between District and the federal agency or agencies providing federal funds, which are fully incorporated by this reference and made part of the Contract Documents. Copies of any funding agreement between District and a funding agency will be made available upon request.

2166.1 Equal Opportunity. If this is a public works contract, during the performance of this Contract, the Contractor agrees as follows:

- a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall

.....

include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided setting forth the provisions of this nondiscrimination clause.

- b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
- c) The Contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision will not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Contractor's legal duty to furnish information.
- d) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided advising the labor union or workers' representatives of the Contractor's commitments under this section and will post copies of the notice in conspicuous places available to employees and applicants for employment.
- e) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the United States Secretary of Labor.
- f) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by rules, regulations, and orders of the United States Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the administering agency and the United States Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

.....

.....

- g) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the rules, regulations, or orders, this Contract may be canceled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further federal government contracts or federally assisted construction contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the United States Secretary of Labor, or as otherwise provided by law.
- h) The Contractor will include the portion of the sentence immediately preceding paragraph (A) and the provisions of paragraphs (A) through (H) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the United States Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the District or funding agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the District or funding agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

2166.2 Davis-Bacon Act. If this is a public works contract, Contractor will pay wages to laborers and mechanics, not less than once a week, and at a rate not less than the current federal prevailing wages specified in the Davis-Bacon Act Wage Determination attached hereto and incorporated herein. By entering into this Contract, Contractor accepts the attached Wage Determination. <The current Davis-Bacon Act Wage Determination, which may be accessed at <https://sam.gov/content/wage-determinations> must be printed and included with the Contract Documents.>

2166.3 Copeland "Anti-Kickback" Act. If this is a public works contract, Contractor will comply with 18 U.S.C. § 874, 40 U.S.C. § 3145, and the requirements of 29 CFR. Part 3 as may be applicable, which are incorporated by reference into this Contract. Contractor and subcontractors must insert this requirement into subcontracts of any tier. Contractor is responsible for compliance with these requirements by each subcontractor of any tier.

2166.4 Contract Work Hours and Safety Standards Act. In addition to the California state law requirements, Contractor and each subcontractor must comply with

.....

.....

the requirements of the federal Contract Work Hours and Safety Standards Act, as set forth in 40 U.S.C. 3701-3708, as supplemented by the regulations set forth in 29 CFR Part 5, as may be amended from time to time, which are fully incorporated herein, including:

- a) No Contractor or subcontractor will require or permit any laborer or mechanic performing Work for the Project to work in excess of 40 hours in a work week unless such laborer or mechanic receives compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in excess of 40 hours during that work week.
- b) If Contractor or a subcontractor violates this requirement, the Contractor and any responsible sub- contractor will be liable for the unpaid wages. In addition, the Contractor and subcontractor will be liable to the United States for liquidated damages. The liquidated damages will be computed with respect to each individual worker as specified under federal law.
- c) Contractor and subcontractors must insert this requirement into subcontracts of any tier. Contractor is responsible for compliance with these requirements by each Subcontractor of any tier.

2166.5 Rights to Inventions. If the federal funding for this Contract meets the definition of "funding agreement" under 37 CFR section 401.2(a) and constitutes an agreement between the District and a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency, will apply to this Contract and are fully incorporated into the Contract Documents by this reference.

2166.6 Clean Air Act. If the Contract is for an amount in excess of \$150,000, Contractor and each Sub- contractor must comply with the requirements of the Clean Air Act, as amended, (42 U.S.C. §§ 7401- 7671q), which are fully incorporated into the Contract Documents by this reference, including requirements for reporting violations to the awarding agency and the applicable Regional Office for the Environmental Protection Agency. Contractor and subcontractors must insert this requirement into subcontracts of any tier in excess of \$150,000.

2166.7 Federal Water Pollution Control Act. If the Contract is for an amount in excess of \$150,000, the requirements of the Federal Water Pollution Control Act (33 U.S.C. §§ 1251-1387) apply to this Contract and are fully incorporated into the Contract Documents by this reference, including requirements for report- ing violations to the awarding agency and the applicable Regional Office for the Environmental Protection Agency requirements for reporting violations. Contractor and subcontractors must insert this requirement into subcontracts of any tier in excess of \$150,000.

2166.8 Suspension and Debarment. Contractor is required to verify that neither it, nor its principals, as defined at 2 CFR section 180.995, or its affiliates, as defined at 2 CFR section 180.905, are excluded or disqualified, as defined at 2 CFR sections 180.935 and 180.940. Contractor must comply with 2 CFR Part 180, subpart C and 2 CFR Part 3000, subpart C, and must include a provision requiring compliance with these regulations in any subcontract of any tier. If it is later determined that the Contractor did not comply with the applicable subparts, the Federal Government may pursue available remedies, including, but not limited to, suspension and/or debarment. By submitting a bid and entering into this Contract, Contractor agrees to comply with these requirements.

2166.9 Byrd Anti-Lobbying Amendment. If the Contract is for an amount in excess of \$100,000, Contractor must comply with the Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352) and file the certification provided at 44 CFR Part 18, Appendix A, and any disclosures, with the applicable federal agency. Each tier certifies to the tier above that it will not and has not used federal-appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant, or any other award covered by 31 U.S.C. § 1352. Each tier will also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award. Such disclosures will be forwarded from tier to tier up to the recipient.

2166.10 Procurement of Recovered Materials. The requirements of section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act at 42 U.S.C. § 6962, apply to this Contract and are fully incorporated into the Contract Documents by this reference. For individual purchases of \$10,000 or more, Contractor will make maximum use of products containing recovered materials that are EPA-designated items unless the product cannot be acquired (A) competitively within the Contract schedule, (B) in conformance with Contract performance requirements, or (C) at a reasonable price. Information on this requirement, including a list of EPA-designated items, is available at the EPA's Comprehensive Procurement Guidelines website: <https://www.epa.gov/smm/comprehensive-procurement-guideline-cpg-program>.

2166.11 Prohibition on Covered Telecommunications. Federal loan or grant funds must not be obligated or expended to procure or obtain, extend or renew a contract to procure or obtain, or enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, as further specified in 2 CFR § 200.216, which is fully incorporated in the Contract Documents by this reference. Covered telecommunications equipment or services includes equipment produced by, services provided by, or services using equipment produced by: Huawei Technologies Company

.....

or ZTE Corporation (or any subsidiary or affiliate of such entities); Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities); or an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

2166.12 Domestic Preferences for Procurements. As appropriate and to the extent consistent with law, the District should, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States, as further specified in 2 CFR § 200.322, which is fully incorporated into the Contract Documents by this reference, including, but not limited to, iron, aluminum, steel, cement, and other manufactured products, as specified therein. The requirements of 2 CFR § 200.322 must be included in all subcontracts and purchase orders for work or products under the federal award.

2166.13 Small and Minority Businesses. The Contractor will take all necessary affirmative steps, including those identified in 2 CFR § 200.321(b), to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible, for subcontractors. These affirmative steps for subcontractor procurement must include:

- a) Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
- b) Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
- c) Dividing total requirements, when economically feasible and subject to prohibitions on unlawful bid- splitting, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women’s business enterprises;
- d) Establishing delivery schedules, where the requirements permit, which encourages participation by small and minority businesses and women’s business enterprises; and
- e) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

<The above provision on Small and Minority Businesses, should also be added to the RFP or bid documents, as applicable.>

.....

POLICY TITLE: Disposal of Surplus Property or Equipment

POLICY NUMBER: 2200

2200.1 Sale of Surplus Equipment:

- a) Board of Directors takes action to declare equipment surplus.
- b) Item is advertised for sale with notation of location/hours/days it can be seen and deadline date for submission of sealed bids. (Advertisement also notes that the District reserves the right to reject any or all bids, equipment sold AS IS.)
- c) Sealed bids are opened at the next Regular Board Meeting and action is taken by the Board to accept or reject highest bid.
- d) Bidders are notified of Board's action.
- e) Junked Certificates are obtained for vehicles that are sold to protect the District from liability.

2200.2 Sale of Real Estate:

- a) Board takes action to declare property surplus and authorizes District staff to obtain appraisal.
- b) Property is offered to public agencies at the appraised price. (State law requires that public agencies have the opportunity to purchase property before advertisement to the general public.)
- c) If property is not purchased by a public agency, it is advertised in the newspaper with a request that sealed bids be submitted to the District.
- d) Board takes action at the next regular Board Meeting to accept or reject highest bid.
- e) Bidders are notified of the Board's action.

2200.3 Conflicts of Interest: As required by Government Code section 1090, no officer or employee of the District who plays any role in declaring District property surplus may bid on that property.

POLICY TITLE: District Electronic Resources Policy and Procedures**POLICY NUMBER: 2205**

The District makes every effort to provide its employees with technology resources to conduct business more effectively. The District has installed personal computers, local area networks (LANs), electronic mail (email), cell phones and access to the Internet. The purpose of the District's Electronic Resources Policy and Procedures is to establish uniform guidelines for use of this technology, including the use of the Internet and email.

Policy

2205.1 District technology, including computers, fax machines, and internet licenses are provided for District business and are not to be used for personal gain, private purposes (except as described in subsection 2205.6), campaign purposes, or to support or advocate non-District-related business or purposes. All data and electronic messages, including information accessed via the Internet and sent or received through electronic mail (email) systems, are the property of the District. All records whether paper or electronic, may be subject to disclosure under the California Public Records Act and are not private. Notwithstanding the foregoing, email should only be used for the transmission of information and should not be used for preserving information for future reference. Information to be retained may be stored electronically on the system/network and/or may be converted to a hard copy and archived in a District physical file cabinet.

2205.2 There is no expectation of personal privacy in any use of District computer systems and software, including email and the Internet. The District may, at any time, review the contents of all records, data and communication transmitted, received and stored by its electronic systems. This review may include accessing and disclosing all electronic documents, information and messages including email and Internet records.

2205.3 The District purchases, owns and administers the necessary software and licenses and cell phones to provide access to email and Internet services and voice communications in the office, in the field and for emergency communications. Users may not rent, copy or loan District software or its documentation, nor use alternative software to access District systems. Users may be subject to discipline for negligence for introducing unauthorized software or viruses into District systems whether or not damage arises from that conduct.

2205.4 The District is not responsible for items originating from the Internet and reserves the right to restrict employee access to the Internet or to certain Internet content.

2205.5 Examples of prohibited uses:

.....

- a) Using the Internet to view, obtain or disseminate any sexually oriented material, images or messages.
- b) Using the Internet and/or email systems to send or distribute disruptive, offensive, abusive, threatening, slanderous, racial or sexually harassing materials
- c) Using District computer systems for private purposes, personal gain, solicitation of commercial ventures, campaigns, religious or political causes, chain letters, or other non-job-related purposes (except as described in subsection 2205.6 below).
- d) Downloading or installation of software that has not been approved by the District and scanned for viruses.
- e) Sending unencrypted confidential documents via the Internet without direction from District management to do so in the course of District business.
- f) Any other use that may compromise the integrity of the District and its business in any way.
- g) A good rule of thumb when using the computer and email is “never put anything in an email that you would not want to see on the front page of the newspaper.”

2205.6 To promote employee computer and Internet proficiency and as an employee benefit, certain incidental employee personal use is allowed. This use is only permitted during employee personal time. Examples include educational enhancement and personal communications, which conform to the above prohibited uses. Personal use is secondary and should not (i) interfere with the agency’s operation of Electronic Communications Resources, (ii) interfere with the user’s employment or other obligations to the District, or (iii) burden the District with noticeable incremental costs. The District reserves the right to limit or discontinue incidental personal use of its technology resources at any time. More than occasional and incidental personal use of District resources is forbidden by State law.

2205.7 The acquisition of hardware and software shall follow the normal budgetary and purchasing procedures, ensuring budget authorization is in place. Requests for acquiring hardware and software shall be recommended to the General Manager for evaluation and recommendation to the Board of Directors.

2205.8 Equipment operation and maintenance:

- a) The authorized technology staff (in-house or agreement/contract) shall assist in evaluating District functional needs and recommend appropriate options for improvement of District technology resources.
- b) Technology staff shall maintain an on-site office automation library of proven and reliable software and hardware requiring minimum technical

.....

.....

- support that is easy to use, enhances District productivity, and is compatible with District technology systems.
- c) Technology staff shall maintain an on-site inventory control of all workstation hardware and software.
- d) Technology staff shall provide on-site training and consulting advice on approved software and make recommendations as appropriate.
- e) Technology staff shall maintain the District technology systems including all personal computer work- stations and client server network for the purpose of retrieving data files, sharing licensed applications and nightly data backup.
- f) Technology staff shall periodically review the District technology systems for adherence to operating standards and implement approved upgrades.
- g) Technology staff shall backup District databases daily, weekly, monthly, quarterly and annually for archival and retrieval purposes.

2205.9 Security: The [position title] and [technology staff] must approve remote access to District systems. All computer systems users are responsible for data residing on personal devices used to access District systems remotely. Employees may not access systems remotely so as to incur overtime compensation without advance authorization by District management.

Procedures:

2205.10 Passwords:

- a) Users dealing in confidential matters will define their own confidential password. Users should be aware that this does not imply that the system may be used for personal communication or that email is confidential or the property of the user.
- b) To ensure the security of the email system, the system will prompt users to routinely change their pass- words. Should a user forget his or her password, the system may lock them out after three failed at- tempts.

2205.11 Internet and email access:

- a) Access to the Internet and email is restricted to authorized employees. The District may deny or restrict Internet and/or email access to any employee at any time.
- b) When using email and the Internet, employees are cautioned to remember they represent the District and must act professionally, courteously and so as to not bring an employee or the District into disrepute. Employees may not speak for the District unless they are authorized to do so.
- c) Email and Internet messages can be forwarded without the express permission of the original author. Users must use caution in the transmission and dissemination of messages outside the District and must

.....

.....
comply with all State and Federal laws, rules and regulations and District policy.

2205.12 Electronic Document, Software and Mail Storage

- a) Electronic mail is backed-up on a regular basis. It is synchronized with the server on every start-up and shutdown. The District back-up procedures allow the District to restore current software, documents, and electronic mail upon a system failure.
- b) Electronic mail is not intended to be a permanent storage medium. Electronic in-boxes and out-boxes should be regularly archived or purged. The District may, in its discretion, automatically purge older mail.
- c) To save critical electronic mail as a permanent record, employees should print out a hard copy for permanent filing or save the file on the "C" drive of the desktop or laptop computer assigned to them or to another electronic archive designated by District management.
- d) Signature Block: Email sent outside the District should include a signature block at the end of all messages. The block should include the sender's name, title, district name, direct telephone number, FAX number and email address and be in a format approved by District management.

POLICY TITLE: Use/Rental of District Facility**POLICY NUMBER: 2210**

2210.1 The District owns and operates various facilities to carry out its mission. The District has determined that the public or other entities may be allowed to rent or use facilities that have been identified as appropriate for such use. The Board of Directors of the District reserve the right to limit or prohibit use of facilities as may be necessary to meet district needs from time to time. The District's procedure for use of facilities is as follows:

- a) Organizations or individuals shall submit requests to the District's General Manager in advance for use of one or more facilities using the Facility Rental Agreement. The request shall include the date(s), times and proposed uses, including information deemed pertinent by the General Manager to verify that the use is acceptable. The General Manager will notify the applicant of approval or denial of the request within 15 days unless more information is required for a decision.
- b) [Organizations or individuals whose request is denied by the General Manager may request a hearing with the District Board of Directors for reconsideration of their request. A hearing shall be held within 30 days of receipt of such a request in writing outlining the reasons for the request and any explanation of the factors appealed by the applicant.]

2210.2 The user fee may be adjusted from time to time to reflect changes in costs of use and maintenance of the facility.

- a) District staff shall collect a deposit and estimated use fee in advance of reserving a facility. The deposit shall include a reasonable estimate of the clean-up and administrative time for handling the reservation. The deposit may be refundable to the extent that clean-up costs are less than the deposit, minus the administrative processing costs.

2210.3 A priority schedule for use of facilities may be established using the following general criteria:

- a) Use by the Registrar of Voters for elections;
- b) Community activities which directly benefit the District or its customers;
- c) Public or non-profit organizations for non-political or non-commercial uses; and
- d) Commercial or private uses to the extent that other users have not expressed an interest in use of the facility for that date at least 30 days in advance.

Partisan or political activities may not be conducted in District facilities to avoid any implication of District involvement in such activities or use of public resources for those purposes.

.....

2210.4 Any organization or individual requesting use of District facilities shall be required to provide special liability insurance coverage, on a form acceptable to the District, or compensate the District for special use insurance coverage if deemed necessary by the District. If alcohol is to be served, an alcohol liability insurance rider is required. Any organization or individual requesting use of District facilities shall execute a waiver of liability form as deemed necessary by the District for each event in advance of final approval of the use of the facility. 2210.5 All requesting organizations will be required to comply with Federal, State and local laws in the use of District facilities. If special permits such as large gathering permits, fire or building code or use of alcohol permits are required, any preliminary approval of a use will be contingent upon satisfactory proof of compliance with all permit requirements before a final approval will be issued. Failure to complete final permits requirements may be grounds for rejection or revocation of use approval and grounds for denial of future use requests.

.....

POLICY TITLE: Naming of District Parks and Facilities**POLICY NUMBER: 2215****Purpose**

These guidelines are intended to establish rules and procedures for naming district facilities, including parks, recreation facilities, sections of facilities, or rooms within the facilities. This policy also applies to the naming of park benches, picnic tables, and other community property as deemed appropriate.

Definitions

- a) Parks are open space areas used for public recreation, which are owned and managed by the district.
- b) Facilities are buildings or amenities owned and managed by the district to conduct district business.
- c) Specific features are amenities that could be located within a park or as part of a facility. specific features may include, but are not limited to, athletic fields, gymnasiums, meeting rooms, picnic shelters, groves, walkways, trails, ball fields, tennis and basketball courts, aquatic facilities, and playground equipment.
- d) Board is the Board of Directors of the Morongo Valley Community Services District.

Naming Process

- a) During the planning phase, or prior to the board approving final plans and specifications for any park or facility, an open period of approximately two weeks will be announced giving individuals, staff, and the board an opportunity to suggest names for the new park or facility.
- b) If using a community naming process, a press release notifying the public about the new park or facility will be sent out at least two weeks before final approval. The press release should state that interested individuals can submit an appropriate form to the general manager to suggest a name for the park or facility. Reasons why the name is suggested should be included on the form.
- c) Please note that financial provisions for plaques or other physical commemorative items relating to the park or facility naming, if not donated, should be subject to normal district budgeting and purchasing processes.
- d) The general manager, staff, or an established selection committee should review all of the proposed names and should prioritize and recommend names for final selection by the board. The staff and/or selection committee should include an evaluation of the names with their recommendation. The board shall receive all of the names submitted

.....

along with the evaluation. The board shall consider the evaluation and make a final decision regarding the name of the park or facility pursuant to the policy and procedures below.

Please note that land or gifts with deed restrictions may not follow these guidelines.

Policy

2215.1 Naming

- a) Parks – parks shall be named as follows:
 - 1) To reflect the geographical location.
 - 2) To reflect the historical features of the land on or around the park.
 - 3) To reflect the significant or unusual natural features of the land on or around the park.
 - 4) After a significant individual(s).
- b) Facilities – facilities shall be named as follows:
 - 1) To reflect the services provided in the facility.
 - 2) To reflect the geographical location.
 - 3) After a significant individual(s)

2215.2 Criteria for naming a park or facility after an individual

- a) The individual to which the park or facility will be named after must have made a significant contribution to the park or facility by:
 - 1) Donating land,
 - 2) Making a large financial contribution, or
 - 3) Contributing substantially to improving the quality of life in the district. This could relate to involvement with parks and recreation or other community involvement.
- b) The park or facility may also be named after a person from the community who died in the line of duty serving the local city, state, or United States of America.
- c) Each park or facility may be named after selected individuals in their honor as desired and appropriate.

2215.3 Criteria for Naming or Creating a Memorial in an Individual's Name

- a) A donor may request that a park, facility, or specific feature in the park or facility be named after, or in memorial for, a specific individual.
- b) The individual to which the park, facility, or specific feature may be named after must have made a significant contribution to the park or facility by:
 - 1) Donating land,
 - 2) Making a large financial contribution, or

.....

.....

- 3) Contributing substantially to improving the quality of life in the district. This could relate to involvement with parks and recreation or other community involvement.
- c) If the name or memorial is made in terms of a specific facility, the specific facility should be a non-living, low maintenance improvement, which should serve a purpose to the district, for example, a picnic table or bench with a plaque. All costs of the specific facility shall be the responsibility of the donor. The donor may submit information and recommendation to the general manager regarding the relevant history of the person to be memorialized, the type of improvement desired, and the verbiage requested, if any.

Final decisions regarding the specific feature, including, but not limited to, materials, equipment, location, and labor, shall be made by the district.

2215.4 Approval of the Individual's Name

- a) If the district is naming a park, facility, or special feature after an individual, or in memorial to an individual, the district shall get approval from the individual (if living) or their family (if the individual is deceased and the family is available).
- b) The intent of naming the park, facility, or special feature is for permanent recognition. Therefore, any request of the district to rename an existing park, facility, or specific feature should be subject to examination so as to not diminish the original justification for the name.

Procedure

2215.5 The following procedures for naming a park, facility, or specific feature shall be used by the board:

- a) The board will evaluate the merit of each suggested park, facility, or specific feature name according to criteria outlined in this policy. The general manger, staff, or designated committee shall make recommendations to the board for their final approval.
- b) When appropriate, the district may solicit help from and/or suggestions of historical societies or other groups having a specific knowledge, when considering a name to highlight an area's geographic or historical significance.
- c) To stimulate public interest and to obtain additional suggestions, the district may include a contest or competition involving the public as part of the selection process to name a park, facility, or specific feature. However, only suggestions which meet these policy guidelines should be considered.

.....

.....

- d) The naming of a park, facility, or specific feature should begin prior to the first phase of development of the project when possible, but no later than two weeks before final approval.
- e) Groups or individuals may submit nominations for naming a park, facility, or specific feature in writing on a form provided by the district, or in a letter that contains all pertinent information including the reasoning for the name being recommended.

.....

POLICY TITLE: Flag Display Policy**POLICY NUMBER: 2220****Purpose**

The purpose of this policy is to maintain consistency and ensure proper respect for the flag. The following policy is also adopted to ensure the proper care and display.

Policy

2220.1 Flags should be displayed in conformance with Federal and State law, 4 U.S.C.A § 1 et seq. and the State of California Government Code § 430 - 439.

2220.2 To establish a policy with respect to the location, time, and manner the flags should be displayed, the following procedures should be followed.

2220.3 The Director of [Department] shall be responsible for ensuring the proper execution of this policy at all district facilities.

Procedures:**2220.4 Location of the flags**

- a) The flag of the United States ("National flag") and the flag of the State of California ("State flag") shall be prominently displayed:
 - 1) In all rooms where any district commission holds any sessions.
 - 2) At each public building belonging to the district.
 - 3) The flags should be displayed daily on or near the main entrance of the building.

2220.5 Display of the flags

- a) The National flag and State flag shall be the same size.
- b) If only one flagpole is used for the display of both flags, the National flag shall be placed above the State flag and the State flag shall be hung in such a manner as not to interfere with any part of the National flag. The National flag shall be placed in the higher position than the State flag at all times.
- c) Flags flown outdoors shall be all-weather flags.

2220.6 Time of Display

- a) The National flag and State flag should only be displayed outdoors from sunrise to sunset, unless the flags are properly illuminated during the hours of darkness.

.....

- b) If the flags are not illuminated then they shall be raised after sunrise, and lowered prior to sunset from the flagpole daily.

2220.7 Days of Display

- a) The flags should be displayed on all days, especially on:
 - New Year's Day, January 1
 - Inauguration Day, January 20
 - Martin Luther King Jr.'s birthday, third Monday in January
 - Lincoln's Birthday, February 12
 - Washington's Birthday, third Monday in February
 - National Vietnam War Veterans Day, March 29
 - Easter Sunday (variable)
 - Mother's Day, second Sunday in May
 - Armed Forces Day, third Saturday in May
 - Memorial Day (half-staff until noon), the last Monday in May
 - Flag Day, June 14
 - Father's Day, third Sunday in June
 - Independence Day, July 4
 - National Korean War Veterans Armistice Day, July 27
 - Labor Day, first Monday in September
 - Constitution Day, September 17
 - Columbus Day, second Monday in October
 - Navy Day, October 27
 - Veterans Day, November 11
 - Thanksgiving Day, fourth Thursday in November
 - Christmas Day, December 25
 - The birthday of the State of California (date of admission), September 9
 - and on State holidays or any other such days as may be proclaimed by the President of the United States.
- b) The flags should be flown at half-staff on the following days:
 - Peace Officers' Day, May 15
 - Memorial Day (flag shall be flown at half-staff only until noon and then raised to the top of the staff), the last Monday in May
 - Patriot Day, September 11
 - Pearl Harbor Day, December 7
- c) The term "half-staff" means the position of the flag when it is one-half the distance between the top and bottom of the staff
- d) Flags should also be flown at half-staff upon the death of a United States president, California State Governor, or other principal figure of the United States or State Government as a mark of respect to their memory. In the

.....

.....

- event of the death of other officials, foreign dignitaries, or a member of the Armed Forces, the flag is to be displayed at half-staff according to President (or Governor) instructions.
- e) To display the flag at half-staff, first raise it briskly to the full height, and then lower it ceremoniously to half-staff. When a district office is closed, and no staff is available to lower the flag to half-staff, then the flag should not be flown.
- f) The State flag or any other flag shall never be placed above the National flag; thus, all other flags shall also fly at half-staff when the National flag flies at half-staff or shall be removed.

2220.8 Care and Removal of the flags

- a) The flags should be hoisted briskly and lowered ceremoniously.
- b) Upon being removed from the flagpole, the National flag should be properly folded into the shape of a triangle. It should be folded as follows:
 - 1) Begin by holding the flag so that its surface is parallel to the ground.
 - 2) Fold the flag in half twice, length-wise.
 - 3) Fold one corner into the opposite side of the flag, forming a triangle.
 - 4) Repeat this triangular folding until only a strip of the star field shows.
 - 5) Tuck the remaining strip into the triangle.
 - 6) When the flag is completely folded, only a triangular blue field of stars should be visible.
- c) Note that the folding procedure identified in Section b above only applies to the National flag, not the State flag.
- d) When not on the flagpole, the flags should not be left unfolded, nor should they be allowed to touch or lie on the ground. Flags should be properly stored to ensure their safekeeping. Flag should never be stored in such a manner as to permit it to be easily torn, soiled, or damaged in any way.
- e) Questions regarding the display or care of the flags should be directed to the General Manager.

.....

POLICY TITLE: Emergency Preparedness**POLICY NUMBER: 2300**

2300.1 It is the policy of the District to create and maintain an active emergency preparedness program to manage the District's critical functions during any emergency and to protect District staff. The District will coordinate the emergency plan, function and response with those responders from the public and private entities and organizations charged with emergency services.

2300.2 Emergency Defined: "Emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to critical District functions and the health and safety of staff or the public, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat.

2300.3 Emergency Preparedness: The Board of Directors authorizes the establishment of an Emergency Preparedness Program, which consists of the nationally recognized four phases of emergency management: mitigation, preparedness/planning, response, and recovery. District actions will include developing and maintaining a District-wide emergency plan, identifying and training District staff to activate and use the plan, appointing District staff to critical positions identified in the emergency plan, and appointing staff to represent the District in negotiations or consultations with other agencies on matters pertaining to response to the emergency and recovery of damaged systems and costs incurred during the emergency.

2300.4 Standardized Emergency Management System: The California Office of Emergency Services regulates the Standardized Emergency Management System (SEMS), which was created pursuant to Government Code § 8607 following the East Bay Hills Firestorm in 1991. To ensure reimbursement for claims filed after a disaster, all District emergency plans, procedures, and training will follow the SEMS regulations, and coordinate with the District-wide emergency plan.

2300.5 District Emergency Declaration: When an emergency condition arises, the General Manager may, in consultation with the Board President, declare a "District Emergency." The Board must ratify the declaration within 14 days at a regular, special or emergency Board meeting.

.....

2300.6 Authorization During District Emergencies: The General Manager's Declaration of a District Emergency is a public acknowledgement of the serious situation the District faces, and that the District's resources may not be adequate to respond to the emergency. The Board of Directors, in consultation with the General Manager, may delegate to the General Manager the authority to suspend competitive bidding and enter into emergency contracts, as authorized by Public Contract Code § 22050.

2300.7 Mutual Aid: The California Master Mutual Aid Agreement (Government Code §§ 8561–8617) allows for the implementation of mutual aid during threatened, actual, or declared emergencies. The General Manager, in accordance with the Emergency Plan, may request mutual aid assistance from other agencies, or commit District resources to other agencies requesting aid. The General Manager may sign appropriate documents to effectuate mutual aid and other emergency response agreements.

2300.8 Continuity of Management: The District's emergency plan will list at least two successors to critical staff identified in the plan, including the General Manager. If the primary person is unable to respond to an emergency, each successor, in order, may assume all the duties and powers of the primary person.

2300.9 Status Reports: The General Manager will provide annual reports to the Board of Directors on the progress of the Emergency Preparedness Program. Additional reports will be given to the Board on the effectiveness of the plan and District response within 60 days of the occurrence of a declared District Emergency.

.....

POLICY TITLE: Emergency Response Guideline for Hostile or Violent Incidents**POLICY NUMBER: 2305****2305.1 Purpose of the Policy:**

To provide direction for the District Board of Directors and staff regarding responses to hostile or violent incidents including possible armed intruders or related threats on District facilities or properties.

2305.2 Background:

The potential for hostile or violent incidents on District facilities or operational locations always exists. Recent incidents involving armed intruders have occurred in increasing frequency involving injuries and deaths at government institutions, offices and educational facilities. Often, an intruder is a person who is an ex-employee, customer, or person known to the agency. The person often is upset at an event or person who works at the facility. However, armed intruders can be any person with or without a prior relationship with the District or its officers and employees. Incidents involving armed intruders can escalate to include multiple persons and potentially taking of hostages, including District customers.

Threats of these types are dire emergencies and the safety and wellbeing of employees and/or customers is the District's highest priority.

2305.3 Response to an Incident:

Any evidence of the exposure to a hostile or violent person or situation on District facilities or operating areas should be taken seriously. Any District Director or employee observing or sensing that a violent or hostile situation is occurring or threatened should consider precautionary and safety actions. Any event resulting in awareness of a possible violent act including gunfire, explosion, fighting, or scuffling could indicate an incident of violent potential. Any staff person observing such potential activities should take steps to protect themselves and others on the District premises, including but not limited to:

- a) Attempt to communicate the situation to everyone in the facility by means of telephone, paging, email and/or radio system including basic information that a potential incident is occurring. If a perpetrator(s) is seen or known, information on the person(s) should be provided.
- b) Since different types and levels of workplace violence may require various responses, establishing basis information on the type of event is essential. Examples are:
 - 1) Gunfire: Awareness of gunfire in a District facility should result in evacuation to the extent possible. If not possible, securing of rooms or offices and notification of others by phone or email is encouraged. Calling emergency services via 911 is imperative once

-
- it is safe to do so. Remain in the most secure location possible until contacted by public safety personnel or a facility supervisor, etc.
- 2) Explosion: An explosion could occur naturally or by violent intention. Awareness of an explosion or fire in the facility should result in immediate evacuation in accordance with established fire safety procedures. Response to a planned location is important so safety personnel can determine who is out of the facility.
 - 3) Physical or bomb threat: Awareness of a telephone or in-person threat to facility or staff should be met with action to evacuate and clear staff from the threatened area. Calling 911 as soon as it is safe to do so is imperative.
 - 4) Situations involving hostages: If a possible hostage incident is known, evacuation of the facility is paramount to safety of persons in the area. Contact 911 as soon as it is safe to do so.
 - 5) Irrate customer/threat at counter or meeting: When any person threatens a staff person or customer at a District facility in a manner causing fear for safety, action to summon public safety personnel by 911 should be taken. In no way should steps be taken to physically confront or subdue such a person except in defense of life at the facility. If a volatile situation occurs at a Board of Directors or other public meeting, the person chairing or hosting the meeting should take steps to control the situation or adjourn the meeting to abate the confrontation, if possible. In event of threatening or hostile situation, call 911 immediately and proceed with evacuation or other appropriate actions.

2305.4 Planning for Emergency Incidents: Steps should be taken to plan response capabilities for emergencies in addition to fires, earthquakes, etc. that may involve hostile situations. These include but are not limited to:

- a) Preparation of a facility evacuation plan for each room. Post the plan at each doorway and hallway exit. Establish a safe area zone for staging.
- b) Procedures to lock both exterior and interior doors to secure the facility.
- c) Develop an emergency notice code for intercom, email and radio to facility and District staff. Use of a Code[] is recommended.
- d) Develop a radio communication alert code [] to notify other District staff so they will not return to the facility during the incident until cleared to do so by public safety personnel.
- e) Training of all personnel in dealing with customers, employees and other persons in threatening situations and in how to identify and assess potential threats or volatile situations. All employees assigned or expected to serve at the front desk or counter shall receive such training regularly.

.....

All employees and members of the Board of Directors shall receive training on response to violent or hostile incidents. In the event of a potential incident, employees should notify a supervisor, or the General Manager as may be possible or call 911. If assessment of a possible threat is needed, the General Manager or ranking staff person shall be notified. Public safety agency shall be contacted by 911 whenever a perceived threat is considered valid.

2305.5 Actions for Violent or Armed Threat Situation: The existence or potential for an event involving a violent person or armed intruder at a District facility should be considered an emergency condition. Actions could include some or all of:

- a) Notify your supervisor or General Manager and other staff immediately if a threat is received but not actively in process. If validated, contact public safety by calling 911 immediately.
- b) The General Manager or ranking staff member shall evaluate the situation and consider appropriate actions including shutting down operations and evacuation and/or locking down the facility until public safety response abates the threat.
- c) Initiate notification of other facility staff of active threat by emergency code procedure. Evacuate the facility if possible. Secure money or computer equipment if time allows.
- d) Activate an alarm for notifying other staff or an alarm company if one engaged by the District. A call contact would be included in procedure to double check for safety at the facility.
- e) Upon sighting an armed intruder, an alert to all employees should be made by page, email, or radio.
- f) Secure your work area or evacuate if safely possible. If not able to evacuate, find a safe hiding place and stay put until contacted by public safety personnel.
- g) Once outdoors after an evacuation, proceed to designated staging area to report in for identification. Inform public safety personnel of any information on the incident.
- h) Attempt to remain calm and assist others; wait for instructions from public safety or supervisory personnel.
- i) Do not attempt to look around to see what is happening. Evacuate whenever possible and with others in areas you see directly. Do not confront or attempt to apprehend a violent perpetrator unless directly attacked for self-defense. Do not assume someone already called 911, call them immediately.

2305.6 Post Event Actions: Following the clear announcement of ending of a violent or hostile-person situation, contact public safety or supervisory personnel for instructions. Report any firsthand observations or other knowledge of the incident. Contact your family and immediate friends so they will not take any unnecessary actions

.....

.....

to respond to new reports. Await direction as to return to work or other steps dependent on level of the incident. If not able to do so, consult with your supervisor or notify the ranking person on-site.

An Emergency Response Coordinator shall evaluate and debrief any major incident and take needed steps to abate the conditions after the event and prepare as necessary for continued operations. Planning and actions to address conditions are expected and your input via your supervisor is important. There may be the potential to lock-down or close the facility for some time or other corrective steps. If necessary, seek direction on what actions you should take to assist in procedure.

.....

POLICY TITLE: Workers' Compensation POLICY NUMBER: 2310

2310.1 All employees are covered for Workers' Compensation, effective the first day of employment. Workers' Compensation provides employees and/or their beneficiaries with certain benefits in the event of a work-related illness, injury, or accidental death. The District pays the full cost of this coverage, whether through a self-insurance mechanism or an insurance product. If an employee sustains a work-related illness or injury, he or she must report the illness or injury to [designated Claims/Loss Prevention Manager] or his or her supervisor in the absence of the [designated Claims/Loss Prevention Manager], within 24 hours of the occurrence. Failure to do so could result in a delay of benefits.

2310.2 All payments for lost wages or salary due to a work-related illness or injury, medical treatment, and any other benefits will be made by the workers' compensation claims administrator or insurance carrier as required by law. Workers' Compensation benefit payments may be coordinated with any accrued sick leave or vacation leave as part of a medical or disability leave of absence. For more information about Workers' Compensation benefits, please contact [designated Claims/Loss Prevention Manager] or your supervisor.

2310.3 The District provides medical treatment for work-related injuries and illnesses through designated hospitals or clinics. Clinics are selected due to their experience in treating work-related injuries; an emergency hospital may be needed in major injury situations and used for first treatment pending added review by the General Manager.

2310.4 Employees who are injured in a work-related accident will be referred to the designated clinic unless the District has received a written notice that the employee wishes to be treated by his/her own health care provider. This notification must have been submitted to the employee's supervisor before any injury.

2310.5 Any supervisor who learns that an employee has incurred a work-related illness or injury shall provide that employee with a notice of his or her right to seek workers' compensation benefits in a form provided and shall promptly report doing so to General Manager

2310.6 Notices of workers compensation benefits shall be posted annually as required by California law by or at the direction of the General Manager. A form for such notices is available at: <https://www.dir.ca.gov/dwc/NoticePoster.pdf>.

.....

POLICY TITLE: Customer Relations

POLICY NUMBER: 2400

2400.1 Employees are expected to be polite, courteous, prompt, and attentive to every customer. Never regard a customer's question or concern as an interruption or an annoyance. All employees must make every effort to achieve complete, accurate, and timely communications — responding promptly and courteously to all proper requests for information and to all complaints.

2400.2 Never place a telephone caller on hold for an extended period. Direct incoming calls to the appropriate person and make sure the call is received. Through your conduct, show your desire to assist the customer in obtaining the help he or she needs. If you are unable to help a person requesting assistance, find someone who can.

2400.3 All correspondence and documents, whether to customers or others, must be neatly prepared and error-free. Attention to accuracy and detail in all paperwork demonstrates your commitment to those with whom we do business.

2400.4 When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the [General Manager or supervisor] should be called immediately for assistance. Employees should never argue with a customer. If a problem develops, or if a customer remains dissatisfied, ask your supervisor to assist in a resolution.

.....

POLICY TITLE: Press Relations

POLICY NUMBER: 2405

2405.1 Purpose:

The purpose of this policy is to provide for an orderly presentation to the press of factual information about District activities and Board action.

2405.2 Press Relations:

The General Manager [or Press Officer] is hereby designated as the official representing the District to the press. Employees of the District shall refer all press inquiries to the General Manager. Board members and other District officials are encouraged to refer press inquiries regarding District activities and Board actions to the General Manager or the President of the Board. Individual Board members should take care not to represent their own opinions as those of the Board or the District, even when those opinions coincide with formal Board action.

2405.3 Press Releases:

Press releases regarding the District shall be approved by the General Manager and the President of the Board. Whenever possible and in compliance with applicable law, all members of the Board shall be given an opportunity to review proposed press releases. Board members should take care not to comment on proposed press releases outside Board meetings in a way that might constitute a serial meeting violation of the Brown Act. Thus, comments should be directed to the President of the Board, the General Manager, or both, but not to other members of the Board.

.....

POLICY TITLE: Public Complaints

POLICY NUMBER: 2410

2410.1 The Board of Directors desires that public complaints be resolved at the lowest possible administrative level, and that the method for resolution of complaints be logical and systematic.

2410.2 A public complaint is an allegation by a member of the public of a violation or misinterpretation of a District policy, or state, or federal law, by an individual who has been adversely affected by that alleged violation or misinterpretation.

2410.3 Complaints shall be resolved as follows:

- a) An individual with a complaint shall first discuss the matter with the Office Manager [or other responsible employee] to resolve the matter informally if possible.
- b) If an individual registering a complaint is not satisfied with the disposition of the complaint by the Office Manager [or other responsible employee], it shall be forwarded to the General Manager [or other responsible managing employee]. At the option of the General Manager [or other responsible managing employee], he/she may conduct conferences and take testimony or written documentation in the resolution of the complaint. The General Manager [or other responsible managing employee] shall memorialize his/her decision in writing, providing the individual registering the complaint with a copy.
- c) If an individual filing a complaint is not satisfied with the disposition of the matter by the General Manager [or other responsible managing employee], he/she may request consideration by the Board of Directors by filing said request in writing within ten (10) days of receiving the General Manager's [or other responsible managing employee's] decision. The Board may consider the matter at its next regular meeting, call a special meeting, or decline to consider the matter further. In making a decision, the Board may conduct conferences, hear testimony, and review the materials provided to the General Manager. The Board's final decision shall be memorialized in writing, copied to the individual registering the complaint. The action of the Board, including an action to decline to consider a complaint, is the final action of the District, not subject to further internal appeal.

2410.4 This policy is not intended to prohibit or deter a member of the community or a staff member from appearing before the Board to orally present testimony, a complaint, or a statement in regard to actions of the Board, District programs and services, or pending considerations of the Board as permitted by the Brown Act. Nothing in this policy shall alter the duties of District employees to protect the District's confidences and avoid insubordination and as otherwise provided by law and District policy.

COMMUNICATION AND TECHNOLOGY | ADMINISTRATION

.....

POLICY HANDBOOK APPROVED [DATE]

.....

POLICY TITLE: Social Media Use

POLICY NUMBER: 2415

2415.1 Purpose:

The policy outlines the protocol and procedures for use of social media to publicize District services and events. In addition, this policy addresses the responsibilities of employees and District officials with regard to social media and the use of District resources (time/equipment), as well as responsibilities related to the public records and open meeting laws.

2415.2 Definitions:

- a) **Social Media:** Various forms of discussions and information-sharing, including social networks, blogs, video sharing, podcasts, wikis, message boards, and online forums. Technologies include: picture- sharing, wall-postings, fan pages, email, instant messaging and music-sharing. Examples of social media applications include but are not limited to Google and Yahoo Groups, (reference, social networking), Wikipedia (reference), Facebook (social networking), YouTube (social networking and video sharing), Flickr, (photo sharing), Twitter (social networking and microblogging), LinkedIn (business networking), and news media comment sharing/bloggng.
- b) **Social Networking:** The practice of expanding business and/or social contacts by making connections through web-based applications. This policy focuses on social networking as it relates to the Internet to promote such connections for District business and for employees, elected and appointed officials who are using this medium in the conduct of official District business.
- c) **“Posts” or “postings”** means information, articles, pictures, videos, or any other form of communication posted on a District social media site.

Policy:

2415.3 No District social media site may be created without the approval of the General Manager or his or her designee. All District social media sites created on behalf of the District, by its employees on District time, or using other District resources are the property of the District and shall be administered and regularly monitored by the General Manager or his/her designee. These social media sites shall be used only to inform the public about District business, services, and events. Individual departments may not have their own pages/sites. Individual departments wishing to add content to District social media sites may submit a request to the General Manager. The District’s web site, [insert web URL], will remain the primary location for content regarding District business, services, and events. Whenever possible, links within social media formats should direct users to the District web site for more information, forms, documents, or online services necessary to conduct business with the District. District social media sites shall clearly state that such sites are public social media sites maintained by the District and that the sites comply with this Social Media Policy.

.....

2415.4 District employees and appointed and elected officials shall not disclose information about confidential District business on the District's social media sites, personal social media sites, or otherwise. In addition, all use of social media sites by elected and appointed officials shall be in compliance with California's open meeting laws, which prohibit serial meetings of a majority of the Board or another legislative body of the District via email or other electronic means. Members of the Board, committees and/or legislative bodies may answer questions, provide information to the public, and solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body. However, members of the Board, committees and/or legislative bodies shall not respond to, "like", "share", retweet, or otherwise respond directly to any communication on a social media site made by another member of the body on which they serve, and within the subject matter jurisdiction of the body. Members of the same legislative body may not otherwise use social media sites to discuss business within the subject matter jurisdiction of the legislative body amongst themselves. Employees and elected or appointed officials' posts to non-District social media sites are a reflection of their own views and not necessarily those of the District and should not suggest otherwise.

- 2415.5 Posting/Commenting Guidelines:
- a) All postings made by the District to social media sites will contain information and content that has already been published or broadcast by the District. The District will not comment on other social media member's sites. All official social media postings by the District will be done solely on the District's social media sites or in response to postings made on the District's social media sites. Officers, employees and agents of the District representing it on District social media sites shall conduct themselves professionally and in accordance with all District policies. All District social media sites shall use authorized District contact information for account set-up, monitoring and access. Personal email accounts or phone numbers may not be used to set up, monitoring, or post to a District social media platform. All passwords and account credentials are property of the District.
 - b) The District reserves the right to remove from its social media sites content that it finds to violate this policy or applicable law, consistent with Federal and State law.
 - c) The District will only post photos for which it has copyright or the owner's permission.
 - d) District social media platforms are subject to the California Public Records Act. Any content maintained on a District social media site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, may be considered a public record and subject to public disclosure. All postings on District social media sites shall be sent to a District email account and maintained

.....

consistently with the Public Records Act, provided, however, that any material removed from a District social media site consistently with this policy shall be considered a preliminary draft, note or memorandum not retained by the District in the ordinary course of business and shall not constitute a public record of the District required to be retained consistently with the District's records retention schedules.

- e) The District and its employees will not use chat functions on social media sites.
- f) Links to all social media networks to which the District belongs will be listed on the District's website. Interested parties wishing to interact with these sites will be directed to visit the District's web site for more information on how to participate.
- g) The District reserves the right to terminate any District social media site without notice or to temporarily or permanently suspend access to District social media as to some or all persons at any time, consistent with point d) above. The District reserves the right to implement or remove any functionality of its social media platforms, in the discretion of the General Manager or his or her designee. This includes, but is not limited to, information, articles, pictures, videos, or any other form of communication that can be posted on a District social media platform.
- h) District social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the District has no control. The District does not endorse any hyperlink or advertisement placed on District social media sites by the social media site's owners, vendors, or partners.
- i) Any person authorized to post items on any of the District's social media platforms shall review, be familiar with, and comply with this Policy and each social media platform's terms and conditions of use.
- j) Any person authorized to post items on behalf of the District to any of the District's social media platforms shall not express personal views or concerns through such postings. Instead, postings on any of the District's social media platforms on behalf of the District shall only reflect the views of the District.
- k) Posts must contain information that is freely available to the public and not be confidential as defined by any District policy or state or federal law.
- l) Posts may NOT contain any personal information, except for the names of persons being available for contact by the public as representatives of the District. Posts to District social media sites shall NOT contain any of the following:
 - 1) Comments that are not topically related to the information commented upon;
 - 2) Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
 - 3) Profane language or content;
 - 4) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or

.....

.....

status with regard to public assistance, national origin, physical or mental disability, gender identity, gender expression, sexual orientation, or any other category protected by federal, state, or local law;

- 5) Sexual content or links to sexual content;
- 6) Solicitations of commerce;
- 7) Conduct or encouragement of illegal activity;
- 8) Information that may tend to compromise the safety or security of the public or public systems; or
- 9) Content that violates a legal ownership interest of any other party, such as trademark or copyright infringement; or any content that is confidential, sensitive, or includes proprietary information, or that otherwise violates another person's right to privacy.

Procedures:

2415.6 The General Manager or his designee will be responsible for responding to comments and messages as appropriate. The District will direct users to the District's web site for more information, forms, documents, or online services necessary to conduct business with the District.

2415.7 The District may invite others to participate in its social media sites. Whether to permit public participation in social media sites will be based upon the best interests of the District, as determined by the General Manager or his or her designee, and the requirements of federal and state law.

Responsibilities:

2415.8 It is the responsibility of employees and appointed and elected officials to understand the procedures as outlined in this policy.

2415.9 Employees who are not designated by the General Manager to access social media sites for District business are prohibited from accessing social media sites utilizing the District computer equipment and/ or the District's web access. While at work, employees who are not granted access via District systems and computing equipment may use personal computing devices and personal web accounts to access social media sites only during non-working hours such as lunch periods and breaks. State law provides that more than occasional or incidental personal use of District resources is a crime.

2415.10 The General Manager will determine if a requested use of District social media sites or other District resources is appropriate and complies with this policy.

2415.11 All content on District social media sites must comply with District web standards, the rules and regulation of the social media site provider, including privacy policies, and applicable law. Employee or District confidentiality shall be maintained in accordance with all applicable laws and District policies. If a question arises regarding

.....

.....

the use or posting of confidential information on a social media site, the matter shall be referred to the General Manager. The information in question shall not be posted, or if already posted, shall be removed until an opinion is rendered by General Manager or, at his or her request, Legal Counsel. Notwithstanding the opinion of the District counsel, the General Manager reserves the right to restrict or remove District information from a District social media site if the General Manager concludes the information does not serve the best interest of the District.

2415.12 All social media-based services to be developed, designed, managed by or purchased from any third-party source for District use requires appropriate budget authority and approval from the Board of Directors.

2415.13 The District reserves the right to change, modify, or amend all or part of this policy at any time.

COMMUNICATION AND TECHNOLOGY | ADMINISTRATION

POLICY TITLE: District Web Page

POLICY NUMBER: 2420

Policy:

2420.1 It is District policy to control the content and accuracy of the information provided on the District's Web page. All information will be directed to the administrative assistant acting in the capacity of the District Web manager. All information posted on

.....

POLICY HANDBOOK APPROVED [DATE]

.....

the District website must be consistent with the District’s mission and public interest and the District’s social media policy and applicable law.

Procedure:

2420.2 Any District Board Director, official or employee may request postings to the District Web page through the General Manager or his designated representative. Postings must be non-political in nature and support the District’s mission. The General Manager shall approve, modify, or deny the request. Postings shall be submitted in Word format as an e-mail attachment unless only a hard copy is available. In either case, it is the submitter’s responsibility to check the item for accuracy both prior to submission and after posting to the Web page to ensure no inadvertent errors appear on the final document. The submitter shall inspect the posted submission within 24 hours of posting.

- a) The General Manager or his or her designee shall submit the approved request to the for inclusion on the web page and, when necessary, to suggest alternative solutions.
- b) The General Manager or his or her designee shall also manage removal of outdated postings.

2420.3 Privacy Policy. Last Updated: [date]

The following privacy policy shall be posted to the District’s website under a link on the home page.

The Morongo Valley Community Services District (“District,” “we” or “us”) is concerned about privacy issues and wants you to be familiar with how we collect, use and disclose information. We are pleased to provide this Privacy Policy to inform you of our practices as information that we collect through this website. Please note that this Privacy Policy applies only to our online information-gathering and dissemination practices conducted in connection with this website and does not apply to any of our practices conducted offline. If you have any questions or comments about the Privacy Policy or our privacy practices, please contact us at [contact email address].

By accessing or using this website, you agree with all the terms of this Privacy Policy, so please do not access or use this website if you do not.

We may change this Privacy Policy at any time. Please take a look at the “Updated” legend at the top of this page to see when this Privacy Policy was last revised. Any changes to this Privacy Policy will become effective when posted to this website. By accessing or using the website after any such changes, you accept the revised Privacy Policy.

Personal Information We May Collect:

.....

.....

We collect two types of information through this website: Personal Information and Other Information. "Personal Information" is information that identifies you or relates to you as an individual. "Other Information" is any information that does not reveal your specific identity or does not directly relate to an individual. Other Information is addressed below, under the heading "Other Information".

We may collect Personal Information through the Sites such as:

- Name
- Email address
- Mailing Address

Preferences for electronic or physical delivery of newsletters

We may use Personal Information:

- to respond to your inquiries and fulfill your requests, such as to send you information, to register you for events, and to provide you District services.
- to keep a record of your contact information and correspondence, if you contact us through this website and to respond to you.
- to send you administrative information, including information regarding the websites and changes to our terms, conditions and policies.
- to facilitate social sharing functionality.
- for our internal business purposes, such as improving or modifying this website and operating and expanding our services.
- as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public or government authorities, including public or government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations or those of any of our affiliates; (f) to protect our rights, privacy, safety or property, or yours or others'; or (g) to pursue available remedies or limit the damages that we may sustain.

How Personal Information May Be Disclosed:

- to third parties that provide us services such as website hosting, data analysis, IT services and infrastructure, customer service, email delivery, auditing and the like.
- to third parties (whether affiliated or unaffiliated with us) upon any reorganization of the District or transfer or some of all of its services to another entity.
- by you on message boards, blogs and other services to which you are able to post information. Please note that any information you post or disclose through these services will become public information, and may be available to visitors to this website and to the general public. We urge you to be thoughtful when disclosing your Personal Information, or any other information, on this site.

.....

.....

- to your friends associated with your social media account, to other website users as well as to your social media account provider, in connection with your social sharing activity, such as if you connect your social media account to your use of this website. By connecting your use of this website to your social media account, you authorize us to share information with your social media account provider and you understand that the use of the information we share will be governed by the social media site's privacy policy. If you do not want your Personal Information shared with other users or with your social media account provider, please do not connect your social media account with your use of this website and do not participate in social sharing on this website.
- as we believe to be necessary or appropriate: (a) under applicable law, including laws outside your country of residence; (b) to comply with legal process; (c) to respond to requests from public or government authorities, including public or government authorities outside your country of residence; (d) to enforce our terms and conditions; (e) to protect our operations; (f) to protect our rights, privacy, safety or property, or yours or others'; or (g) to allow us to pursue available remedies or limit the damages that we may sustain.

Other Information We May Collect:

"Other Information" is any information that does not reveal your identity or relate to an individual, such as:

- Browser information
- Information collected through cookies, pixel tags and other technologies
- Demographic information and Other Information you provide
- Aggregated information
- Zip codes

How We May Collect Other Information:

We and our third-party service providers may collect Other Information in a variety of ways, including:

- Through your browser: Most Internet browsers transmit certain information to websites that you visit, such as your computer's type (Windows or Macintosh) and its Media Access Control (MAC) address and screen resolution, and the type and version of your computer's Operating System and browser. We use this information to ensure this website functions properly.
- Using cookies: Cookies are text files, containing small amounts of information, which are downloaded to your computer, or smartphone or other device by which you visit a website. Cookies allow us to recognize your browsing device to assist with your use of this website. This can include helping us understand how this website is used, letting you navigate between pages efficiently, remembering your preferences, and generally improving your browsing experience. Cookies can also help

.....

.....

ensure marketing you see online is more relevant to you and your interests, although we do not intentionally use them for that purpose, our service providers may.

- If you do not want information to be collected through the use of cookies on your computer, most browsers allow you to automatically decline the transfer of cookies to your computer or other device, or to be given the choice of declining or accepting a particular cookie (or cookies) from a particular website. If cookies are disabled, however, some features of this website may not operate as intended. Information about procedures to disable cookies can be found on your Internet browser provider's website.
- Using applications: We may use applications, including mobile applications or widgets, to collect information from you.
- Using pixel tags and other similar technologies: Pixel tags (also known as web beacons and clear GIFs) may be used in connection with some website pages and HTML-formatted email messages to, among other things, track the actions of users of this website and email recipients, measure the success of marketing campaigns and compile statistics about use of this website and response rates.
- IP Address: Your "IP Address" is a number that is automatically assigned to your computer or other web-browsing device by your Internet Service Provider (ISP). An IP Address is identified and logged automatically in our server log files whenever a user visits this website, along with the time of visit and the page(s) visited. Collecting IP Addresses is standard practice on the Internet and many websites do it automatically. We use IP Addresses for purposes such as measuring use of this website, helping diagnose server problems and administering this website.
- From you: We collect information when you provide it voluntarily, such as your company, title, interests and preferred means of communication. Unless combined with Personal Information, such information does not personally identify you or any other user of this website.
- By aggregating information: Aggregated Personal Information does not personally identify you or any other user of this website. For example, we may aggregate Personal Information to calculate the percentage of our users who have a particular telephone area code.

How We May Use and Disclose Other Information:

We may use and disclose Other Information for any purpose, except when applicable law requires to treat Other Information as Personal Information. In those situations, we may use and disclose Other Information for the purposes for which we use and disclose Personal Information.

In some instances, we may combine Other Information with Personal Information (such as combining your name with your company and title). If we combine any Other Information with Personal Information, we will treat the combined information as Personal Information as long as it is so combined.

.....

.....

Third Party Sites:

This Privacy Policy does not address, and we are not responsible for, the privacy, information or other practices of any third parties, including any third party operating any site to which this website contains a link. Please read the terms, conditions and policies of third-party sites before accessing or using them. The inclusion of a link on the Sites does not imply our endorsement of the linked site.

Security:

We use reasonable organizational, technical and administrative measures to protect Personal Information under our control. Unfortunately, no data storage system or method of Internet data transmission is perfectly secure.

Please do not send sensitive or confidential information to us by email or by any other means in connection with this website. If you have reason to believe that your communications with us have been compromised in any way, please immediately notify us of the problem by contacting us as provided in the “Contact Us” page of this website.

Choices and Access:

Your choices regarding our use of your Personal Information for marketing purposes

You may opt-out of receiving these marketing-related emails by following the unsubscribe instructions in any message we send you, by emailing us at admin@morongovalleyfire.org. We strive to honor such request(s) as soon as reasonably practicable.

How you can access, change or suppress your Personal Information:

You may request to review, correct, update, suppress or otherwise modify any Personal Information that you have previously provided to us through this website, or object to our use of such Personal Information by emailing us at [contact email address] or by other means as noted on the “Contact Us” portion of this website. You may also oppose the processing or transferring of Personal Information to the extent the laws of your country require, if you have a legitimate reason to do so.

In your request, please state what information you would like us to change, and whether you would like to have your Personal Information removed from our database or otherwise let us know what limitations you would like to place on our use of your Personal Information. For your protection, we will only implement requests with respect to the Personal Information associated with the particular email address that you use to send us your request, and we may need to verify your identity before doing so. We strive to comply with requests as soon as reasonably practicable.

We may need to retain certain information for recordkeeping purposes, and there may also be residual information that will remain in our databases and other records. Such information will not be removed. We may, from time to time, re-contact former users of this website. Finally, we are not responsible for removing information from the databases of third parties (such as service providers) with whom we have shared your Personal Information.

.....

Retention Period:

We will retain your Personal Information as necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or allowed by law.

Use of Site by Minors:

The Sites is not directed to children under the age of 13 and we request they not provide Personal Information through this website.

Cross-Border Transfer:

Your Personal Information may be stored and processed in any country in which we engage service providers, and by using our Sites you consent to the transfer of information to countries outside of your country of residence, including the United States, which may have different data protection rules than those in your country.

Sensitive Information:

We ask that you not send us, and you not disclose, any sensitive Personal Information (e.g., Social Security numbers, credit card or other payment card information, information related to racial or ethnic origin, political opinions, religion or other beliefs, health, criminal background or trade union membership) on or through this website or otherwise except as necessary to pay for District services.

Contacting Us:

If you have any questions about this Privacy Policy, please contact us by email at [contact email address] or by other means as noted on the “Contact Us” portion of this website.

Please note that email communications are not secure; accordingly, please do not include credit card information or other sensitive or confidential information in your emails to us.

POLICY TITLE: California Public Records Act Response Procedures**POLICY NUMBER: 2425**

The California Public Records Act (Government Code, section 6250 et seq.) grants California residents important rights to obtain access to records held by public agencies. The District adopts this policy to clarify how it will respond to requests for records under the Public Records Act.

2425.1 All requests for public records shall be in writing on a form approved by the Board of Directors, unless the request is to review an agenda, agenda reports, or minutes of the Board or ordinances or resolutions of the Board or any of its committees, which are available in the District office.

2425.2 Staff will respond to all requests as soon as possible after they are received, but not later than 10 days after receipt of the request to either state whether the District has responsive records or request an extension of up to 14 days to make that determination pursuant to Government Code section 6253(c).

- a) Staff shall review each request and determine whether it seeks identifiable records. If not, staff shall offer to help the requestor identify records responsive to the request.
- b) Staff shall request all Directors and staff who may have the records requested to search their files. Directors and staff must report whether they have responsive records and, if so, when the records can be made available to the requestor.
- c) Staff shall respond to the requestor, advising him or her in writing of the availability of the documents, a description of the medium (paper, electronic format, etc.) and location of the records, and whether any are exempt from disclosure under the Public Records Act. To the extent feasible, staff will provide suggestions to overcome any practical basis for denying access to the records sought.
- d) If a request is made for copies of records, staff shall also advise the requestor of the estimated copying cost. The District shall make any disclosable records it holds in electronic format available in such format when requested.
- e) The person requesting the copies shall pay the charges for the requested copies established by the Board. At present those are: [\$1.00 for the first page, \$.05 each additional page, \$.10 per page for Political Reform Act materials, CD's-\$5.00, DVD's \$10.00]. Staff shall not make the requested copies until a deposit of the estimated copying cost is received and shall not release the copies until the actual copying cost is paid.

2425.3 In accordance with the Public Records Act, staff will provide specific, identifiable records but will not research records for particular types of information, as

.....

distinct from records, or analyze information which may be contained in public records. Staff has no obligation to create records in response to a Public Records Act request.

2425.4 Staff will respond to requests for public records in accordance with the Public Records Act as the Act now exists or may hereafter be amended, and nothing in this Policy is intended nor shall it be construed to conflict with the terms of the Public Records Act.

.....

.....

**MORONGO VALLEY COMMUNITY SERVICES DISTRICT
REQUEST FOR PUBLIC RECORDS**

Date requested:

Date required:

Please list each document, file, or record separately

I wish to

☐

Review

☐

Obtain copies of the following public records:

I/We, the undersigned, request documents as indicated and agree to pay the [District] for copies at the rate of \$1.00 for the first page and \$0.05 for each additional page (\$0.10 per page for documents requested pursuant to the Political Reform Act) when I receive, or my representative receives them.

Name/Organization:

Mailing Address:

Phone Number:

()

Signature:

FAX Number:

()

Email:

FOR INTERNAL USE ONLY

Approved ☐ Denied ☐

Signature:

Reason, if denied:

Disposition of Request: Documents/response provided on (date)

By: ☐ Mail ☐ Pick-up ☐ FAX ☐ Email ☐ Delivered ☐ Verbal ☐ Phone

Comments:

Date
Completed:Staff
Member(s):Staff
Time:

.....

POLICY TITLE: Electronic Document Retention Policy

POLICY NUMBER: 2430

The Electronic Document Retention Policy of the [District] governs the retention of text messages, voicemail messages, social media posts, and email messages sent or received in the conduct of District business.

2430.1 Definitions

- a) Email Message: An electronic communication sent and received via web mail or email client.
- b) Social Media: Information posted to websites and applications that enable users to create and share content or to participate in social networking, including Facebook, Twitter, Instagram, Snapchat, and LinkedIn.
- c) Text Message: An electronic, written communication sent and received via telephone or Internet connection.
- d) Voicemail Message: An electronic, aural communication sent or received via telephone or Internet connection.

2430.2 Text Messages, Voicemail Messages, and Social Media

Text messages, voicemail messages, and social media posts not saved to an archive or a more permanent medium are intended to be ephemeral documents, not preserved in the ordinary course of business. Accordingly, they do not constitute disclosable public records, as that term is defined by Government Code section 6252, subdivision (e). Directors and District staff are not required to retain these electronic documents. Business done on behalf of the District that requires the creation and preservation of records should be conducted in other media.

2430.3 Email Messages

- a) Email messages sent or received by the District's computer systems from the date this policy is adopted will be preserved for two years and made available for public inspection on the same terms as other District records.
- b) Except as provided in point 3 below, Directors and District staff are required to use (or copy to an address on) the District's computer systems for all email messages regarding District business. Such email messages fall within point 1 above, i.e., they will be preserved for two years and made available for public inspection on the same terms as other District records.
- c) The District will continue to comply with Government Code § 54957.5 which deems to be a public record any document communicated to a majority of the Directors, whether at the same time or seriatim, with respect to an item of District business regardless of the means of that communication, including via non-District email accounts. Directors are encouraged to forward such email messages not received by the District's computer systems nor copied to its staff or to an email address designated for that purpose so they can be preserved in the District's email retention

.....

- system, relieving individual Directors of any du- ty to preserve such email messages or make them available for public inspection.
- d) This policy applies only to the conduct of District business that is subject to the Public Records Act. It has no application to communications to or from Directors in their other public and private capacities or communications to or from District staff that are personal, private or otherwise not District business.

.....



Personnel

MORONGO VALLEY COMMUNITY SERVICES DISTRICT
Policy Handbook

POLICY TITLE: Accommodations for Disability

POLICY NUMBER: 3100

3100.1 The employment related provisions of the Fair Employment and Housing Act (“FEHA”) and the Americans with Disabilities Act (“ADA”) apply to all employees and job applicants seeking employment with the District. Under the ADA, a qualified individual with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the position in which the individual is employed.

3100.2 The District will attempt to provide reasonable accommodation for known physical or mental disabilities if a job applicant or employee is otherwise qualified, unless undue hardship related to the necessity of business operations would result, in accordance with federal or state law. An applicant or employee who requires accommodation in order to perform the essential functions of the job should inform the General Manager, or his or her supervisor, to request an evaluation of such an accommodation. The District will participate in the interactive process with the employee in order to determine whether or not a reasonable accommodation, which does not present undue hardship to the District, exists.

Employee or applicant should contact his or her supervisor, Human Resources Manager, or the General Manager for further information.

POLICY TITLE: Demotion – Non-disciplinary

POLICY NUMBER: 3102

3102.1 The General Manager may demote an employee, with the written consent of the employee, to a vacant position in lieu of layoff, provided the employee possesses the desired qualifications for the position to which he/she is assigned.

3102.2 At least five working days before a non-disciplinary demotion becomes effective, written notice of the action shall be provided to the employee and the payroll department.

3102.3 The General Manager shall provide the employee with written job duties within five working days of starting the new position and a written performance review within six months. The employee shall be subject to a probationary period, generally a six-month period. In the event that the employee does not perform satisfactorily within the probationary period, the General Manager shall have the discretion of extending the employee's probationary period or terminating the employee.

POLICY TITLE: Disciplinary Action**POLICY NUMBER: 3104**

3104.1 The District expects all of its employees to act in the best interest of the District and its customers and residents. It is the responsibility of all employees to observe all rules, guidelines, and operating procedures of the District. The District further expects that each of its employees will act in a polite and professional manner when dealing with members of the public and other employees. These General Rules of Conduct, along with the “Examples of Unacceptable Conduct” listed below, are not meant to be all-inclusive, but rather to provide illustrations of acceptable conduct versus problematic conduct.

3104.2 Examples of Unacceptable Conduct. The following list presents examples of some of the types of unacceptable conduct that may result in disciplinary action, up to and including immediate termination. This list is not an exhaustive list of what conduct may result in discipline, but is merely meant to be illustrations of unacceptable conduct:

- 3104.2.1 Discourteous treatment of the public or fellow employees.
- 3104.2.2 Use, possession, or being under the influence of alcohol or illegal drugs (including marijuana) while on duty or on District premises.
- 3104.2.3 Habitual absence or tardiness.
- 3104.2.4 Abuse of sick leave.
- 3104.2.5 Disorderly conduct.
- 3104.2.6 Incompetence or inefficiency.
- 3104.2.7 Being wasteful of material, property, or working time.
- 3104.2.8 Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor.
- 3104.2.9 Neglect of duty.
- 3104.2.10 Dishonesty or fraud.
- 3104.2.11 Misuse of District property.
- 3104.2.12 Willful disobedience or Insubordination.
- 3104.2.13 Conduct unbecoming a District employee.
- 3104.2.14 Violation of the District's Unlawful Harassment Policy.
- 3104.2.15 Possession of firearms or dangerous weapons on District property.
- 3104.2.16 Theft.
- 3104.2.17 Falsifying records
- 3104.2.18 Any act or failure to act during or outside of work hours, which is detrimental to the best interest of the District as determined by the General Manager or the Board.

The District also reserves the right to discipline an employee for unsatisfactory job performance including incompetence and/or inefficiency, permanent or chronic physical or mental ailment (including impairment from alcohol or drugs) or other condition which

.....

renders the employee unable to perform the essential duties of his or her job, or failure to satisfactorily perform job tasks or responsibilities.

3104.3 Prior to Disciplinary Action - Depending on the nature of the conduct or the performance deficiency, the District will generally give an employee an oral warning, which is corrective and is non-disciplinary in nature, prior to taking formal disciplinary action. An oral warning is encouraged but is not required before issuing formal disciplinary action.

An oral warning is a communication to an employee that his or her performance or behavior must be improved and failure to do so may result in discipline. An employee's supervisor or the General Manager may note the date, time, and content of oral warning, but no record of an oral warning shall be placed in the employee's personnel file unless subsequent disciplinary action is taken.

3104.4 Types of Disciplinary Action. Disciplinary action includes written warning, suspension, reduction in salary, demotion, or termination of employment.

3104.4.1 Written Warning: a formal written notice to an employee that further disciplinary action will be taken unless his or her performance or behavior improves. A copy of the written reprimand is given to the employee and the original is placed in the employee's personnel file. The employee must acknowledge receipt of the written warning by signing the letter at the time of presentation; this signature signifies only the receipt of the document; it does not signify the employee's agreement with the allegations.

3104.4.2 Suspension: the temporary removal of an employee from his or her duties without pay for disciplinary purposes for up to thirty (30) working days. Employees suspended from his or her employment with the District forfeit all rights, privileges, and salary with the exception of group health and life insurance benefits.

3104.4.3 Reduction in Salary: a decrease in salary paid to an employee for a specified period of time for disciplinary purposes.

3104.4.4 Demotion: the removal of an employee from a position to another position carrying a lower maximum rate of pay as a result of a disciplinary action.

3104.4.5 Discharge: the removal of an employee from District services, as provided for in these Guidelines.

3104.5 Disciplinary Notice/Appeal Procedure

This Section does not apply to at-will, probationary, temporary, or seasonal employees.

3104.5.1 Written Notice of Proposed Action

.....

.....

In the event the District imposes 3104 suspensions, reduction in salary, demotion, or discharge, the employee will be given a notice of the disciplinary action and an opportunity to respond.

A. Notice of Disciplinary Action. Whenever a suspension, reduction in salary, demotion, or discharge is to be taken against an employee, the employee shall be notified in writing of the proposed disciplinary action to be taken. The notice may be served upon the employee, either personally or by certified mail (if the employee is not at the work location), and shall contain the following information:

1. A statement of the proposed disciplinary action to be taken.
2. The specific policy, rule, or regulation which the employee is alleged to have violated and the factual basis for the violation.
3. The reasons for the disciplinary action.
4. A summary of the facts upon which the charges in the disciplinary are based.
5. Copies of all documents and materials upon which the disciplinary action is based.
6. Notice that the employee will have an opportunity to respond to the proposed disciplinary action in writing and/or have an opportunity to meet with a Skelly Officer, a neutral third party selected by the District (usually a manager or Department Head in department separate from the employee), to present the employee's point of view. Such response or request for a meeting shall be submitted to the identified Skelly Officer within five (5) working days from the date the notice of the proposed disciplinary action is received.
7. Notice that if there is a Skelly meeting, the employee is entitled to be represented by a person of his or her choice.
8. Notice that if the employee fails to provide a written response or request a Skelly meeting within five (5) working days then the employee shall be deemed to have waived all rights to respond to the proposed disciplinary action and the proposed disciplinary action shall become final.

3104.5.2 Skelly Meeting (if requested)

The appointed Skelly Officer shall meet with the employee and his or her representative no more than ten (10) working days after the request for a meeting has been submitted by the employee. During the meeting, the employee will have the opportunity to refute the charges against him or her included in the proposed disciplinary action and/or present mitigating factors which the employee believes should have been considered by the supervisor when issuing the proposed disciplinary action. The employee shall not be entitled to call witnesses or take testimony during the meeting.

.....

Within ten (10) working days of the receipt of the employee's written response or from the date of the meeting with the employee, the Skelly Officer shall issue a final decision regarding whether to uphold, reduce, or overturn the proposed disciplinary action. This decision shall be provided to the employee and the employee's supervisor. A copy of the decision will also be provided to the District's HR Manager.

3104.5.3 Post-Skelly Final Notice

Within five (5) days after the Skelly Hearing, the supervisor shall: 1) dismiss the notice and take no disciplinary action against the employee; 2) issue disciplinary action that is less severe than the proposed disciplinary action; or 3) prepare and serve upon the employee a final notice of disciplinary action.

The final notice of disciplinary action shall include the following:

1. The disciplinary action taken.
2. The effective date of the disciplinary action taken.
3. Specific charges upon which the action is based.
4. A summary of the facts upon which the charges are based.
5. The written materials, reports and documents upon which the disciplinary action is based.
6. The employee's right to appeal.

If an employee fails to respond to the notice for a Skelly Hearing, the supervisor shall notify the employee in writing that his or her time to respond has expired and that the discipline shall be imposed.

Disciplinary action other than a suspension, reduction in pay, demotion or termination shall not be subject to appeal. Disciplinary action consisting of a suspension, reduction in pay, demotion or termination may be appealed by regular employees pursuant to section 3104.4.4.

3104.5.4 Appeals of Disciplinary Action

Any regular employee shall have the right to appeal to the General Manager from any disciplinary action taken by his or her supervisor following a Skelly hearing. Such appeal shall be in writing and must be filed with the General Manager within ten (10) business days after receipt of written notice of such disciplinary action. Failure to file an appeal within such period constitutes a waiver of right to appeal.

The General Manager shall conduct a hearing as provided in Section 3104.5.6 below. Neither the provisions of this section or this Chapter shall apply to layoffs, reductions in force or reductions in pay, which are part of a general plan to reduce or adjust salaries and wages. However, any reduction in pay is subject to the meet and confer process pursuant to Government Code sections 3504.5 and 3505.

.....

.....

In the event the General Manager institutes the disciplinary action against an employee, he or she shall be disqualified from presiding at the appeal hearing. In such case, the hearing officer will be appointed by mutual agreement of the parties.

3104.5.5 Selection of Hearing officer for Appeal of Disciplinary Action

If the General Manager is disqualified, the appeal shall be heard by a hearing officer provided to the District by a non-profit organization or governmental agency with whom the District has contracted to conduct hearing pursuant to these Guidelines. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcome of any hearing.

3104.5.6 Appeal Hearing

The General Manager, or the appointed hearing officer, shall conduct an appeal within thirty (30) days of receipt of employee's request for appeal. The General Manager, or the appointed hearing officer, may continue the hearing either for the convenience of the District or for good cause upon written application of the appellant or District, for a period not to exceed an additional thirty (30) days from the receipt of the appeal. Written notice of the time and place of the hearing shall be conducted in accordance with the provisions of section 11509 of the Government Code of the State of California, except that the appellant and other persons may be examined as provided in section 19580 of said Government Code, and the parties may submit all proper and competent evidence against, or in support of the causes.

3104.4.7 Representation at Appeal

Any District employee, other than those appointed to supervisory, management, and confidential classifications, shall be permitted to represent another District employee or group of District employees at the hearing of the appeal. The appellant may appear in person or be represented by counsel (at the appellant's cost).

3104.4.8 Notices to Witnesses: Cost

The General Manager shall issue notice for the appearances of witnesses for the appellant upon his written request and at his cost. The General Manager may require such cost to be prepaid.

3104.4.9 Failure of Employee to Appear at Appeal Hearing

Failure of the appellant to appear at the hearing, without the prior written approval of the hearing officer, shall be deemed a withdrawal of his or her appeal and the action of the General Manager or supervisor shall be final.

3104.4.10 Decision on the Appeal

The General Manager or appointed hearing officer shall render a written decision within thirty (30) days after concluding the hearing unless an extension is mutually agreed to by the parties. The General Manager or hearing officer's decision shall be final. A copy of such decision shall be forwarded to the appellant and to the supervisor. If the

.....

disciplinary action taken against the employee is reversed or modified by the General Manager or an appointed hearing officer, the employee will be compensated for the time lost, if any, that resulted from the reversed disciplinary action.

.....

POLICY TITLE: Driver Training and Record Review**POLICY NUMBER: 3106**

3106.1 Purpose. The purpose of this policy is to reduce the frequency and severity of vehicle-related accidents and losses by: (a) applying uniform criteria in evaluating the acceptability of driver-record information of individuals driving District vehicles or while on District business; (b) establishing disciplinary procedures for different types of driving violations.

3106.2 Scope. This policy applies to all regular, part-time, and temporary District employees and volunteers who drive on behalf of the District. Directors are encouraged to provide their license information but cannot be required to do so in accordance with State law.

3106.3 Implementation. The Morongo Valley Community Services District shall participate in the Department of Motor Vehicles (DMV) Employer Pull Notice Program (a.k.a.: "Pull Program"). Records for anyone operating vehicles on District business shall be requested from DMV: (a) every six months; and, (b) immediately in the event of new activity (e.g., moving violation, accident, address change, etc.). Employees who have terminated employment will be deleted from the program.

3106.4 Review Criteria. Information that will be generated during the record review will include: (a) type of license; (b) expiration date; (c) endorsements; (d) DMV action suspensions, revocations, and penal code violations; and, (d) Vehicle Code violations.

3106.5 Disciplinary Procedures:

- a) A driver will immediately attend a qualified defensive driver training course (State of California Defensive Driver Training, National Safety Council Defensive Driver Training, etc.) if:
 - 1) They earn two points within 36 months of report date; or,
 - 2) They receive any moving violation in a District vehicle within 36 months of report date; or,
 - 3) They are involved in an accident within 36 months of report date.
- b) A driver will be placed on a 12-month driving probation if they earn three to five points within 36 months of report date. Additional point violations within this probation period will affect a 120-day suspension of District driving privileges. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
- c) A driver will be suspended from District driving privileges for 120 days if:
 - 1) They earn four or more points within 24 months of report date; or,

.....

- 2) They earn six or more points within 36 months of report date; or,
 - 3) They receive a citation for DUI, reckless driving, or speed contest on personal time within 36 months of report date; or,
 - 4) If they are involved in two chargeable (resulting in a point violation) accidents within 24 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, they will be terminated from employment.
- d) A driver will be permanently suspended of District driving privileges if:
- 1) They receive a citation for DUI, reckless driving, or speed contest during District business within 36 months of report date; or, They receive two citations for DUI, two citations for reckless driving, or two citations for speed contest on personal time within 12 months of report date. If their job routinely involves driving a vehicle and if having driving privileges suspended would impose a hardship on normal District operations, permanent suspension of driving privileges will result in termination of employment.
- e) Occasionally, it may be brought to the District's attention that an employee is exposing it to undue liability through poor driving techniques and habits. All such complaints will be investigated and acted upon accordingly.

3106.6 Defensive Driver Training. All drivers shall attend an approved defensive driver-training course at least once every four years or more often as specified in Disciplinary Procedures, above. Directors are encouraged to attend courses but cannot be required to do so in accordance with State law.

.....

POLICY TITLE: Drug and Alcohol Testing**POLICY NUMBER: 3108**

3108.1 Pre-Employment Drug Testing. As a part of the District's employment screening process, all applicants to whom a conditional offer of employment is made must successfully test negative for controlled substances, per procedures described below. The offer of employment is conditioned on a negative drug test result. Applicants will be informed of the District's drug testing policy in the employment application and process.

3108.2 Testing of Employees in Designated Safety-Sensitive Position. Employees in health and safety sensitive positions, including, but not limited to, the following management and non-management positions: vehicle and heavy machinery drivers with commercial licenses/operators (who are subject to random drug-testing under the Department of Motor Vehicles), firefighters, and utility crew members, will be required to submit to random drug testing under the procedures described below. This testing shall occur at random by an independent, third-party drug testing company performing such testing. If an employee refuses to cooperate with the administration of the drug test, the refusal will be handled in the same manner as a positive test result.

3108.3 Reasonable Suspicion Testing. If an employee's supervisor or manager has a verifiable and confirmed reasonable suspicion by at least two (2) people, including any Board Members, who are qualified by having reasonable suspicion training, that the employee is working in an impaired condition or otherwise engaging in conduct that violates these Guidelines, then the employee will be asked about any observed behavior or impaired condition and offered an opportunity to give a reasonable explanation. If the employee is unable to explain the behavior, he or she will be requested to take a drug and/or alcohol test in accordance with the procedures described herein. If the employee refuses to cooperate with the administration of the drug and/or alcohol test, the refusal will be handled in the same manner as a positive test result, which results in discipline, up to and including termination.

3108.4 On-the-Job Inquiry. Should an injury occur while working, a drug and/or alcohol test may be administered if the injured employee's supervisor has a reasonable suspicion that an employee was injured due to drug or alcohol use.

3108.5 Procedures for Drug Testing. If employee is a member of a District-recognized collective bargaining unit and is subject to an alcohol and/or drug test based on reasonable suspicion, the District will meet and confer with the respective collective bargaining group before testing.

The District will refer the applicant or employee to an independent, National Institute on Drug Abuse ("NIDA"), certified medical clinic or laboratory, which will administer the test.

.....

The District shall require drug testing for: A) pre-employment testing, B) random testing, and C) reasonable suspicion testing. The District will pay the cost of the test. If the employee is determined by verifiable and confirmed reasonable suspicion observation as unable to drive or impaired for driving, then a District supervisor or General Manager will transport the individual to a medical facility for immediate testing or treatment.

The employee will have the opportunity to alert the clinic or laboratory personnel to any prescription or non-prescription drugs that he or she has taken that may affect the outcome of the test. The clinic or laboratory will handle the required testing. The District will have no control over the clinic or laboratory's testing methods. The clinic or laboratory will inform the District as to whether or not the applicant passed or failed the drug test. If an employee fails the test, he or she will be considered to be in violation of these Guidelines and will be subject to discipline, up to and including termination.

3108.6 Acknowledgment and Consent. Any employee subject to testing under this policy will be directed to sign a form acknowledging the procedures governing testing and authorizing (1) the collection of a urine sample for the purpose of determining the presence of alcohol and/or drugs, and (2) the release to the District of medical information regarding the test results. Refusal to sign the authorization form or to submit to the drug and/or test, will result in the revocation of an applicant's job offer, or will be considered the same as a positive test leading to termination.

3108.7 Confidentiality. All alcohol and drug testing records will be treated as confidential.

.....

POLICY TITLE: Employee Information/Emergency Data

POLICY NUMBER: 3110

3110.1 It shall be the policy of the District to maintain accurate personal contact information for each employee and Director of the District. All such information shall be maintained confidential to the extent allowed by law.

3110.2 It is important that employees promptly notify District of any changes to their personal information including:

- Name
- Home and Mailing Address
- Home and Cell Phone/Telephone Numbers
- Names, Phone Numbers, and Status of Spouse and Dependents
- Change of Emergency Contact Information
- Marital or Registered Domestic Partner Status
- Change of Military Status
- Payroll Deductions
- Benefit Plan Beneficiary

3110.3 Employees are responsible for immediately notifying the [HR/General Manager] in the event of a name, address or other vital information change as required by this policy or any other District policy/procedure.

3110.4 The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner results in a loss of benefits or services by the employee or dependents.

3110.5 Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

3110.6 Release of Information. Personnel records are considered confidential. Employees may examine their own personnel file upon request to the District [HR/General Manager] (written request is preferred). Each employee shall have the right to inspect or copy their personnel file within twenty-one (21) calendar days of the request. If the District provides copies of the personnel file, the actual cost of reproduction may be charged. All information contained therein is District property and may not be removed by the employee but may only be copied.

Employees may authorize the release of their own personnel records by executing a written request identifying the records to be released and the person or entity to which they may be released. This authorization must be signed and dated. Ordinarily, no information on past or present employees shall be provided by the District, other than

.....

employment dates and job title, unless such requests for information are accompanied by a signed authorization by the employee to release the information requested.

.....

POLICY TITLE: Employee Promotion

POLICY NUMBER: 3112

3112.1 An employee may be promoted only if the employee has the desirable qualifications for the higher-level position. Desirable qualifications shall be ascertained on the same application, examination, interview, criteria, and evaluation as those for an initial appointment in accordance with the most current Job Description.

3112.2 A promoted employee shall be required to successfully complete a six (6) month probation period, as outlined in Policy 2003.2. If a promoted employee is unable to perform the required duties of the new higher-level position and has not successfully completed the probation period, the employee may be restored to the position from which he or she was promoted, if the position is available, or be required to successfully complete an additional six (6) month probationary period.

POLICY TITLE: Employee Records**POLICY NUMBER: 3114**

3114.1 All personnel information and records are to be considered confidential to the extent allowed by federal or state law. The District policy is to require all personnel files to be maintained in a secure and private location and to have all employees manage personnel information in a safe and confidential manner.

The District retains personnel records concerning its employees. Such records ordinarily include applications, insurance forms, payroll deduction authorizations, performance appraisals, certain pay records, transfer and promotion forms, records of disciplinary action, training records, and any certificates or credentials required for an employee's job. Other information concerning employees may be kept as personnel records at the discretion of the District.

In order to keep personnel records current, the General Manager, or his or her designee, must be notified of any change in an employee's personal status and information, such as: changes of address, telephone number, marital status, military status, any birth or death in an employee's immediate family, any change in the name or telephone number of the person to be notified in case of emergency, any change in insurance beneficiary, or any other information needed to maintain accurate records. These changes shall be provided to the General Manager, or his or her designee, within thirty (30) days of the change in an employee's personal status.

Each employee is also responsible for providing the District with records concerning any licenses or certificates required in the performance of his or her job, as well as any documents showing that education or training relevant to employment has been completed.

3114.2 Release of Information: Personnel records are considered confidential. Employees may examine their own personnel records by contacting the General Manager or his or her designee and requesting to review. The District prefers, but not require, that such request be in writing. The employee shall have the right to inspect or copy their personnel file within twenty-one (21) calendar days of the request. If the District provides copies of the personnel file, the actual cost of reproduction may be charged. All information contained therein is District property and may not be removed by the employee but may only be copied.

POLICY TITLE: Employee Status**POLICY NUMBER: 3116**

3116.1 A "Regular Full-Time" employee is one who has been hired to fill a regular position in any job classification. Regular full-time employees are regularly scheduled to work at least forty (40) hours per week, are not temporary employees, and who have successfully completed the probationary period.

3116.2 A "Probationary" employee is one who has been hired to fill a regular position in any job classification and has less than twelve (12) continuous months of service with the District. Upon completion of twelve (12) months of continuous service with the District in said classification, and upon the [responsible managing employee] decision to retain said employee, said employee shall be granted regular employee status.

- a) A probationary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, as he or she becomes eligible. A probationary employee will not be eligible for a leave of absence.
- b) The General Manager, in conjunction with the employee's supervisor, may elect to extend the probationary period for any employee up to an additional three (3) months.

3116.3 A "Temporary" employee is one who is hired to work within any job classification, but whose position is not regular in nature. A temporary employee shall not work more than one thousand (1,000) hours in a fiscal year.

- a) Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees unless said leave of absence is in excess of one hundred eighty (180) days.
- b) A temporary employee will receive not less than the minimum rate for the job, but will not be eligible for sick leave pay, holiday pay, vacation pay, insurance coverage or items of a similar nature, nor will he or she accrue seniority or leave of absence rights. A temporary employee may take time off without pay with the approval of his or her supervisor or the General Manager and shall be permitted to take time off for District-recognized holidays without pay.
- c) If a temporary employee is reclassified to probationary or regular status, he or she will be credited with all continuous service in determining eligibility for such benefits that may accrue to him or her in his or her new status.

3116.4 A "Part-Time" employee is one who is hired to work within any job classification but whose position is not regular in nature and generally less than forty (40) hours per week.

.....

3116.5 An “Exempt” employee is an employee who is exempt from the minimum wage and overtime requirements of the Federal Fair Labor and Standard Act (“FLSA”). To be considered “exempt”, an employee must work in a bona fide executive, administrative, or professional capacity and be paid on a salary basis as required by the FLSA. These positions shall be so designated in the classification plan.

3116.6 A “Non-Exempt” employee is an employee who is not a bona fide executive, administrative, or professional employee as defined by the FLSA. At the option of the District, non-exempt employees will receive either overtime pay or compensatory time off for work performed in excess of forty (40) hours per week in compliance with the FLSA.

.....

POLICY TITLE: Equal Opportunity

POLICY NUMBER: 3118

3118.1 The District employs persons having the best available skills to efficiently provide high quality service to the public.

3118.2 The District provides equal opportunity for all persons in all aspects of employment, including recruitment, selection, promotion, transfer, training, compensation, educational assistance, benefits, discipline, working conditions, reduction in force, reinstatement, and all other matters of employment.

- a) Such equality of opportunity shall be based solely on job related knowledge, skills, and job performance, and shall be without discrimination because of race, color, religion, national origin, sex, age, sexual orientation, handicap, veteran status, or any other factor unrelated to job performance.

POLICY TITLE: Grievance Procedure**POLICY NUMBER: 3120**

3120.1 This policy shall apply to all regular employees in all classifications.

3120.2 The purpose of this policy is to provide a procedure by which an employee may formally claim that he or she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, or instruction.

3120.3 Specifically excluded from the grievance procedure are subjects involving the amendment of state or federal law, resolutions adopted by the District's Board of Directors, ordinances or minute orders, including decisions regarding wages, hours, and terms and conditions of employment, and claims or complaints of alleged discrimination or harassment (as there is an alternate procedure for those complaints).

3120.4 Grievance Procedure Steps.

3120.4.1 Level I, Preliminary Informal Resolution. Any employee who believes he or she has a grievance shall present the evidence thereof in writing to his or her immediate supervisor within thirty (30) calendar days after the employee knew, or reasonably should have known, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions with the employee within five (5) working days and attempt to resolve the matter within ten (10) working days after the discussions. The supervisor shall provide a written decision to the employee either denying or granting the employee's grievance. It is the intent of this informal meeting that at least one (1) personal conference be held between the employee and the immediate supervisor. If the grievance is against the employee's supervisor, the employee may skip Level I and advance to Level II, provided that he or she complies with all applicable time limits and other requirements for Level I (i.e., the employee must still file the initial grievance within 30 calendar days).

3120.4.2 Level II, General Manager. If the grievance has not been resolved at Level I, the grievant may appeal his or her grievance in writing on a form provided by the District (attached hereto as Appendix "A") to the General Manager within ten (10) working days after the supervisor has issued his or her written decision.

3120.4.2.1 The statement shall include the following:

- a) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, and/or instruction deemed to be violated, misapplied or misinterpreted;
- b) The circumstances involved;

.....

- c) The decision rendered by the immediate supervisor at Level I, if any;
- d) The dates when: (i) the grievance was first discussed with the immediate supervisor; (ii) the Level I response was issued, and (iii) the employee submitted the grievance to Level II; and
- e) The specific remedy sought.

3120.4.2.2 The General Manager shall communicate his or her decision within ten (10) calendar days after receiving the grievance. Decisions will be in writing setting forth the decision and the reasons therefore and will be transmitted promptly to all parties in interest. If the General Manager does not respond within the time limits, the grievant may appeal to the next level. Time limits for appeal shall begin the day following receipt of the General Manager's written decision. Within the above time limits, either party may request a personal conference with the other. If a personal conference is requested, the General Manager shall have ten (10) calendar days from the date of the conference to issue his or her decision.

3120.4.3 Level III, Board of Directors' Personnel Committee. In the event the grievant is not satisfied with the City Manager's decision at Level II, the grievant may appeal the decision in writing on a form provided by the District (attached hereto as Appendix "A") to the District Board of Directors' standing Personnel Committee within five (5) days. The statement shall include a copy of the original grievance; a copy of the written decision by the General Manager; and a clear, concise statement of the reasons for the appeal to Level III.

3120.4.3.1 The Personnel Committee shall, as soon as possible, schedule a hearing in closed session to formally receive the written grievance and the answers thereto at each step and to hear evidence regarding the issue or issues. The Committee's decision shall be announced in open session immediately after the closed session in which it was made, unless the employee request the grievance be kept confidential.

3120.5 Basic Rules.

3120.5.1 If an employee does not present the grievance or does not appeal the decision rendered regarding the grievance within the time limits specified above, the grievance shall be considered resolved and no further appeal will be allowed.

3120.5.2 By agreement in writing, the parties may extend any and all-time limitations specified above.

.....

.....

3120.5.3 The General Manager may temporarily suspend the grievance processing on a District-wide basis in an emergency situation. Employees covered by this policy may appeal this decision to the Board of Directors.

3120.5.4 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

3120.6 Expungement of Written Reprimands: A written reprimand may be expunged upon sustained corrective behavior, as determined by the General Manager, after a period of three (3) years from the date of the reprimand. It is the responsibility of the employee to request that his or her personnel file be purged of the written reprimand.

3120.6.1 The General Manager will consider the following factors in making his or her decision to expunge a written reprimand:

- a) whether the employee received further discipline of any kind;
- b) employee's performance evaluation reviews are at least satisfactory in all categories; and
- c) that only one (1) expungement can occur during their employment with the District.

.....

.....

Appendix "A"

EMPLOYEE GRIEVANCE FORM
MORONGO VALLEY COMMUNITY SERVICES DISTRICT

Employee's Name:

Date:

Statement of grievance, including specific reference to any law, policy, rule, regulation and/or instruction deemed to be violated, misapplied or misinterpreted:

Circumstances involved:

Decision rendered by the informal conference:

Specific remedy sought:

POLICY TITLE: Hours of Work and Overtime

POLICY NUMBER: 3122

3122.1 This policy shall apply to all non-exempt employees.

3122.2 The regular hours of work each day shall be consecutive except for interruptions for meal periods and breaks, or as otherwise approved by the General Manager in writing.

3122.3 A work week is defined to consist of seven (7) consecutive calendar days, Sunday through Saturday, and, except as otherwise provided herein, a basic work week is defined to consist of five (5) consecutive workdays of eight (8) hours each, Monday through Friday. The regular work hours shall be 8:00 a.m. to 5:00 p.m. with one (1) hour off for lunch. A majority of employees may request a change of regular work hours, with the written consent of the General Manager, so that the regular work hours may be revised to accommodate needs of the public, such as 7:00 a.m. to 4:00 p.m. with one (1) hour off for lunch.

Regular work hours may be modified as outlined in an applicable Memorandum of Understanding between the District and a District-recognized bargaining unit.

3122.4 Overtime is defined as: Time worked in excess of forty (40) hours in a work week.

3122.5 It is the general policy of the District to avoid the necessity for overtime work whenever possible. Overtime shall be held to a minimum consistent with efficient operation and shall only be used to cover emergencies or where working employees overtime is more economical. All overtime work shall be authorized in advance by the employee's supervisor, the General Manager, or his or her designee. Employees working overtime without prior approval by the appropriate individual may be subject to discipline.

Non-exempt employees shall be paid overtime at one-and-one-half (1½) times the employee's regular rate of pay. Holidays, administrative leave, vacation, authorized compensatory time off, and sick leave do not count toward an employee's overtime calculation.

3122.6 A work schedule is maintained and approved by the General Manager whereby [operations employees, fire employees, emergency services employees] may be assigned on a rotational basis to be "on-call" on weekends, holidays, and other times not considered regular hours of work for the District employees or assigned to work alternative workweeks. "On-call duty" is an assigned duty outside the normal workweek assignment during which an employee must remain where he or she can be contacted by telephone and he or she is ready for immediate call back to his or her department to perform an essential service.

POLICY TITLE: Letters of Recommendation**POLICY NUMBER: 3124**

3124.1 The Board of Directors recognizes that the District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interest of the District to ensure that letters of recommendation issued by individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be accurate and conform to all requirements of law. Therefore, the General Manager, or his or her designee, is directed to create and implement a practice whereby all letters of recommendation are reviewed and approved by the General Manager, or his or her designee, before dissemination.

3124.1.1 The General Manager or designee shall process all requests for references, letters of recommendation, or information about the reasons for separation regarding all District employees other than himself or herself. All letters of recommendation to be issued on behalf of the District for current or former employees must be approved by the General Manager or his or her designee.

3124.1.2 At his or her discretion, the General Manager, or his or her designee, may refuse to give a recommendation. Any recommendation he or she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

POLICY TITLE: Nepotism

POLICY NUMBER: 3126

3126.1 It is the policy of the Morongo Valley Community Services District to seek for its staff the best possible candidates through appropriate search procedures. There shall be no bars to appointment of individuals who have close relatives in any staff category in the same or different departments so long as the following standard is met:

3126.1.1 No employee shall vote, make recommendations, or in any way participate in decisions about any personnel matter that may directly affect the selection, appointment, promotion, termination, other employment status, or interest of a close relative.

3126.1.1.1 For the purpose of this policy, "close relative" is defined as husband, wife, mother, father, son, daughter, sister, brother, father-in-law, mother-in-law, sister-in-law and brother-in-law.

3126.2 When an individual is considered for appointment in a department in which an immediate family member is already assigned, review of this fact shall be required at all appointing levels. The objective of this review shall be to assure equity to all members of the department.

3126.3 When an individual is considered for appointment in a department where a close relative has supervisory responsibility, the appointment shall not be granted.

POLICY TITLE: Payroll Deductions for Salaried Employees**POLICY NUMBER: 3128**

3128.1 Employees paid on a “salary basis” regularly receive a predetermined amount of compensation each pay period. Subject to the exceptions listed below, a salaried employee will receive his or her full salary for any work week in which he or she performs any work, regardless of the number of days or hours worked. A salaried employee may not be paid for any work week in which he or she performs no work, subject to the District’s bene- fits programs and policies.

3128.2 No deductions from salary may be made for time when work is not available, provided the salaried employee is ready, willing, and able to work. Deductions from pay are permissible when a salaried employee:

- Is absent from work for one (1) or more full days for personal reasons other than sickness or disability;
- Is absent for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a plan, policy, or practice of providing compensation for salary lost due to illness;
- Is absent for military duty and performs no work during the time off;
- Works less than a full week during the initial or final week of employment;
- Violates safety rules of major significance; or
- Violates written workplace conduct rules applicable to all employees and is suspended without pay for one (1) or more full days.

3128.3 It is the Morongo Valley Community Services District policy to comply with these salary basis requirements. Therefore, the Morongo Valley Community Services District prohibits all employees and managers from making any improper deductions from the salaries of exempt employees. The Morongo Valley Community Services District wants employees to be aware of this policy and know that the Morongo Valley Community Services District does not allow deductions that violate Federal or State law.

3128.4 If you believe that an improper deduction from your salary has been made, you should immediately re- port this information to your direct supervisor.

3128.5 Reports of improper deductions will be investigated promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

3128.6 Every employee is required to submit a Form W-4 at the beginning of each year to direct the payroll staff to make appropriate Federal and State income tax deductions.

POLICY TITLE: Performance Evaluation**POLICY NUMBER: 3130**

3130.1 This policy shall apply to all employees.

3130.2 In order to provide employees with information concerning their employment progress and to identify areas to improve job performance, the employee's supervisor and General Manager will conduct formal written employee evaluations at least once per year, preferably using the employee's hire date anniversary is desired for an annual evaluation.

Generally, employee evaluations may be performed at three (3) months and/or six (6) months after date of hire and shall be performed near the end of the twelve (12) month probationary period. At the end of the 12-month probationary period, the District may extend the probationary employee's probation period in order to provide the employee additional time to improve his or her job performance and/or to provide the District additional time to observe the probationary employee's work performance.

In the event than an employee's supervisor or the General Manager determines that a regular part-time or regular full-time employee's job performance has not improved after receiving a written performance evaluation, the supervisor or the General Manager may elect to establish a performance improvement plan ("PIP"), also known as a performance action plan to provide an employee the opportunity to succeed while still being held accountable for past performance. A PIP shall be used to address either failures to meet specific job performance-related or behavior-related issues. A PIP format and content shall conform to the guidelines provided in Exhibit "A" attached to this Policy Manual.

3130.3 Ratings: Performance evaluations shall be in writing on forms prescribed by the General Manager or his or her designee. The evaluation shall provide recognition for effective performance and also identify areas that need improvement. All evaluations will have an overall evaluation of Unsatisfactory, Improvement Needed, Satisfactory, Above Satisfactory, or Outstanding.

- Unsatisfactory Work is well below the standard expected of a competent worker in that job position, a majority of the time. Unsatisfactory ratings must be substantiated in a written statement by the evaluator.
- Improvement needed performance is frequently less than the standard expected of a competent worker in that job position, and improvable with additional training, experience, or effort.
- Satisfactory Work performance consistently meets the standard expected of a competent worker in that job position.
- Above Satisfactory Work performance is generally above the standard expected of a competent worker in that job position, a majority of the time.

.....

- Outstanding Work performance is consistently and distinctly well above the standard expected of a competent worker in that job position; performance is superior. Outstanding ratings must be substantiated in a written statement by the evaluator

3130.4 Evaluation Procedure: The performance evaluation must be signed by the evaluator, as well as the employee, and discussed with the employee. Unscheduled performance evaluations may be made at the discretion of the General Manager or his or her designee. An employee may respond to a performance evaluation in writing, which shall be attached to the performance evaluation. An employee shall speak with his or her evaluator regarding a performance evaluation in which he or she disagrees. If the employee is dissatisfied with his or her supervisor's response to a written response to a performance evaluation, the Employee may discuss the performance evaluation rating to the General Manager. The General Manager may only modify employee evaluations if there is a compelling reason to do so.

.....

.....

POLICY TITLE: Recruitment and Hiring

POLICY NUMBER: 3134

Recruitment:

3134.1 **Announcement:** All recruitments for classification vacancies within the District shall be publicized by such methods as the General Manager deems appropriate, consistent with District standards. Special recruiting shall be conducted, if necessary, to ensure that all segments of the community are aware of the forthcoming examination(s). Announcements shall specify the title and compensation of the classification; the nature of the work to be performed delineating the essential and marginal functions of the job; the minimum qualifications for the classification; the manner of making application; the examination components; and other pertinent information.

3134.2 **Applications:** Every applicant for examination shall file a formal, signed District employment application. Other methods of acceptable application due to an applicant's disability will be considered. Application forms shall require information covering training, experience, and other pertinent information as required by the General Manager. The General Manager may also require applicants to submit additional job-related information.

3134.3 **Examinations:** Examinations for the establishment of eligibility lists shall be competitive and by such character shall test and determine the qualifications, fitness, and ability of applicants to perform the essential functions of the classifications for which they seek appointment.

The examination may include an investigation of character, personality, education, experience, criminal history, credit bureau, drug & alcohol and any tests of intelligence, capacity, technical knowledge, manual skill, or job- related physical fitness that the General Manager deems appropriate.

The General Manager shall designate the procedure, time, place, and type of examination, the conditions under which it may be conducted, and the individual or competent agency who will conduct the examination. The District will make every reasonable effort to accommodate disabled applicants in the administration of employment tests in accordance with applicable law. Examinations may be promotional, open, or continuous as directed by the General Manager. In making a decision regarding the type of examination, the General Manager will consider the availability of qualified interested personnel in the District workforce, the possible Affirmative Action implications, and the need for expediency in filling the position.

3134.3.1 **Open/Promotional Examinations:** Any person who meets the requirements set forth in the open/promotional examination announcement may compete in

.....

.....

open/promotional examinations. The General Manager may adopt and implement objective standards to initially screen applications in order to reduce the number of applicants to a manageable size.

3134.3.2 Promotional Examinations: Regular and non-regular employees, except temporary employees, who meet the requirements set forth in the promotional examination announcement may compete in a promotional examination announcement.

3132.3.3 Continuous Examinations. Continuous examinations may be administered periodically for a single classification. Names shall be placed on eligibility lists and shall remain on such lists as pre- scribed in Section 3134.4

3134.4 Eligibility Lists

3134.4.1 Establishment: As soon as possible after the completion of an examination, the General Manager shall prepare and maintain an eligibility list consisting of the names of the applicants or employees who qualified in the examination. The names on the list shall be in order based on each applicant's competitive score for the examination process, with the highest score being first on the list. Each applicant or employee shall be given notice of the results of his or her examination and ranking on the eligibility list.

Applicants on the eligibility list for a particular classification may be certified by the General Manager for consideration to hire for a classification in an equal or lower salary range in the event that an eligibility list for that classification does not exist, provided that the applicant is qualified. This may be done only with the approval of the General Manager. Applicants will not be removed from the eligibility list pursuant to Section 3134.4.3 if they refuse to accept employment in the lower classification.

3134.4.2 Duration of Lists: All eligibility lists shall remain in effect until exhausted or abolished by the General Manager for due cause. As a general policy, eligibility lists shall remain in effect for not more than one (1) year. Eligibility lists may remain in effect for more than one (1) year at the General Manager's discretion. The General Manager may abolish eligibility lists with three (3) names or less before the one (1) year expires.

3134.4.3 Removal of Names from Eligibility Lists: The General Manager may remove a name of any eligible candidate appearing on an eligibility list if:

- The eligible candidate requests that his or her name be removed;
- The eligible candidate fails to provide notification of a change in address;
- The eligible candidate fails to attend a scheduled interview;
- The eligible candidate declined an interview on two (2) occasions;
- The eligible candidate declined an offer of employment;

.....

.....

- The eligible candidate was on an eligibility list as a result of a promotional examination and has subsequently left District employment; or
- The eligible candidate was on a list for a specialized classification within one department of the District and was determined to be unsuitable by the department head.

3134.4.4 Disqualification: At any point in the recruitment and selection process, the General Manager may refuse to declare an applicant an eligible candidate, or may withhold or withdraw from certification, prior to appointment by the General Manager, anyone who:

- Has failed to provide proof for any of the requirements established in the announcement for the classification for which he or she applied;
- Has been convicted of a felony of such a nature as to have an adverse effect on the candidate's ability to perform the duties of the position;
- Has a history of dismissal from any position in public or private service for any cause which would be a cause for dismissal from District employment;
- Has practiced or attempted to practice any deception or fraud in his or her application, examination, or in securing eligibility; or
- Is otherwise not qualified for employment with the District.

Hiring:

3134.5 Decisions regarding employment are based upon an individual's qualifications for the applicable position as described below.

3134.5.1 Vacancies: Employees of the District are encouraged to apply for any vacant positions for which they are qualified. The District awards vacant positions to the applicants who are best suited to meet the needs of the District, regardless of whether the applicant is a current District employee or not.

If a vacancy is awarded to a current regular employee, that employee shall serve a three (3) month probationary period in that position with continued benefits for health care, sick leave, vacation and comp time-off. Within three (3) months of the move to the vacant position, the employee may return to their previous position with written notice to and approval by the General Manager, so long as the position has not been filled.

3134.5.2 Selection of employees. All persons considered for employment with the District shall be qualified to perform the duties of the position for which they are employed. Before reporting for their first day of work, employees may be required to undergo a medical examination and drug/alcohol testing, which confirms their ability to perform the essential functions of the job.

- a) Citizenship Verification: All employees must provide necessary documentation to prove identity and their right to work in the United States in accordance with Federal and State Immigration and Naturalization laws.

.....

.....

Failure to provide such documentation will result in disqualification from selection or immediate termination.

3134.5.3 Probationary Period. The purpose of the probationary period is to give the District and the new employee the opportunity to determine whether employment relationship suits both parties. New employees may be eligible for health benefits under the Affordable Care Act after ninety (90) days of employment, if not enrolled in the District's health care coverage. During the probationary period, the District evaluates the employee's job performance, and it is expected that the employee will use this time period to determine whether the District employment is satisfactory to him or her. Generally, employee evaluations may be performed at three (3) months and/or six (6) months after the date of hire and shall be performed at the end of the twelve (12) month probationary period. The employee's supervisor will conduct a written performance evaluation to ascertain the advisability of continued employment on a regular basis. However, written evaluations may be done at any time during the probationary period if determined to be necessary by the Supervisor or the General Manager.

Regardless of whether the supervisor completes a written performance evaluation, probationary employees are at-will, and the District retains the right to terminate employment with or without cause, during the probationary period, in accordance with California law. Similarly, the probationary employee can end his or her employment at any time with at least two (2) weeks' written notice.

New employees hired for regular positions serve a probationary period of twelve (12) months, commencing with their first day of employment. The General Manager, in conjunction with the employee's supervisor, may extend the probationary period one or more times if it is determined that such an extension is appropriate. The status of regular employment following the probationary period shall only occur after a successful evaluation has taken place, and only if confirmed in writing by the District.

POLICY TITLE: Separation from District Employment**POLICY NUMBER: 3136**

3136.1 Resignation: To leave District service in good standing, an employee must file a written notice of resignation with the General Manager at least two (2) weeks before the effective date of separation of employment from the District. The General Manager may, however, grant good standing with less notice if he or she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval.

3136.2 Layoffs: Whenever, in the judgment of the District Board of Directors, it becomes necessary, due to the lack of work, lack of funds, or other economic reason, or because the necessity for a position no longer exists, the Board of Directors may abolish any position of employment, and the employee holding such position may be laid off or offered the option of moving to another position within the District, if a position is available and if the employee is qualified without disciplinary action and without the right of appeal.

3136.2.1 Notification: Employees to be laid off will be given, whenever possible, at least fourteen calendar days prior notice, if possible.

3136.2.2 Order of Layoff: Employees are generally laid off in the inverse order of their seniority in their classification in the department, although this order is subject to business needs. Seniority is determined based upon date of hire in the department. Within each class, and subject to business needs, employees will generally be laid off in the following order: temporary, part-time, probationary, and regular.

In cases where there are two (2) or more employees in the classification in the department from which the layoff is to be made who have the same seniority date, such employees will be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least thirty (30) days and no more than twelve (12) months prior to lay off, as follows: (1) all employees having ratings of "improvement needed;" (2) all employees having ratings of "competent;" (3) all employees having rating of "outstanding."

3136.2.3 Transfer in Lieu of Layoff: An employee affected by layoff may be transferred to a vacant position within the same or comparable classification, or a vacant position in any former classification, first within the affected department and then District-wide, which the employee once held as a regular employee, provided that the employee meets the minimum qualifications of said positions and the compensation is at the same or lower rate of pay.

.....

3136.2.4 Re-employment Rights for Laid Off Employees: Regular employees who have been laid off shall be automatically placed on a re-employment list for two (2) years from the date of layoff for the classification from which they were laid off.

3136.2.5 Mass Layoff: If the District finds it necessary to enforce a mass layoff, it must provide at least a sixty (60) day notice prior to the mass layoff. A mass layoff is defined as job loss for at least fifty (50) employees in a thirty (30) day period. California's WARN Act, codified in Labor Code Sections 1400-1408, also applies to the closing of an industrial or commercial facility with at least seventy-five (75) employees, or the relocation of an industrial or commercial facility with at least seventy-five (75) employees to a location at least one hundred (100) miles away.

3136.3 Dismissal of Regular Employees. A regular employee may be dismissed at any time by the General Manager for cause and after following the proper disciplinary termination procedures as outlined in the "Disciplinary Termination" section of these policies.

3136.3.1 A probationary employee may be terminated at any time during a probationary period without right of appeal or hearing. In case of such termination, the General Manager shall notify the probationary employee in writing that he or she is being separated from District service.

3136.3.2 Dismissal of the General Manager shall be as outlined in the employment agreement between the General Manager and the District.

3136.4 Exit Interview: For the purpose of ascertaining potential eligibility for unemployment insurance benefits, all employees separating from the District for any reason shall be given an interview prior to termination. The interview shall be conducted by a representative of the General Manager and shall produce specific information as to the causes and reasons for the separation. The information shall be recorded on a standard form provided by the District, which the employee shall be required to sign. A copy of the complete report shall be transmitted to the employee's immediate supervisor and General Manager for comment and be returned for retention in the employee's personnel file.

3136.5 Property Return Agreement. Upon employment with the District, each employee may complete a Property Return Agreement if they receive any District property. Property includes, but is not limited to, laptops, cell phones, PDAs, equipment, keys, reports, proprietary information, and any other job-related materials. All District property must be returned prior to departure.

3136.6 Employment Reference Checks: All inquiries regarding a current or former District employee must be referred to the General Manager. Should an employee receive a written request for a reference, he or she must refer the request to the

.....

.....

General Manager for handling. Employees may not issue a reference letter to any current or former employee without the permission of the General Manager.

Under no circumstances should an employee release any information about a current or former employee over the telephone. All telephone inquiries regarding any current or former employees of the District must be referred to the District Manager.

In response to an outside request for information regarding a current or former District employee, the General Manager will only verify an employee's name, date of employment, and job title. No other data regarding any current or former District employee will be released unless the employee authorizes the District to release such information in writing, or the District is required by law to furnish any information.

If, however, an employee is contacted to give a personal reference regarding a current or former District employee, he or she is permitted to do so and should emphasize to the inquirer that the reference is personal only and not on behalf of the District. Failure to follow these directions may be cause for disciplinary action up to and including termination.

.....

POLICY TITLE: Temporary Reclassifications

POLICY NUMBER: 3138

3138.1 The Morongo Valley Community Services District General Manager may temporarily assign an employee to perform work normally performed by another employee or position classification at a different level or salary.

3138.2 An employee temporarily assigned to perform work of a lower paid classification shall not have his or her salary reduced, and an employee temporarily assigned to perform work of a higher paid classification shall receive compensation equal to either the lowest salary step for that position that would provide for an increase in pay or five percent (5%), whichever is less, for all time spent in the acting position in excess of twenty (20) work days. Temporary reclassification shall continue only until such time as the employee is returned to his or her original job duties.

3138.3 Temporary assignments to a higher or lower paid classification must be in writing and approved by the General Manager in advance.

POLICY TITLE: Unlawful Harassment**POLICY NUMBER: 3140**

3140.1 Harassment and discrimination in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion (including religious dress and grooming practices), age (40 and over), physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis is prohibited by federal and state law. The District does not tolerate unlawful discrimination or harassment in the workplace or in a work-related situation. Unlawful discrimination and harassment is a violation of these Guidelines. Section 3140 shall also include and apply to members of the District Board of Directors, independent contractors, unpaid interns, volunteers, persons providing services to the District pursuant to a contract, and other persons with whom District employees may come into contact while working.

3140.2 Unlawful harassment in employment may take many forms. Some examples include, but are not limited to:

- Verbal conduct such as epithets, derogatory comments, slurs, or unwanted comments and jokes;
- Visual conduct such as derogatory posters, cartoons, drawings, or gestures;
- Physical conduct such as blocking normal movement, restraining, unwanted touching, or otherwise physically interfering with work of another individual;
- Threatening or demanding that an individual submit to certain conduct or to perform certain actions in order to keep or get a job, to avoid some other loss, or as a condition of job benefits, security, or promotion; and
- Retaliation by any of the above means for having reported harassment or discrimination, or having assisted another employee to report harassment or discrimination.
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or federal law or by District policy.

Please note that prohibited harassment is not just sexual harassment, but harassment based on any protected category.

3140.3 Sexual harassment under state and federal laws is defined as unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;

.....

- Such conduct has the purpose or effect of substantially interfering with a person's work performance or creating an intimidating, hostile, or offensive work environment; or adversely
- affected the employee's performance, appraisal, assigned duties, or any other condition of
- employment or career development; or
- Such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personal action.

3140.4 Prohibited acts of sexual harassment can take a variety of forms ranging from unwanted verbal or physical actions from subtle pressure for sexual activity to physical assault. Sexual harassment conduct need not be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Examples of the kinds of conduct included in the definition of sexual harassment are:

3140.4.1 Direct or indirect threats or suggestions of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.

3140.4.2 Continual or repeated verbal abuses of a sexual nature including graphic commentaries on the person's body; sexually suggestive objects or pictures placed in the work area that may embarrass or offend the person, sexually degrading words to describe the person, or propositions of a sexual nature.

3140.4.3 The following is a list of some, but not all, actions employees are to avoid that could be interpreted as sexual harassment:

- Unwelcome sexual advances and propositions;
- Offensive flirtations with sexual overtones;
- Sexual innuendo;
- Obscene and suggestive comments;
- Humor or jokes about sex or gender specific traits;
- Sexual or graphic comments about an individual's body, dress, or overall appearance; or
- Sexually suggestive or explicit graffiti, illustrations, visual or printed material in the workplace, including inappropriate emails, internet sites, and social media postings.

3140.5 Abusive conduct or workplace bullying of the District's employees, by any person in or from the work environment, is strictly prohibited. Abusive conduct or workplace bullying is the conduct of any employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an

.....

.....

employer's legitimate business interest. Abusive conduct or workplace bullying includes, but is not limited to:

- Repeated infliction of verbal abuse;
- Derogatory remarks, insults, epithets;
- Verbal or physical conduct that a reasonable person would find threatening, intimidating, or humiliating; or
- Gratuitous sabotage or undermining of a person's work performance.

3140.6 Policy Publicizing. All employees shall be informed of the District's unlawful harassment policy and complaint process prior to their need to know, and again when any complaint is filed. Also, said policy and complaint process shall be readily available to all employees and members of the general public utilizing the District's facilities and services.

3140.6.1 All new employees shall be given a copy of the sexual harassment policy at the time of hiring and said policy's contents shall be discussed with said employee at that time by the division manager within whose division they will be working.

3140.6.2 An annual bulletin may also be prepared and distributed to all employees informing them of the District's sexual harassment policy.

3140.7 Complaint Process. Any employee who believes he or she is the victim of unlawful harassment, abusive conduct, or discrimination on any prohibited basis, or who has observed such conduct, or believes he or she is subject to retaliation ("Unlawful Harassment") may file a formal or informal confidential complaint without fear of reprisal or embarrassment.

3140.7.1 An informal complaint is made verbally by the employee to the immediate supervisor and/or HR Manager/Personnel Manager. Although filing the complaint with the immediate supervisor is preferred, the employee is free to file a complaint with any supervisory employee.

3140.7.2 A formal complaint is made in writing using the "Employee Grievance Form," see "Appendix A" in Policy #3120. Said form should be submitted by the employee to their immediate supervisor and/or HR/Personnel Manager. Although submitting the formal complaint with the immediate supervisor and/or HR/Personnel Manager is preferred, the employee is free to submit a formal complaint with any supervisory employee, including the General Manager, or with the President of the Board of Directors, if the employee's immediate supervisor is the General Manager and the General Manager is unavailable or personally involved in said complaint.

3140.8 Complaint Response Process. Any supervisory employee who receives a formal or informal Unlawful Harassment complaint shall maintain the confidentiality of the

.....

.....

complainant to the extent possible and shall personally deliver said complaint immediately and directly to the division manager, or to the General Manager if the division manager is unavailable or personally involved in said complaint. If the General Manager is unavailable or personally involved in said complaint, then said complaint shall be delivered to the President of the Board of Directors.

3140.8.1 After a formal or informal complaint is received, an impartial investigation shall be conducted by the General Manager, or another impartial investigator within a timely manner.

3140.8.2 A written record of any investigation of an alleged Unlawful Harassment complaint shall be maintained. Findings will be sent to the General Manager. The General Manager shall immediately inform, in total confidentiality, the Board of Directors. If the General Manager is personally involved in the complaint, such findings will instead be provided directly to the entire Board of Directors to determine options and/or remedial action, if appropriate.

3140.8.3 All discussions resulting from said investigation shall be kept confidential to the extent possible by all informed of said investigation.

3140.8.4 The person initiating the complaint has the right to be accompanied by an advocate(s) when discussing alleged incidents. Said person shall be advised of this right prior to the commencement of such discussions. Said advocate may support and/or represent the complainant but should not interfere with the integrity of the investigation or the investigatory process.

3140.9 Disciplinary Procedures and Sanctions. If upon the conclusion of the investigation of the alleged Unlawful Harassment claim, the investigator determines that harassment, discrimination, retaliation, or other prohibited conduct has occurred, appropriate corrective and remedial action shall be taken by the General Manager/Board of Directors against the harasser in accordance with the circumstances involved. The District will also take appropriate action to deter future misconduct. Any employee determined by the District to be responsible for harassment, discrimination, retaliation, or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including, termination. Employees should also know that if they engage in unlawful harassment, they can be held personally liable for the misconduct.

3140.10 Retaliation. Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by District policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the California Department of Fair Employment and Housing ("DFEH") or Federal Equal Employment Opportunity Commission ("EEOC"), or for otherwise participating in any proceedings conducted by the District under this policy or by either of these agencies.

.....

.....

3140.11 Employee should also be aware that the EEOC and the DFEH investigate and prosecute complaints of prohibited harassment, discrimination, and retaliation in employment. Information is available at www.eeoc.gov and www.dfeh.ca.gov.

.....

POLICY TITLE: Inclusive Workplace Policy

POLICY NUMBER: 3141

3141.1 Purpose. The District is dedicated to maintaining a safe and productive workplace environment for all employees. This policy sets forth guidelines to address the needs of transgender and gender non-conforming employees and clarifies how the law should be implemented in situations where questions may arise about how to protect the legal rights or safety of such employees. This inclusive workplace policy does not anticipate every situation that might occur with respect to transgender or gender non-conforming employees, and the needs of each transgender or gender non-conforming employee must be assessed on a case-by-case basis. However, in all cases, the goal is to ensure the safety, comfort, and healthy development of transgender or gender non-conforming employees while maximizing the employee's workplace integration and minimizing stigmatization of the employee.

3141.2 Definitions. The definitions provided within this policy are not intended to label employees but rather to assist in understanding this policy and the legal obligations of employers. Employees may or may not use these terms to describe themselves.

3141.2.1 Transgender. Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth.

3141.2.2 Gender expression. Gender expression is defined by the law to mean a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth. It includes an individual's characteristics and behaviors (such as appearance, dress, mannerisms, speech patterns, and social interactions) that may be perceived as masculine or feminine.

3141.2.3 Gender identity. Gender identity is a person's internal understanding or sense of being male, female, or something other or in-between, regardless of the sex they were assigned at birth. Each person has a gender identity.

3141.2.4 Gender non-conforming. Gender non-conforming is a term that describes people who have, or are perceived to have, gender characteristics and/or behaviors that do not conform to traditional or societal expectations.

3141.2.5 Transitioning. Transitioning is a process some transgender people go through to begin living as the gender with which they identify, rather than the sex assigned to them at birth. This process may include, but is not limited to, changes in name and pronoun usage, facility usage, participation in employer-

.....

sponsored activities or undergoing hormone therapy, surgeries, or other medical procedures.

3141.4 Right to Privacy. Transgender employees have the right to discuss their gender identity or expression openly, or to keep that information private. The transgender employee can decide when, with whom, and how much to share of their private information.

Management, human resources staff, and coworkers should avoid revealing an employee's transgender status or gender non-conforming presentation to others without the transgender employee's consent and should only do so with coworkers who need to know to do their jobs.

3141.5 District Records. The District will change an employee's official employment record to reflect a change in name and/or gender upon request from the employee, to the extent it is possible. Please note that certain types of records, like those relating to payroll and retirement accounts, may require a legal name change before the person's name can be officially changed. However, to the extent possible, the District will work to reflect an employee's preferred name on District records without proof of a legal name change.

3141.5.1 Name/Pronoun. A transgender employee has the right to be addressed by the name and pronoun corresponding to the employee's gender identity. District employment records will also be changed to reflect the employee's new name and gender, to the extent possible, upon the employee's request.

3141.6 Transitioning. Employees who transition during their employment with the District can expect the support of management.

3141.7 Restroom Accessibility. All employees have a right to safe and appropriate restroom facilities, including the right to use a restroom that corresponds to the employee's gender identity or gender expression, regardless of the employee's sex assigned at birth. Employees shall have access to the restroom corresponding to their gender identity or gender expression. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, will be provided access to a unisex single-stall restroom, if available. No employee, however, shall be required to use such a restroom.

3141.8 Dress Code. The District does not have a dress code that restrict employees' clothing or appearance on the basis of gender. Transgender and gender non-conforming employees have the right to comply with District's dress code in a manner consistent with their gender identity or gender expression.

.....

.....

3141.9 Discrimination/ Harassment. It is unlawful and violates the District's policy to discriminate in any way against an employee because of the employee's actual or perceived gender identity and/or gender expression. Additionally, it also is unlawful and contrary to this policy to retaliate against any person objecting to or supporting enforcement of legal protections against gender identity and/or gender expression discrimination in employment.

3141.9.1 Investigation. Any incident of discrimination, harassment, or violence based on gender identity or expression will be given immediate and effective attention, including, but not limited to, investigating the incident, taking suitable corrective action and providing employees and staff with appropriate resources.

3141.9.2 Complaint. Any employee who believes he, she, or they are the victim of unlawful harassment or discrimination based on gender identity or gender expression shall promptly file a complaint with the immediate supervisor and/or HR/personnel manager. The process for filing a complaint is outlined in Policy 3140.7.

.....

POLICY TITLE: Whistleblowing Policy**POLICY NUMBER: 3142**

3142.1 It is the policy of the Morongo Valley Community Services District that its employees should be free to report violations of law, abuse of authority, fraud, economic waste, or gross misconduct, incompetence or inefficiency without fear of retaliation or retribution. This policy is based on a finding that the Morongo Valley Community Services District best serves itself and its membership when it can be candid and honest without reservation in conducting the business of the Morongo Valley Community Services District

The Morongo Valley Community Services District prohibits retaliation by employees, Board members or volunteers against any staff member, Board member or volunteer for making good faith complaints, reports or inquiries regarding illegal or improper activities under this policy to the Morongo Valley Community Services District or any law enforcement agency, or for participating in a review or investigation of any such complaints under this policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken. The Morongo Valley Community Services District reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints or reports regarding alleged illegal or improper activities, or who otherwise abuse this policy.

Therefore, the purpose of this policy is to: (1) encourage staff, Board members and volunteers to report to the Morongo Valley Community Services District any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the Morongo Valley Community Services District's policies, promptly to those members of the Morongo Valley Community Services District specified in this policy; and (2) prohibit the Morongo Valley Community Services District's Board of Directors, Chief Executive Officer (General Manager) and supervising employees from retaliating against any employee who reports illegal or improper activities to the Morongo Valley Community Services District or law enforcement agencies as provided herein; and (3) specify a procedure by which information regarding illegal or improper activities of or retaliation by members of the Board of Directors or employees can be reported to the Morongo Valley Community Services District and investigated; and (4) provide a hearing process to any employee or Board member who has filed a written complaint with the Morongo Valley Community Services District alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the Morongo Valley Community Services District or law enforcement protected by this policy.

3142.2 Definitions:

- a) "Illegal Order" means a directive to violate or assist in violating a federal, state or local law, rule or regulation, or an order to an employee to work or

.....

- cause others to work in conditions outside of their scope of duty that could unreasonably threaten the health and safety of employees or the public.
- b) "Illegal or Improper Activity" means an activity by a member of the Board of Directors, an employee, or a volunteer of the Morongo Valley Community Services District that is undertaken in the performance of that person's duties that is either:
 - (1) a violation of any state or federal law or regulation including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, abuse of property or willful omission to perform a duty; or (2) violates [DISTRICT] policies, is economically wasteful, or involves gross misconduct, incompetency, or inefficiency. Illegal or Improper Activity includes alleged financial, accounting or audit improprieties and alleged ethical violations by employees or Board members
 - c) "Protected Disclosure" means a good faith communication from an employee or Board member of the Morongo Valley Community Services District or law enforcement agencies that discloses information that may be evidence of Illegal or Improper Activity.
 - d) "Retaliation" means an employee or director using or attempting to use his or her official authority or influence over an employee to intimidate, threaten, or coerce any employee in order to interfere with the rights of employees to freely report Illegal or Improper Activity to the Morongo Valley Community Services District or a law enforcement agency. Retaliation includes, but is not limited to, promising to confer, or conferring any benefit; affecting or threatening to affect any reprisal; or taking or directing others to take, recommend, or approve any personnel action against an employee making a Protected Disclosure including, but not limited to, demotion, transfer, assignment, performance evaluation, suspension, or other disciplinary action including termination.

3142.3 Encouragement of reporting of illegal or improper activity: the Morongo Valley Community Services District encourages employees and members of the Board to file complaints or reports about Illegal Orders or Illegal or Improper Activity or alleged Retaliation with the General Manager. All such complaints shall include specific facts supporting any allegation of Illegal or Improper Activity, or Retaliation, as defined by this policy. Complaints of Illegal or Improper Activity or Retaliation may be made anonymously, but such anonymity may impede the ability of the Morongo Valley Community Services District to conduct a thorough investigation. If the General Manager is alleged to be involved in the complaint or report, then such complaint shall be filed with the President of the Board of Directors. If the President of the Board is also alleged to be involved in the complaint, then the complaint or report shall be filed with the Morongo Valley Community Services District's General Counsel.

.....

.....

Other allegations with respect to which the Morongo Valley Community Services District has existing complaint, grievance or appeal procedures as specified in the Morongo Valley Community Services District's policies should be addressed pursuant to those procedures, such as issues of alleged discrimination or harassment which are processed by the Morongo Valley Community Services District's human resources department. This policy is not intended to provide a procedure for the filing of employee or Board member complaints regarding any employment issues other than whistleblowing activities and protection of employees from Retaliation for making Protected Disclosures.

3142.4 Investigations of Allegations of Illegal or Improper Activity: The General Manager may request that a person submitting a complaint alleging Illegal or Improper Activity provide his or her name and contact information and provide the names and contact information for any persons who could help substantiate the claim. However, this information is not required in order to submit a complaint.

Upon receiving a complaint from any employee or member of the Board that an employee or Board member has engaged in an Illegal or Improper Activity, the General Manager will conduct an investigation of the allegations in the complaint. The identity of the person filing the complaint, or of any person providing information in confidence regarding the facts in the complaint shall not be disclosed without the express permission of the person providing the information. However, the General Manager may disclose the facts in the complaint to a law enforcement agency in the event that an allegation of criminal conduct is contained in the complaint filed with the Morongo Valley Community Services District. The General Manager may request the assistance of General Counsel and/or any outside consultant for assistance in evaluating an allegation of Illegal or Improper Activity or conducting an investigation of Illegal or Improper Activity as authorized by this policy. The General Manager shall investigate the allegations in the complaint and prepare a report of the results of the investigation within sixty (60) days of the date of the complaint.

If, upon completion of the investigation, the General Manager finds that an employee or Board member may have engaged or participated in an Illegal or Improper Activity, the General Manager shall make such findings in the investigative report and include recommended actions to prevent the continuation or recurrence of the Illegal or Improper Activity. Such recommendations may include taking disciplinary action against those employees found to have violated this policy, which action may be taken by the General Manager. The investigative report may also recommend imposing sanctions, including loss of office, on those Board members found to have violated this policy. In that event the report shall be filed with the Board of Directors, which shall comply with the policies of the Morongo Valley Community Services District in initiating discipline against a member of the Board of Directors. The Morongo Valley Community Services District shall keep confidential all investigation work product including the investigative report.

.....

3142.5 Complaints of Retaliation and Investigation. An employee or volunteer who believes he or she has been subjected to Retaliation as defined and prohibited by this policy shall file a written complaint with the General Manager which specifies the alleged retaliatory conduct and identifies the individuals allegedly engaged in such conduct.

Upon receipt of the complaint the General Manager shall commence an investigation of the allegations contained in the complaint of Retaliation, which shall include interviews of the complainant and any potential witnesses. The General Manager may utilize the services of General Counsel and/or other consultants in conducting such investigation and preparing an investigation report. A written investigation report regarding the alleged Retaliation shall be completed within thirty (30) days of receipt of a complaint of Retaliation.

Based on the investigation, the General Manager shall make a determination as to whether Retaliation occurred in violation of this policy and, if so, what steps should be taken to remedy the situation. The General Manager's decision shall be communicated to the complaining employee. In making his or her determination, if it is alleged that improper disciplinary action was taken against the complaining employee in Retaliation for having made a Protected Disclosure, the General Manager shall consider whether the taking or failing to take any personnel action with respect to an employee who has complained of Retaliation is justified on the basis of evidence separate and apart from the fact that the person has made a Protected Disclosure, such as inadequate job performance. If the evidence in the investigation reveals that a Protected Disclosure was a contributing factor in the alleged Retaliation against a former or current employee, the burden of proof shall be on the supervisor or other employee imposing the discipline to demonstrate by clear and convincing evidence that the alleged personnel action would have occurred for legitimate, independent reasons even if the complaining employee had not engaged in Protected Disclosures of Illegal or Improper Activity.

The investigation report of the alleged Retaliation prepared by the General Manager shall include a written decision as to whether this policy has been violated. If the investigation report concludes that this policy has not been violated and the complaining employee disagrees with the determination of the General Manager, the complaining employee may appeal in writing the decision to the Board of Directors. That appeal must be filed within ten (10) business days of receipt of the investigation report and decision of the General Manager.

If an appeal is filed, the Board of Directors shall conduct a hearing of the complaining employee's appeal and hear and receive all evidence submitted by the complaining employee. In hearing the appeal, the Board of Directors may take evidence, and hear testimony from the complaining employee and other witnesses. The Board of Directors shall consider whether an activity protected by this policy was a contributing factor in the alleged Retaliation against the complaining employee and if the alleged retaliatory

.....

.....

action could have occurred for legitimate, independent business reasons even if the complaining employee had not made Protected Disclosures. The Board of Directors shall render a final decision in writing to the complaining employee within thirty (30) days after completing the hearing which concludes whether Retaliation prohibited by this policy has occurred or not. If the Board of Directors finds that the provisions of this policy have been violated, it shall order that any personnel action taken against the complaining employee be reversed and that a memorandum be placed in the employee's personnel file indicating the results of the decision of the Board of Directors on appeal.

A complaining employee shall be required to exhaust his or her administrative remedies by filing an appeal with the Board of Directors regarding any alleged violation of this policy before being entitled to commence a civil action in the Superior Court.

.....

POLICY TITLE: Telecommuting Policy**POLICY NUMBER: 3144**

3144.1 Telecommuting, also called “telework,” or performing work for one’s employer from home or a remote location, is becoming an increasingly desirable employment model. High-speed internet connections, smart phones, and innovative telecommunications equipment routinely facilitate off-site work. Allowing employees the freedom to perform their job in locations other than on the Morongo Valley Community Services District property can improve employee performance, productivity and morale; facilitate optimum utilization of the Morongo Valley Community Services District office and parking facilities; promote employee health and wellness; improve air quality and traffic congestion; improve employee recruitment and retention; enhance the working life and opportunities of persons with disabilities; and effectively continue business as part of a disaster recovery or emergency plan.

Therefore, the purpose of this policy is to: (1) encourage employees who desire and are able to work from home or another remote location to discuss the feasibility of such an arrangement with their immediate supervisors; (2) develop a uniform policy for employees who work remotely; and (3) ensure that all telecommuting arrangements are in full compliance with applicable laws governing workplace safety, employee rights and responsibilities, and the Morongo Valley Community Services District policies.

3144.2 Eligibility

Only employees whose job duties can be performed away from the Morongo Valley Community Services District office (or other primary work location) may be considered for participating in a telecommuting program. In addition, other criteria shall be considered in determining whether to grant a specific request for telecommuting. These other criteria may include, but are not limited to, years of employment at the Morongo Valley Community Services District; whether the employee’s past work performance has shown reliable and responsible performance of work duties over time; whether the employee can reliably provide alternative work space; whether the employee’s absence from the primary work location will disrupt the workflow of other employees and/or overall management of the Morongo Valley Community Services District; and whether the employee can demonstrate full understanding of the requirements of this policy. Supervisors may use other reasonable criteria in addition to these examples.

Telecommuting during a probationary or introductory period shall not be granted because of the need to clarify job responsibilities with the employee and to assess the employee’s suitability for continued employment, and because of the employee’s need to establish relationships with co-workers.

Employee participation in telecommuting may be required in accordance with the Morongo Valley Community Services District’s needs during the COVID-19 pandemic or other emergency. The Morongo Valley Community Services District has the right to

.....

refuse to make telecommuting available to any employee, 1 or to require any employee to telecommute. The Morongo Valley Community Services District has no obligation to allow one employee to telecommute merely because another employee who performs the same or similar job duties has been approved for telecommuting.

Should an employee request a telecommuting arrangement due to a disability as defined by the Americans With Disabilities Act or Fair Employment and Housing Act, the Morongo Valley Community Services District will engage in an interactive process discussion with the employee to determine whether such accommodation can reasonably be provided.

A request to telecommute may be initiated by either the employee or the Morongo Valley Community Services District.

3144.3 Work Schedule

All telecommuting work schedules are at management's discretion. Telecommunicating arrangements do not necessarily provide the employee with a flexible work schedule. The work schedule shall be consistent with the operational needs of the employee's work group and department and overall management of the Morongo Valley Community Services District. As with any work schedule, management has the discretion to change or eliminate telecommuting arrangements to meet operational needs, or at the employee's reasonable request.

Telecommuters may be required to spend a minimum number of work days per week or per month at their primary onsite work location. Operational needs may also demand the presence of a regularly telecommuting employee in the office on a regularly scheduled telecommute day, with or without advance notice. Management shall attempt to provide as much notice as possible to the telecommuting employee.

Telecommuters shall maintain regular contact with supervisors and co-workers by phone and e-mail while they are telecommuting. Unless granted express permission by the employee's immediate supervisor, employees shall expect to adhere to a regular workday schedule as if they were present in the office and shall be in communication by phone and e-mail during those hours.

3144.4 Meetings at the Telework Site

Telecommuting employees are not permitted to conduct work-related meetings at their remote worksites. Meetings must be conducted either onsite or through tele- or videoconferencing. Absent express written authorization from the telecommuting employee's supervisor, no other the Morongo Valley Community Services District employee is permitted to conduct the Morongo Valley Community Services District business at the remote worksite.

3144.5 Benefits and Compensation

.....

.....

All benefits and compensation will be based on the employee's position, with no distinction made between telecommuting and onsite employees. All applicable contracts, agreements and policies governing an employee's position shall continue to apply in the telecommuting program.

3144.6 The Morongo Valley Community Services District Policies

Employees who telecommute are bound by all the Morongo Valley Community Services District policies as if they were working onsite or on property. This includes policies governing appropriate conduct in the workplace and towards one's fellow employees, regardless of working location. Any employee who violates any of the Morongo Valley Community Services District's policies while telecommuting shall be subject to revocation of his or her telecommuting arrangement, in addition to any disciplinary measures that would be taken if the employee was working onsite.

3144.7 Health and Safety

The Morongo Valley Community Services District is committed to ensuring a safe worksite in compliance with the rules and guidelines set forth by the

Division of Occupational Safety and Health (Cal/OSHA). Employees who telecommute are responsible for designating one area in their home as the worksite. The employee's direct supervisor or other designated manager shall review the applicable health and safety rules with the employee, and the employee must complete a checklist and certify in writing that the worksite meets all of the requirements for a safe and healthy work environment. The employee must also certify in writing that, should any condition arise at the worksite so that the health and safety requirements are no longer met, or if any other hazardous condition occurs, the employee will notify his or her supervisor immediately and cease working at the remote worksite until the condition has been remediated. The employee shall not be permitted to resume telecommuting from the remote worksite without the express authorization of his or her supervisor.

Upon reasonable notice, management has the right to inspect the employee's designated worksite. If the employee refuses such a request, he or she may not be allowed to continue telecommuting. Management reserves the right to refuse or rescind a telecommuting agreement based on the employee's failure to adhere to the guidelines, or if a supervisor or other manager makes the reasonable assessment that the employee's worksite poses a health or safety risk.

If an employee incurs an injury or illness in the course or scope of employment while telecommuting, Workers' Compensation laws apply. Employees must immediately notify their supervisor and complete all necessary paperwork as required by the Morongo Valley Community Services District.

Actions that the telecommuter may take during break periods from working and actions not directly related to the approved remote worksite will not be covered under Workers' Compensation. These non-covered actions include, but are not limited to, all actions

.....

.....

that the employee would not be able to perform in his or her the Morongo Valley Community Services District office, such as caring for children or pets, domestic tasks, yard work, retrieving the mail, cooking, exercising and interacting with non-district employees for non-business purposes.

The Morongo Valley Community Services District shall in no instance be liable for injuries to third persons, including members of the telecommuting employee's family, who enter the employee's worksite or otherwise interact with the employee or use his or her home office equipment.

The Morongo Valley Community Services District understands that compliance with the health and safety provisions of this policy does not necessarily provide the reasonable accommodations required by employees with disabilities. Telecommuting employees with disabilities shall be entitled to the same rights and accommodations they would be entitled to under all applicable state and federal laws and the Morongo Valley Community Services District policy. Telework may be provided as a reasonable accommodation, and such arrangement is addressed in a separate reasonable accommodation policy.

3144.8 Performance Standards and Evaluation

An employee participating in a telecommuting arrangement is accountable under the same performance standards as employees working onsite. As in "regular" office assignments, supervisors and employees should discuss and understand what is expected to be produced during telecommuting hours and when assignments are due. Supervisors and employees should also arrange when and how to make contact with each other on telecommuting days. Employee performance must remain satisfactory or above to participate in the telecommuting program.

3144.9 Business Expenses and Reimbursement

Expenses incurred as a result of telecommuting generally will not be reimbursed by the Morongo Valley Community Services District unless they are normally reimbursable pursuant to the Morongo Valley Community Services District policies, or pre-approved in advance at the sole discretion of the employee's supervisor. Such non-reimbursable expenses include, but are not limited to, utility costs, personal computer repair or replacement, purchase of office equipment or furniture, and travel to and from the primary the Morongo Valley Community Services District worksite if required to be onsite. If an employee who is required to telecommute believes that he or she is incurring expenses on behalf of the Morongo Valley Community Services District that would not ordinarily be incurred if the employee was working onsite, he or she should notify the supervisor to discuss reimbursement.

Telecommuting employees may use the Morongo Valley Community Services District office equipment and supplies at any time, according to need. For example, unless directed not to report to the Morongo Valley Community Services District's office, a telecommuting employee is allowed to come to the Morongo Valley Community Services

.....

District's office to use printing and copying equipment, administrative assistance, or other office resources to which the employee would have access if he or she was working onsite. With the advance approval of the employee's supervisor, a telecommuting employee may be permitted to take the Morongo Valley Community Services District office supplies to his or her remote worksite to facilitate productivity. Such supplies may include printer paper, pens and pencils, or other miscellaneous office-related items. Employees should not remove any item from the Morongo Valley Community Services District property to use offsite without the express permission of his or her supervisor.

3144.10 Use of Personal Computers, Smart Phones and Other Technology
Telecommuting employees using their personal computers, internet connections, smart phones and other technology are responsible for ensuring and certifying that they meet the same security standards as if they were using the Morongo Valley Community Services District technology. At the supervisor's discretion, the telecommuting employee may be required, as a condition of telecommuting, to establish a secure internet connection, install enhanced password protection or encryption software, keep confidential materials in a locked or otherwise secured location, restrict non-employees' (such as family members') usage of computers or smart phones used for the Morongo Valley Community Services District business, and any other measure required to maintain the Morongo Valley Community Services District's information security standards.

Any and all policies governing employee usage of the Morongo Valley Community Services District computers, internet connections and mobile devices shall apply to telecommuting employees when they are using their personal equipment in the course and scope of employment, and when they are using the Morongo Valley Community Services District technology at any time. Employees using the Morongo Valley Community Services District technology or conducting business on personal devices have no expectation of privacy. 3144.11 Equal Opportunity. This policy does not alter any commitment to maintaining an equal opportunity, discrimination-free workplace. All [DISTRICT] policies, as well as all state and federal laws, governing antidiscrimination policy apply uniformly to telecommuting and onsite employees.

3144.12 Harassment-Free Workplace
This policy does not alter the Morongo Valley Community Services District's commitment to maintaining a harassment-free workplace. All policies, as well as all state and federal laws, governing anti-harassment policy apply uniformly to telecommuting and onsite employees.

Any employee who feels he or she has been subjected to harassment in the course of performing District business should report the incident in accordance with antiharassment policy. Investigations of alleged harassment shall be conducted in the same manner for telecommuters as for onsite employees, regardless of where the incident occurred.

.....

3144.13 Procedure

Employees who wish to telecommute are encouraged to contact their immediate supervisor to discuss the feasibility of such an arrangement. Employees may arrange to telecommute regularly, or on an as-needed basis. Same-day requests for telecommuting cannot be granted unless the employee has already certified to a safety-compliant worksite and discussed information security with his or her supervisor.

All telecommuting arrangements are subject to ongoing review and may be revoked at any time. Nothing in this policy shall grant a telecommuting employee any rights he or she would not have if working onsite, nor shall it limit his or her rights under all applicable policies and state and federal laws.

I understand, acknowledge, and agree to abide by all of the provisions contained in this policy.

[EMPLOYEE]

[SUPERVISOR]

.....

POLICY TITLE: Lactation Accommodation Policy**POLICY NUMBER: 3146**

3146.1 The Morongo Valley Community Services District recognizes the need to promote a work environment that is supportive of breastfeeding employees who wish to continue nursing their infant children when they return to work. This policy establishes guidelines for promoting a breastfeeding friendly work environment and supporting lactating employees.

3146.2 The Morongo Valley Community Services District will provide an environment that will enable employees to express their milk in a private, appropriate space. Such space will meet the requirements of the California Labor Code including a surface to place a breast pump and personal items, a place to sit, and access to electricity. Lactating employees will also be provided access to a sink with running water, and access to a refrigerator for storing breast milk.

3146.3 An employee may request an accommodation for reasonable lactation breaks by informing Human Resources and her supervisor in writing (preferably by electronic mail). The supervisor and the employee will discuss an appropriate break schedule for lactation. The lactation break time will, if possible, run concurrently with the employee's regular paid break time already provided. Any time in excess of a normal lunch or paid break time will not be paid. The Morongo Valley Community Services District will respond, in writing, if lactation space or additional break time, as described in this policy, cannot be provided.

3146.4 Harassment of and/or discrimination against lactating employees is prohibited. It is also prohibited to retaliate against lactating employees who request time to express breast milk at work. If you are aware of any harassment of and/or discrimination against a lactating employee, please immediately report it to the General Manager. Any incident of discrimination or harassment of a lactating employee will be addressed in accordance with the Morongo Valley Community Services District policies and procedures and in accordance with state law.

Employees have the right to file a complaint with the Labor Commissioner for any violation of rights provided under Chapter 3.8 of the California Labor Code regarding lactation accommodations.

POLICY TITLE: Termination Policy

POLICY NUMBER: 3148

3148.1 Progressive Discipline

At all times, the Morongo Valley Community Services District expects employees to perform to the best of their abilities and to conduct themselves appropriately. If an employee performs at an unsatisfactory level, violates a policy, or commits inappropriate acts, they will be subject to discipline. The Morongo Valley Community Services District will administer a progressive discipline system that includes one or more verbal warnings, one or more written warnings, suspension, reduction in pay, demotion, and discharge. Progressive discipline is not mandatory, and the Morongo Valley Community Services District reserves the right to deviate from any order or form of progressive discipline when appropriate. Progressive discipline is also inapplicable to staff reductions and layoffs.

Progressive discipline requires that repeated offenses should normally carry more severe corrective actions than first offenses. A pattern of offenses after successive corrective actions should ultimately result in discharge. This policy is a guide to constructive, progressive discipline to be used in deciding on corrective action for improper conduct by employees. When assessing the appropriate level of discipline in response to an employee's offense(s) the Morongo Valley Community Services District should consider the type and severity of the offense(s), as well as the number of occurrences. In most cases, corrective actions should be administered as outlined below, with time to assess whether the employee has corrected the deficiencies. Some conduct, however, may require proceeding directly to more severe levels of discipline.

3148.2 Applicability

This policy applies to all employees who are subject to the Personnel System. This policy does not apply to at-will, temporary, or probationary employees. The Morongo Valley Community Services District reserves the right to terminate the employment relationship of an at-will, temporary, or probationary employee at any time, with or without cause or notice, and without the opportunity for appeal.

3148.3 Causes for Discipline

The following offenses may form the basis of a disciplinary action: employee misconduct, below standard performance, attendance and tardiness, improper behavior with supervisors, fellow employees, or the public, use of alcohol or controlled substances at work, safety violations, fraud, dishonesty, theft, and falsification of records, discrimination, and harassment.

Note: this list is not exhaustive. Other actions and behaviors may warrant disciplinary responses from the Morongo Valley Community Services District.

3148.4 Verbal Warning

.....

In many situations, a verbal warning is sufficient. The purpose of a verbal warning is to clarify policies and expectations. The impact of the incident or violation should also be taken into consideration. The verbal warning should explain to the employee the Morongo Valley Community Services District standards and requirements, what is expected in the future, and the possible consequences if the behavior or performance is not corrected. The supervisor should document in their files that the verbal warning occurred.

3148.5 Written Warning

If the conduct addressed by a verbal warning is repeated or additional problems occur, the supervisor should issue the employee a written warning in the form of a letter. The letter should describe the unacceptable conduct, outline the Morongo Valley Community Services District expectations, and advise the employee of the possible consequences if the behavior or performance in question is not corrected. The written warning is to be kept in the employee's personnel file.

3148.6 Suspension

Suspension is a temporary and involuntary absence from employment without pay for disciplinary purposes. A suspension may be imposed for serious violations of rules or regulations, performance deficiencies, misconduct, and/or failure to improve in work performance, behavior, or attendance after lesser disciplinary measures have proved ineffective, or if a first offense is severe enough to warrant suspension.

The notification of suspension shall be subject to review by the Human Resources Department and triggers the right to the pre-disciplinary ("Skelly") procedure set forth in Section 3148.10 of this Policy.

3148.7 Reduction in Pay

Reduction in pay is a temporary decrease in an employee's base salary rate. A reduction in pay may be imposed when an employee has consistently failed to sustain employment standards or when the severity of the employee's conduct warrants imposition of such measures.

The notification of reduction in base pay shall be subject to review by the Human Resources Department, and the Skelly rights set forth in Section 3148.10 of this Policy.

3148.8 Demotion

Demotion is a reduction in rank, class, title, or step, made for disciplinary purposes. Usually there is a corresponding reduction in pay. Removal from special assignments or details, even if there is a corresponding reduction in pay, does not constitute demotion.

The notification of demotion shall be subject to review by the General Manager, and to the Skelly rights set forth in Section 3148.10 of this Policy. 3148.9 Discharge

.....

.....

Discharge is the permanent removal of an employee from the Morongo Valley Community Services District service. Disciplinary discharge may occur for serious violations of the Morongo Valley Community Services District policies and procedures, rules or regulations, continued performance deficiencies, misconduct, and/or failure to improve in performance, behavior, or attendance when lesser informal or formal disciplinary measures will not remediate the performance deficiencies. The commission of a single, serious offense or the commission of a series of repeated offenses may warrant termination.

The notification of discharge shall be subject to review by the General Manager, and to the Skelly rights as set forth in Section 3148.10 of this Policy.

Discharge due to layoffs, budget reductions, reorganization, or restructuring is not considered disciplinary and may not be subject to the Skelly procedure or Human Resources review.

3148.10 Pre-Disciplinary Notice and Due Process (Skelly) Rights of Employee
An employee facing a suspension, reduction in pay, demotion, or disciplinary discharge shall be entitled to pre-disciplinary Skelly rights prior to final imposition of formal discipline.

The General Manager, may place an employee on paid administrative leave for a specified period of time depending on the severity of the offending conduct. The department head shall establish the conditions of administrative leave in accordance with the Morongo Valley Community Services District Policy on Administrative Leave.

The supervisor or disciplining authority shall prepare the proposed Notice of Intent to recommend disciplinary action, which shall be reviewed by the General Manager before execution. The written Notice of Intent establishes the charges that the Morongo Valley Community Services District must prove in a post-discipline appeal.

The Notice of Intent shall inform the employee of the following: (1) the reason(s) for the proposed action, (2) the charge(s) against the employee, (3) the materials upon which the action is based, (4) the employee's right to respond, either orally or in writing, to the authority initially imposing the discipline, and (5) the employee's right to a pre-disciplinary Skelly meeting before an impartial third party ("Skelly Officer"), unless waived by the employee. The Notice may also provide a reasonable deadline for responding to the proposed action.

When providing the employee with the materials upon which the action is based, the Morongo Valley Community Services District will not disclose any documents or information protected by the privacy rights of other employees, the attorney-client or attorney work product privileges, or other applicable privileges or exemptions from disclosure. District will consult legal counsel if there are questions regarding due process and privacy/confidentiality concerns.

.....

3148.11 Skelly Meeting

The employee and/or the employee's representative may respond to the allegations and materials upon which the proposed discipline is based. The employee and/or the employee's representative may present documentary evidence and arguments to the Skelly Officer to refute and/or mitigate the basis for the proposed discipline. The employee and/or the employee's representative should present factual information to the extent possible.

The Skelly Officer should review the materials provided to the employee as supporting evidence upon which the proposed discipline is based and relied upon. The Skelly Officer shall communicate with the employee's supervisor or disciplining authority if further information or clarification is needed in regard to the charges, the level of discipline to be imposed, or the sufficiency of the evidence upon which such action is based and relied upon.

The Skelly Officer shall be a District employee at a manager level or higher. Where department personnel are too involved in or aware of the facts giving rise to discipline or are otherwise unable to be impartial in the process, the General Manager, or a designee may designate a Skelly Officer. In rare circumstances where it is not appropriate to have a District employee service as the Skelly Officer, a third-party neutral Officer may be designated to serve, at the sole discretion of the District.

The Skelly Officer shall transmit to the General Manager, within ten (10) working days of the Skelly meeting, a written statement concurring with the proposed discipline, recommending that the discipline be modified, or that no discipline be imposed. The Skelly Officer shall include supporting documents presented at the Skelly meeting by the employee and/or the employee's representative to refute the charges.

The General Manager shall consider the Skelly Officer's recommendations and review any and all supporting documents provided before making his/her final decision. The recommendation(s) of the Skelly Officer is advisory only.

3148.12 Written Final Notice of Discipline

In the Final Notice, the department head or General Manager notifies the employee whether the discipline listed in the Notice of Intent will be carried out. The Final Notice will discuss the employee's oral or written response to the charges in the Notice of Intent and whether the employee's response has changed the outcome.

The Final Notice should include: (1) how the employee's pre-disciplinary response impacted the decision maker's final decision, (2) incorporate by reference the facts, charges, and evidence in the Notice of Intent, (3) state the effective date of the disciplinary action, and (4) reference or summarize the employee's rights to the post-disciplinary appeal.

3148.13 Post-Discipline Appeal

.....

If the employee wishes to contest disciplinary action after the discipline is imposed, the employee may request an appeal to the District Board by submitting a written request to General Manager within ten (10) working days of receiving the Final Notice. Failure to file an appeal within this time limit shall constitute a waiver of the employee's right to further appeal.

The employee's case for appeal from the Final Notice shall be heard by the Board of Directors.

.....

POLICY TITLE: Volunteer Policy**POLICY NUMBER: 3150****3150.1 Purpose:**

The District desires to provide opportunities to individuals who desire to serve the District as a volunteer and need to manage those individuals in a safe and prudent manner.

3150.2 Policy:

It is the policy of the District to provide a safe and healthy work environment for all employees and those individuals who desire to serve the District as a volunteer. To do so, requires that such individuals and departments follow guidelines and that they serve in such a capacity based on an established departmental program.

3150.3 Definition of Volunteer:

Volunteers are person(s) volunteering time and services without any present or future expectation of remuneration. Meals, transportation, lodging, and reimbursement for other incidental expenses are not considered remuneration. Volunteers are not employees of the District, and this policy does not establish any employment relationship.

3150.4 Scope:

All volunteers serve at-will and at the pleasure of the District; they do not acquire any right or interest in any assignment, position, or task, and may be terminated from the assignment, position, or task at any time, without notice and without cause.

3150.5 Eligibility:

To be eligible to serve the District as a volunteer, individuals are required to:

- i. Complete any application or forms provided by the District;
- ii. Pass any required background check, physical or other testing requirement; and
- iii. Participate in any required training or orientation program.

Background Check: The District shall conduct background checks including fingerprinting and investigating criminal history for all persons who apply as volunteers as required by state law (e.g., California Public Resources Code Section 5164). The District may also conduct periodic background checks or investigations after a volunteer's recruitment, as authorized by law.

Physical Examination: In some instances, the District may require an applicant to take a physical exam at the District's expense to determine if they are fit to provide the service they plan to provide and that they do not have a condition that may endanger them or the people they are supposed to serve. Such requirement is based on the position the volunteer is to fill and must be uniformly applied.

-
- 3150.6 Responsibilities:
- A. The supervisor is responsible for overseeing the work product and ensuring appropriate records access or other program elements of individuals serving the District as volunteers.
 - B. Volunteers have no authority to bind the District and must not make any representations that they are employees or agents of the District.
 - C. Volunteers must follow District policies prohibiting discrimination and harassment and maintain the same strict confidentiality regarding services and information obtained by the volunteers as is expected of any District regular employee. All documents and other material generated by volunteers are property of the District.
 - D. Volunteers must report all incidents or accidents to their immediate District staff supervisor. An incident report and a Workers' Compensation Benefits Claim are to be completed by District staff for each accident/incident.
- 3150.7 Guidelines:
- A. A personnel file will be maintained by the District.
 - B. Individuals are subject to all District and departmental policies and procedures.
 - C. Individuals participating in a District program are eligible for District provided equipment if necessary for the safety of the individual.
 - D. The District may provide uniforms or similar clothing or protective gear.
 - E. With proper training and licensing, individuals may drive District vehicles when authorized to do so, subject to appropriate policies and procedures.
 - F. Use of individuals as District volunteers shall not violate any provision of an MOU and/or collective bargaining agreement.
 - G. Individuals may be eligible for per diem, travel or training expense reimbursement based on District or departmental approval.
 - H. Individuals are provided worker's compensation coverage. The names of all individuals need to be filed with the District at least quarterly to ensure coverage. The Worker's Compensation benefit to be provided to volunteers shall be limited to the benefits provided by State law and shall not include any additional benefits as may be provided by the District to its employees.
 - I. Volunteers must sign a service agreement with the District prior to their appointment as a volunteer.
-

POLICY TITLE: Dress Code & Personal Standards**POLICY NUMBER: 3200**

3200.1 At the Morongo Valley Community Services District, professional image is important and is maintained, in part, by the image that employees present to customers, residents, visitors, vendors, and others in our business. In choosing appropriate work attire, employees should consider factors including tastefulness, anticipated public contact, the nature of the job, and working conditions.

3200.1.1 All employees that are required to wear uniforms shall wear the appropriate uniform for their work area. If an employee is governed by an MOU, the employee should follow the rules pertaining to his or her dress code as outlined in the relevant MOU. Employees are permitted to wear the uniform only during their work hours, work time, or traveling to and from work, or while representing the District. Employees shall not wear his or her District uniform while off-duty. Employees should report to work on time and in uniform.

3200.2 The Morongo Valley Community Services District expects all employees to use good judgment and taste in matters of personal grooming and dress. Attire should be in keeping with the dignity and image of a professional office. Employees should always be neat and clean in appearance, dressed in reasonably professional and conservative attire, and conduct themselves in a businesslike manner.

3200.2.1 Any visible tattoos cannot be obscene, sexually explicit, or otherwise violate the District's policy against unlawful harassment or discrimination. All non-conforming tattoos must be covered with clothing or a bandage while at work.

3200.2.2 No objects, articles, jewelry or ornamentation of any kind shall be attached to or through the skin if visible on any body part (including the tongue or any part of the mouth) except that an employee may wear two sets (i.e., four holes total) of reasonable-sized (i.e., small and professional-looking) earrings in the ear lobe. Piercings as described herein shall be allowed if the employee provides information of religious affiliation or association related to his or her piercings. Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer while the employee is working.

3200.3 In all cases, supervisors will assist employees to determine what is considered appropriate attire for the particular situation. All clothing should be clean and without rips or holes. The following is offered as a general guideline:

Business Casual Attire (Monday through Friday): No jeans, t-shirts, exposed midriffs, low cut tops showing cleavage, tops with spaghetti straps, tube-tops,

.....

halter tops, sweats, shorts, tennis shoes, flip flops, or other informal or inappropriate attire.

Business Attire (Board & Special Meetings): Generally, will include suits, sport coats, dress shirt and tie and dress slacks unless excused by the General Manager in advance.

3200.4 Non-Compliance

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

3200.5 No Discrimination

This dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, sex, gender identity or gender expression, religion, national origin, or any other class protected by federal, state or local law. Employees have the right to comply with District's dress code in a manner consistent with their gender identity or gender expression. Employees who need a reasonable accommodation for clothing attire because of religious beliefs, observances, or practices should contact the General Manager to discuss the need for accommodation.

POLICY TITLE: Housekeeping

POLICY NUMBER: 3205

3205.1 All employees are expected to keep their work areas clean and organized and also assist in maintaining an overall clean work environment. Employees using common areas such as lunchrooms and restrooms or equipment are expected to keep them clean and sanitary. Employees are requested to clean up after meals and dispose of trash properly.

POLICY TITLE: Outside Employment

POLICY NUMBER: 3210

3210.1 No District employee shall be permitted to accept employment in addition to or outside of District service if:

- The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or,
- The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or,
- The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.

3210.2 An employee who does have additional or outside employment shall not be permitted to use District records, materials, equipment, facilities, or other District resources in connection with said employment.

POLICY TITLE: Receipt of Gifts

POLICY NUMBER: 3215

3215.1 An employee or his/her immediate family may not accept from, or provide to, individuals or companies doing or seeking to do business with the District, gifts, entertainment, and/or other services or benefits unless the transaction meets all of the following guidelines:

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

POLICY TITLE: Uniforms and Protective Clothing

POLICY NUMBER: 3220

3220.1 The cost of uniforms and/or protective clothing, shoes, etc., that employees are required to wear shall be borne by the District. All employees required to wear uniforms provided by the District must take care of their uniforms and report any wear or damage to their supervisors. Supervisors will inform employees of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing.

3220.2 The District has the option of authorizing reimbursements to qualifying employees upon receipt or proof of purchase. The District may also make an arrangements with local retailers to supply all qualifying employees with a specific product that meets the needs and/or safety requirements and bill the District for the total cost of all products purchased.

3220.3 Upon separation from District employment, all clothing with District logos or other uniforms or clothing items that identify a person as a District employee are to be washed and returned to the supervisor or manager from whom the employee received the clothing item.

POLICY TITLE: Internet, Email and Electronic Communications**POLICY NUMBER: 3300**

3300.1 The District believes that employee access to and use of the internet, email, and other electronic communications resources, benefits the District and makes it a more successful local public agency. However, the misuses of these resources have the potential to harm the District's short and long-term success. Employees should have no expectation of privacy in work-related emails or internet usage while using District computers.

The District has established this policy to ensure that the District employees use the District-provided computer resources, such as the internet and email, in an appropriate manner.

3300.2 Rules Regarding Prohibited Use

Employees shall not use the District internet and email in an inappropriate manner.

Prohibited use of the internet and email systems includes, but is not limited to:

- a) Accessing internet sites that are generally regarded in the community as offensive (e.g., sites containing pornography or that exploit children), or accessing sites for which there is no official business purpose (e.g., social media websites or online shopping websites).
- b) Engaging in any profane, defamatory, harassing, illegal, discriminatory, or offensive conduct or any conduct that is otherwise inconsistent in any way with the District policies.
- c) Distributing copyrighted materials.
- d) As computer viruses can become attached to executable files and program files, receiving, or downloading executable files and programs via email or the internet without express permission of the Systems Administrator is prohibited. This includes, but is not limited to, software programs and software up-grades. This does not include email or documents received via email and the internet.
- e) Use of another person's name or account, without express permission of the System Administrator, is strictly prohibited.
- f) Using the District's computer resources for personal social media, online shopping, and other similar online commercial activity.
- g) Employees must respect all copyright and licensed agreements regarding software or publication they access or download from the internet. The District does not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by the employee's license or copyright infringement.

3300.3 Additional Guidelines

Employees are expected to understand and comply with the following additional guidelines regarding use of the internet and District computer systems.

.....

- a) Internet access is to be used for the District business purposes only. Employees who have completed all job tasks should seek additional work assignments. Use of the internet should not interfere with the timely and efficient performance of job duties. Personal access to the internet and email is not a benefit of employment with the District. Limited personal use of the District's systems to access internet, email, and other electronic communications may be permitted only during the employees' authorized break time.
- b) Employees do not have any right or expectation to privacy in any of the District computer resources, including email messages produced, sent, or received on the District computers or transmitted via the District's servers and network. The District may monitor the contents of all computer files and email messages to promote the administration of the District operations and policies.
- c) Employees' access to and use of the internet, email, and other electronic communications on the District systems is monitored, and such files and electronic communications may be reviewed by the District at any time. Employees have no expectation of privacy.
- d) Deleting an email message does not necessarily mean the message cannot be retrieved from the District's computer system. Backup copies of all documents, including email messages, that are produced, sent, and received on the District's computer system, can be made.
- e) Email and any attachments are subject to the same ethical standards, and standards of good conduct, as are memos, letters, and other paper-based documents.
- f) Currently all District email sent is not encrypted. Unencrypted email is not a secure way of exchanging information or files. Accordingly, employees are cautioned against transmitting information in an email message that should not be written in a letter, memorandum, or document available to the public.
- g) Email, once transmitted, can be printed, forwarded, and disclosed by the receiving party without the consent of the sender. Use caution in addressing messages to ensure that messages are not inadvertently sent to the wrong person.
- h) Virus scanning software shall be used where provided.
- i) It is advisable for all employees of the District to remind customers, clients, and contractors of security issues when sending confidential email or documents to the District via email. If applicable, our customer, clients, or contractors should be reminded to implement a security policy and make sure their employees understand the ramifications of sending confidential information via email.
- j) Employees must scan all downloadable materials before using or opening them on their computers to prevent the introduction of any computer virus.

COMMUNICATIONS | PERSONNEL

.....

.....

POLICY TITLE: Cell Phone and Wireless Communication Device Policy

POLICY NUMBER: 3305

3305.1 Purpose:

The use of cell phones and wireless communication device technology is an integral part of our daily business and personal activity. Cell phones, PDA's, pagers, texting, etc., provide instant communication and information where one may transact business almost anywhere in the world. These devices are tools to enhance employee productivity, provide safety/security while traveling, and provide a higher level of service to the citizens of our community. This policy is provided as an effort to maximize efficiency, enhance safety, and ensure communication devices are used properly.

3305.2 Policy:

In recognition of communications technology, it is the District's goal to enhance the efficiency and effectiveness of communication, ensure safe work practices when using cell phones while driving or performing work-related activities, to comply with State law which prohibits drivers from using a cell phone unless they are also using a hands-free device, and to provide standards and clarification for cell phone or other wireless communication device use. Texting (writing, reading, or sending) while operating a motor vehicle is also prohibited. And to provide for the conditions of use of District issued devices.

3305.3 Scope:

The procedures provided for in this Policy apply to all employees, officials or volunteers using cell phones or other communication device(s) for conducting District business.

3305.4 Definitions:

- A. Business Use: Activities that directly or indirectly support the business of the District.
- B. District Related Business: Activities that directly or indirectly support the business of the District.

3305.5 Procedures:

- A. Cell phones and other communication devices may be issued to employees to enhance the efficiency and effectiveness of communications in conducting District related business. In addition, personal cell phones and other devices may be authorized for use by employees to enhance the efficiency and effectiveness of communications in conducting District related business.
- B. Employees must agree to the terms and conditions set forth in this policy to be issued a District device or able to use their own device for District business.
- C. Use of District issued devices is contingent upon continued District employment and the device remains the sole property of District.

.....

.....

- D. Employees shall report and submit damaged or defective equipment to their immediate supervisor who will report it to their Department Head or the General Manager.
- E. Cell phones or other devices assigned to management or personnel that are on-call or expected to be available beyond normal work hours are to carry and be accessible by the device for work related purposes.
- F. The District will not actively intercept electronic communications, without legal authority.
- G. The District maintains the right to limit or deny the use or possession of personal cell phones during work periods when said possession is determined to be a distraction, infringes on established employee safety standards, or becomes a deterrent to employee productivity.

3305.6 Use of Devices:

- A. Use of a District provided cell phone for commercial profit or secondary employment is prohibited.
- B. Phones should be set to "silent" or "vibrate" if not turned off to avoid distraction to other employees or the public in appropriate places. This provision also applies to personal (non-District issued) cell phones carried by employees.
- C. Regardless of phone ownership, employees with cell phones equipped with cameras are prohibited from using the camera in a manner that violates the privacy of co-workers or the public.
- D. Employees shall limit making personal calls on their cell phone. Personal calls are to be kept to a minimum; any use must be de minimis in nature (i.e., that the use is so small that the accounting for it is unreasonable or administratively impracticable).
- E. Cell phones or other wireless devices provided by District are only for non-compensatory purposes.
- F. Employees are prohibited from accessing certain websites during work hours/while connected to the District's network at the discretion of the supervisor or General Manager.
- G. Devices may not be used at any time to:
 - Store or transmit illicit materials
 - Store or transmit proprietary information belonging to another company
 - Harass others
 - Engage in outside business activities

3305.7 Use of Cell Phone While Operating a Vehicle:

Regardless of the ownership of a cell phone or other electronic device, State law prohibits the use of cell phones while operating a vehicle unless the telephone is specifically designed and configured to allow hands-free listening and talking and is used in that manner while driving. Also, it is illegal to "write, send, or read a text-based

.....

.....

communication” while operating a motor vehicle. (California Vehicle Code Section 23123 and 23123.5).

- A. There are three exceptions to the law regarding the use of cell phones:
 - i. Emergency services personnel are exempt from this law when operating an authorized emergency vehicle;
 - ii. Drivers of commercial vehicles may continue to utilize two-way communication equipment ("push to talk", CB, etc.) while driving a truck or tractor trailer until July 1, 2011;
 - iii. The law does not apply to persons using their cell phone to contact law enforcement or public safety agencies for emergencies.
- B. Cell phone use (including texting): Except for A above, employees shall not operate cell phones and other wireless devices that may distract from safely operating a motor vehicle. Using cell phones or other devices while driving leads to increased risk of accident and liability to the District.
- C. Employees who are charged with traffic violations resulting from using mobile devices while driving are solely responsible for all liabilities that result.
- D. To limit risk to the District and employees, the following guidelines are provided for employees to use while on District business:
 - i. Use a hands-free device if you must make or receive a call while driving.
 - ii. Making and completing calls before proceeding to your destination is preferred.
 - iii. Safely pull over or park before initiating a call when practical.
 - iv. Allow voice mail to handle your incoming calls and return them at your convenience in a safe place.
 - v. Suspend conversations during hazardous driving conditions or situations.
 - vi. Taking notes or looking up phone numbers while driving should not be done.
 - vii. When possible, employees using two-way communication equipment (i.e., "push to talk" device) should safely pull over before communicating. If pulling over is not an option, maintain a safe driving distance between your vehicle and the vehicle in front of you and know your surroundings.

3305.8 Support for District Issued Devices:

- A. District issued devices must receive all available security updates and have security updates enabled.
- B. Connectivity issues are supported by IT; employees should not (unless instructed by IT) contact the device manufacturer or their carrier for operating system or hardware-related issues.
- C. IT will make provisions and configure standard apps, such as browsers, office productivity software and security tools, before allocated to the user.

.....

.....

- D. Mobile Device Management (MDM) software will be installed on the District issued device. This software will monitor emails, text messages, and photos, along with the location of the device.
- E. Two factor authentication shall always be used when available.
- F. Family and friends of employees are prohibited from using the allocated District issued devices.
- G. District will load anti-virus software onto the devices.

3305.9 Security:

- A. To prevent unauthorized access, District issued devices must be password protected using the features of the device and a strong password is required to access the company network.
- B. District issued device must be setup to automatically lock the screen and must have a password or other screen lock protection (password, fingerprint, facial recognition or pattern, or at least 6-digit PIN).
- C. After five failed login attempts, the device will lock.
- D. Device must be running an unmodified firmware/operating system from the device manufacturer or cellular carrier that has not been “jail broken”/no root access.
- E. Employees are automatically prevented from downloading, installing, and using any app that does not appear on the District’s list of approved apps.
- F. Cellphones and tablets belonging to employees that are for personal use only are not allowed to connect to the District’s network.
- G. Employees’ access to District data is limited based on user profiles defined by IT and automatically enforced.
- H. The District issued device may be remotely wiped if 1) the device is lost, 2) the employee terminates his or her employment, 3) IT detects a data or policy breach, a virus or similar threat to the security of the company’s data and technology infrastructure.

3305.10 Privacy:

- A. No employee should expect privacy except that which is governed by law. District has the right, at any time, to monitor any communications that utilize District’s networks in any way. This includes, but is not limited to, data, voicemail, telephone logs, Internet use, network traffic, etc. Management reserves the right to review, retain, or release personal and/or company-related data on mobile devices to government agencies or third parties during an investigation or litigation. No employee shall knowingly disable any network software or system identified as a monitoring tool.
- B. At any time, the employee may be asked to produce the District issued device for inspection. The purpose of these inspections is to ensure that the employee is following company policy.

3305.11 Responsibility:

.....

.....

- A. Supervisors are responsible for determining an employee's need for a District provided cell phone or other communication device. In doing so, the supervisor will analyze the business necessity for such use before distribution. Supervisors shall inform employees of the purpose of cell phone communication while performing District business, ensure the employee understands this policy, and enforce compliance with this policy.
- B. Each supervisor shall manage the administration of the contract for cell phone service for each phone assigned in their department, including maintaining an inventory of cellular equipment and number of users. Cell phone contracts may be centralized for cost savings and the assigned Department will have review authority.
- C. Employees shall review and adhere to this policy. Using a District cell phone or other wireless communication device is a privilege and not a right. The supervisor or District Manager may revoke the use of a District cell phone or other device at any time with or without cause.
- D. Data, including any retained voice message, text, e-mail, etc., on the communications device is not to be considered private and may be reviewed at any time by the District with or without notice to the employee

3305.12 Responsibility for Review:

The policy will be reviewed at least once every 3 years by the District Manager.

.....

POLICY TITLE: Authorized Leave

POLICY NUMBER: 3400

3400.1 With the approval of the General Manager, an employee may request an unpaid leave of absence without pay for a period of up to six months.

3400.2 Such leave of absence may be taken only after all accumulated vacation time has been exhausted. If the leave of absence is for medical reasons, then all accumulated sick leave time must also be exhausted before an unpaid leave of absence can be granted.

3400.3 Employees will not accrue benefits available to regular employees of the District (e.g., vacation, holiday, or sick leave) during an unpaid leave of absence.

3400.4 Dependent upon the reason for the leave and due to the District's limited work force, maintenance of job classifications for the term of an authorized leave of absence cannot be guaranteed beyond six months [shorter period of time optional]. Employees returning from a leave of absence will be reinstated to the first available job classification for which they are qualified.

POLICY TITLE: Bereavement Leave

POLICY NUMBER: 3405

3405.1 This policy shall apply to probationary and regular employees in all classifications.

3405.2 In the event of a death in the immediate family, an employee may be granted a paid leave of absence not to exceed three days. This is in addition to regular sick leave and vacation time. Verification may be required by the General Manager

3405.3 "Immediate family" is defined as being a person related by blood, adoption, or marriage, or any person residing in the immediate household of the employee at the time of death.

POLICY TITLE: Catastrophic Time Bank**POLICY NUMBER: 3410**

This policy is applicable only to non-exempt employees, both as to use of and donation to a catastrophic time bank.

3410.1 At the discretion of the General Manager, employees will be permitted to transfer eligible leave credits to a time bank to be used by an employee when a non-work-related catastrophic illness or injury occurs.

3410.1.1 Definitions used in the application of this rule:

- a) Catastrophic illness or injury is defined as a non-work-related illness or injury which is expected to incapacitate an employee and which creates a financial hardship because the employee has exhausted all of his/her sick leave and other paid time off.
- b) A time bank is one or more hours of leave credit donated by one or more employees to another employee who has been incapacitated by a catastrophic illness or injury.
- c) Eligible leave credits include vacation and/or compensating time off (CTO). They do not include sick leave.

3410.1.2 A time bank for catastrophic illness or injury may be established:

- a) Upon the written request of an employee;
- b) Upon determination by the General Manager that the employee in the District is unable to work due to the employee's catastrophic illness or injury; and
- c) That the employee has exhausted all paid leave credit.

3410.1.3 If a time bank is established, any employee may, upon written notice to the General Manager, donate eligible leave credits in one-hour increments, up to a maximum of 40 hours in a one-year period, to the time bank. Donations will be reflected as an hour for hour deduction from the leave balance of the donating employee. When transferring leave credits into a time bank, the District will assure that only credits that may be needed are transferred. The employee donating the hours shall remain responsible for any applicable taxes or other expenses for the used hours.

3410.1.4 In order to receive time from the time bank, an employee must provide appropriate verification of illness or injury as determined by the District. The employee for whom the time bank is established will have any time which is donated to the time bank transferred to his account in one-hour increments for use as sick leave only. Donated credits will be reflected as an hour-for-hour addition to the leave balance of the receiving employee. The total amount of leave credits donated may not exceed an amount sufficient to insure the continuance of regular compensation. An employee who

.....

receives time through this program shall use any leave credits he/she continues to accrue on a monthly basis prior to receiving time from the time bank.

3410.2 Use of time from the time bank may not be used to augment benefits received due to a work-related in- jury or illness.

.....

POLICY TITLE: Compensation

POLICY NUMBER: 3415

3415.1 This policy shall apply to all District employees.

3415.2 Compensation at Hiring.

3415.2.1 New Employees. All newly appointed employees shall be paid at the first step of the salary range for the position to which the employee is appointed except as provided elsewhere herein.

3415.2.2 Advanced Step Hiring. If the General Manager finds that qualified applicants cannot be successfully recruited at the first step of the wage range, he/she may request the Board of Directors to authorize an appointment at an advanced step of the wage range.

3415.2.3 Former Employees. A person who previously held a full-time position from which the person was separated in good standing may, when reemployed in a position with the same or lower pay range than held at separation, be appointed at the same salary rate which was paid at the effective date of the person's termination, or the nearest lower applicable step for the range to which the person is appointed, provided such re-employment occurs within twelve (12) months from the date of said termination.

3415.3 Merit Advancement within Range.

3415.3.1 Performance Evaluation Required. The General Manager shall authorize a merit advancement within the salary range only after evaluating the employee's performance and determining that it is satisfactory. This determination shall be noted on a performance evaluation form to be placed in the employee's file, with a copy given to the employee.

3415.3.2 Period of Employment Required for Merit Advancement. Unless otherwise specified herein, each employee shall, in addition to receiving a satisfactory performance evaluation, complete the following required time of employment to be eligible to receive a merit increase:

3415.3.2.1 New Employees. A person hired as a new employee shall have a merit advancement date which is twelve (12) months following the appointment date.

.....

3415.3.2.2 Promotion or Demotion. An employee who is promoted or demoted shall have a new merit advancement date which shall be one year from the date of promotion or demotion.

3415.3.2.3 Voluntary Demotion. An employee who voluntarily demotes to a position at a lower salary range shall have no change in merit advancement date.

3415.3.2.4 Change-in-Range Allocation. If the salary range for an employee's position is changed, the employee's merit advancement date shall not change.

3415.3.2.5 Position Reclassification. An employee whose position is reclassified to a position having the same or lower salary range shall have no change in merit advancement date. An employee whose position is reclassified to a position having a higher salary range shall have a new merit advancement date which is one year following the effective date of the position reclassification.

3415.3.2.6 Non-Merit Step Adjustments. An employee whose salary step is adjusted to a higher step for reasons other than regular merit advancement shall have a new merit advancement date effective one year from the date of said adjustment.

3415.3.3 Effective Date. An employee's merit increase shall take place on the first day of the pay period in which his/her merit advancement date falls. The General Manager may delay authorizing the merit advancement up to 90 days beyond the employee's merit advancement date without affecting the normal merit advancement date. In case of such a delay, the employee's merit advancement shall be effective the first day of the pay period following the General Manager's authorization. If authorization for merit advancement is delayed beyond 90 days from the employee's merit advancement date, the employee shall not be eligible for a merit increase until his/her next normal merit advancement date.

3415.4 Promotion. Employees promoted to a position with a higher salary range may be paid either at the minimum rate of the new range or at the nearest higher rate that the employee would otherwise be entitled to on the date the promotion is effective, whichever is greater, provided that an employee promoted to a salary range in excess of one range above his/her former range shall receive no less than one range increase [or 3%, 5%, etc.], at the same step, in rate.

.....

POLICY TITLE: Educational Assistance**POLICY NUMBER: 3420**

3420.1 Employees of the District are encouraged to pursue educational opportunities which are related to their present work, which will prepare them for foreseeable future opportunities within the District, or which will prepare them for future career advancement.

3420.2 The District will reimburse regular employees for approved courses of study on the following criteria:

- a) A refund of the entire cost of tuition and required class materials will be made if the employee received a grade of "B" or better for the class.
- b) A refund of one-half ($\frac{1}{2}$) of the cost of tuition and required class materials will be made if the employee received a grade of "C" for the class.
- c) No refund will be made to employees who receive a grade below "C" for the class.
- d) The total amount of reimbursement which will be paid to an employee is limited to \$ in any calendar year.

3420.3 To be eligible for reimbursement of course costs, the employee must receive advance approval for the class(es) from the General Manager or the Board of Directors. Requests for reimbursement should be submitted in writing. The employee will be notified of final approval, or the reasons for disapproval. Those requests for reimbursement which are received after the class begins will be eligible for only one-half ($\frac{1}{2}$) of the usual reimbursement.

3420.4 Upon completion of the class(es) the employee is responsible for sending copies of the grade slip(s) and expense receipt(s) to the General Manager or Board of Directors.

3420.5 Two types of classes are generally eligible for reimbursement per this policy:

- a) Classes that are related to the employee's present work assignment or that may prepare him/her for future foreseeable opportunities within the District. Such classes may be taken individually and need not be directed toward a degree or certificate.
- b) Classes that are taken as part of the requirement for a degree or certificate. In this case the employee must first have completed the equivalent of two (2) full years of college level study and have reached the equivalent of the "junior" year of a four-year degree program.

3420.6 Only residence courses are approved for reimbursement. Correspondence courses are not reimbursable under this policy.

POLICY TITLE: Family and Medical Leave**POLICY NUMBER: 3425**

3425.1 The purpose of this policy is to clarify how the Morongo Valley Community Service District will implement the Family and Medical Leave Act of 1993 (FMLA). The provisions shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the FMLA.

3425.2 Eligibility. To be eligible for leave under the FMLA, an employee must have: (1) been employed by the Morongo Valley Community Services District for at least 12 months within a 5 year period, which need not be consecutive; (2) worked for at least 1,250 hours during the 12 months immediately preceding the commencement of leave;

3425.3 Leave Benefit.

- a) Eligible employees will be provided with up to 12 weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a child, parent, or spouse with a serious health condition. In addition, employees who are unable to perform the functions of their position because of a serious health condition will also be entitled to 12 weeks of unpaid leave. "Serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that entails;
 - 1) Inpatient care in a hospital, hospice, or residential medical care facility; or,
 - 2) Continuing treatment by a health care provider.
- b) To be eligible for leave under the FMLA, the employee will first be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave for the first part of the 12- week statutory leave. Paid leave may not be added to the end of the 12 weeks of unpaid leave without the General Manager's prior approval. If a husband and wife are both employed by [District], the total number of workweeks of leave to which both may be entitled shall be limited to 12 weeks if leave is taken for the birth, adoption, or foster placement of a child or for the purpose of caring for a seriously ill parent.
- c) Employees on leave who were previously covered by the Morongo Valley Community Services District's health benefit shall continue to be covered at the level and under the conditions that coverage would have been provided if the employee were continuing to work.
- d) At the end of the leave the employee will be reinstated to his/her previous position or to an equivalent job with equivalent pay, benefits, and working conditions. However, the employee will not accrue seniority or employment benefits during the leave period. The Morongo Valley Community Services District may also require the employee to obtain medical certification that they are able to resume work.

.....

3425.4 Employee Obligations

- a) If the event necessitating the leave is foreseeable, the employee must provide the General Manager with at least 30 days' prior written notice. However, if 30 days advance notice for foreseeable leave is not practicable, the employee must provide the general manager with as much notice as practicable.
- b) Employees seeking leave on account of a serious health condition must provide the division manager with medical certification regarding their condition. The General Manager may require employees to obtain, at the Morongo Valley Community Services District's expense, a second opinion. If the second opinion differs from the first, the General Manager may require a third opinion from a mutually agreed on health care provider.
- c) For most leaves, employees will not be permitted to take their leave intermittently or on a reduced-leave schedule without the General Manager's approval. However, intermittent leave or a reduced-leave schedule may, if medically necessary, be taken by the employee because of a serious health condition. An employee who seeks intermittent leave or leave on reduced-leave schedule because of planned medical treatment may be required to transfer temporarily to a different position, with equivalent working conditions, that accommodates recurring periods of leave better than the employee's regular job.

POLICY TITLE: California Family Rights Act Leave**POLICY NUMBER: 3427**

3427.1 The purpose of this policy is to clarify how the Morongo Valley Community Services District will implement the California Family Rights Act (CFRA). The provisions of the [title of contract or MOU with union and/or employee association] shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the CFRA.

3427.2 Eligibility. All full-time and part-time Morongo Valley Community Services District employees are eligible if:

- a) They have been employed by the Morongo Valley Community Services District for at least twelve (12) months; and
- b) They have been employed for at least 1,250 hours of services during the 12-month period immediately preceding the commencement of the leave.

3427.3 Leave Description. CFRA leave may be taken for the following reasons:

- a) The birth of a child of the employee or the placement of a child with an employee in connection with adoption or foster care; or
- b) The care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner who has a serious health condition. A serious health condition is defined as an illness, injury, impairment, or physical or medical condition that warrants the participation of a family member to provide care during a period of the treatment or supervision of the parent, spouse or child and involves either inpatient care in a hospital, hospice or residential health care facility or continuing treatment or continuing supervision by a health care provider; or
- c) The employee's own serious health condition. A serious health condition is defined as an illness, injury, impairment or physical or mental condition that prevents the employee from performing the functions of his/her position which involves either inpatient care in a hospital, hospice or residential health care facility or continuing treatment or continuing supervision by a health care provider.
- d) Employees are entitled to time off for certain absences relating to any "qualifying exigency," as set forth in Section 3303.2 of the Unemployment Insurance Code, because the employee is the spouse, registered domestic partner, son, daughter, or parent has been notified of an impending call or order to active duty.
- e) CFRA leave is unpaid, unless the employee substitutes accrued paid time off, or the Morongo Valley Community Services District and the employee agree to permit the use of sick time in connection with the birth, adoption, or foster care of a child, or to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner with a serious health condition.

.....

3427.4 Duration of Leave

- a) CFRA leave shall not be granted for more than twelve (12) weeks in a 12-month period, beginning from the date when the leave first commenced.
- b) For CFRA leave taken for reason of the birth, adoption or foster placement of a child, the leave shall conclude within one year of the birth or placement of the child with the employee.
- c) The Morongo Valley Community Services District may require the employee to use any accrued vacation during this period.

3427.5 Application and Certification

- a) Application for CFRA leave, or an extension of said leave, shall be made in writing General Manager Whenever possible, the employee shall give thirty (30) days written notice of any request for CFRA leave. If the employee first learned of the event for which CFRA leave is requested less than thirty (30) days before the requested start of the leave, the employee shall provide reasonable advanced notice, and as much advance notice as is possible. The request for CFRA leave shall state the reason for the CFRA leave, the date the CFRA leave will begin, and the probable date of return. The employee need not, however, disclose the nature of the medical condition
- b) Upon application for CFRA leave to care for a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner with a serious health condition, the employee must provide a certification from the health care provider of the individual requiring care. The medical certification must indicate that the serious health condition warrants the participation of a family member to provide care for the individual requiring the care, and an estimate of the amount of time that the health care provider believes the employee needs to care for the individual requiring the care.

3427.6 As used in this section, the term “child” includes biological, adopted, foster, stepchild, legal ward, a child of a domestic partner, or a child of a person standing in loco parentis (responsible as a parent) who is either under eighteen (18) years of age or an adult dependent child. An adult dependent child is an individual who is eighteen (18) years of age or older and who is incapable of self-care because of a mental or physical disability. The term “parent” includes a biological, foster, adoptive, stepparent, legal guardian, or other person standing in loco parentis (responsible as a parent) to a child but does not include parent-in-law or grandparent.

3427.7 All employees returning from an approved CFRA leave shall be provided the same or comparable position with the same or similar duties and pay which can be performed at the same or similar geographic location as the position held prior to the leave, provided the CFRA leave has not exceeded the twelve (12) week limit.

.....

POLICY TITLE: Holidays

POLICY NUMBER: 3430

3425.1 This policy shall apply to all employees.

3425.2 The following days shall be recognized and observed as paid holidays:

New Years Day;
Martin Luther King, Jr.'s Birthday;
President's Day;
Caesar Chavez Day;
Memorial Day;
Independence Day;
Labor Day;
Veteran's Day;
Thanksgiving Day;
Christmas Eve;
Christmas Day;
New Years Eve;
CSD Employee's Birthday;

3425.3 All regular work shall be suspended, and employees shall receive one-day's pay for each of the holidays listed above. A full-time employee is eligible for any paid holiday if he/she works the day before and the day after said holiday. Eligibility is also granted if the employee was on vacation or had notified the General Manager and received permission to be absent from work on that specific day or days.

3425.4 Whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday. Whenever a holiday falls on Sunday, the following Monday shall be observed as the holiday.

3425.5 When an employee is taking an authorized leave with pay when a holiday occurs, said holiday shall not be charged against said leave with pay.

3425.6 While not required by law, if any non-exempt employee works on any of the holidays listed above, he/she shall, in addition to his/her holiday pay, be paid for all hours worked at the rate of time and one-half (1½) his/her regular rate of pay, or as otherwise specified under Policy #3122, "Hours of Work and Overtime."

POLICY TITLE: Jury Duty

POLICY NUMBER: 3435

3435.1 This policy shall apply to probationary and regular employees in all classifications.

3435.2 An employee summoned for jury duty will immediately notify his/her immediate supervisor.

3435.3 While serving on a jury, an employee will be given a paid leave of absence for the duration of said jury duty. Said leave of absence is conditional upon the employee returning to work upon dismissal each day to complete his/her remaining normal workaday. It is also conditional upon the employee's conveyance to the District of any compensation received as a juror, not including any travel allowance received.

POLICY TITLE: Leave for Crime Victims and Family Members**POLICY NUMBER: 3440**

3440.1 An employee who is a victim of a crime, a member of a crime victim's immediate family (spouse, child, stepchild, sibling, stepsibling, parent, or stepparent), a registered domestic partner of a crime victim, or the child of a registered domestic partner of a crime victim shall be allowed to be absent from work in order to attend judicial proceedings related to that crime, subject to the District's General Manager determining that work requirements may be maintained during the absence.

3440.2 "Victim" means a person against whom one of the following crimes has been committed:

- a) A violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code;
- b) A serious felony, as defined in subdivision (c) of Section 1192.7 of the Penal Code; or
- c) A felony provision of law proscribing theft or embezzlement.

3440.3 Prior to an employee being absent from work, the employee must provide the District with a copy of the official notice provided to the victim of each scheduled proceeding.

3440.4 An employee absents from work to attend a scheduled proceeding may elect to use accrued vacation leave, sick leave, compensatory time off, or unpaid leave time.

3440.5 The District shall keep confidential any records regarding an employee's absence from work pursuant to this Policy.

POLICY TITLE: Military Leave

POLICY NUMBER: 3445

3445.1 Military leave is a form of a personal leave of absence subject to federal and state applicable laws and regulations. Leaves of absence and re-employment resulting from service in the National Guard or U.S. Military Armed Forces will be in accordance with applicable State and Federal laws. A copy of the applicable, official military orders for training or active duty must accompany an employee's request for a leave of absence.

3445.2 An employee who is assigned to an U.S. Military Armed Forces Reserve organization and is subject to active or inactive duty training will be granted leaves of absence without pay, generally for up to two (2) weeks per calendar year unless additional time is approved by General Manager or Board of Directors.

3445.3 The following conditions also apply: The employee may remain in paid status while using appropriate accrued leave balances (vacation) to supplement his/her military pay to maintain the equivalent of full salary.

POLICY TITLE: Pregnancy Disability Leave**POLICY NUMBER: 3450**

3450.1 Any female employee planning to take Pregnancy Disability Leave (PDL) should advise their supervisor as soon as possible. The employee should also inform their supervisor when such leave is expected to begin and how long it will likely last. The employee should make arrangements with their supervisor regarding the scheduling of any planned medical treatment or appointments in order to minimize disruption to the operations of the Morongo Valley Community Services District.

3450.2 Upon the request of an employee and recommendation of the employee's health care provider, the employee's work assignment may be modified if necessary to protect the health and safety of the employee and her child.

3450.3 The following conditions also apply:

3450.3.1 PDL begins when ordered by the employee's health care provider. The employee must provide their supervisor with a certification from a health care provider containing:

- a) The date on which the employee became disabled due to pregnancy;
- b) The probable duration of the period or periods of disability; and
- c) A statement that, due to the disability, the employee is unable to perform one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.
- d) Return to work from PDL will be allowed only when the employee's health care provider endorses a release that must be submitted to the employee's supervisor.

3450.3.2 The duration of the leave will be determined by the employee's health care provider, but in accordance with regulations may be for not more than 17 1/3 weeks or 693 hours. Regular part-time employees are entitled to leave on a pro rata basis. The 17 1/3 weeks or 693 hours of available leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care.

3450.3.3 The employee will remain in paid status while using appropriate accrued leave (sick or vacation) during a PDL to satisfy any disability waiting periods and/or to supplement disability benefits in order to maintain the equivalent of full salary.

3450.3.4 The employee will be in non-paid status after exhaustion of appropriate accrued leave balances or at the employee's election to not use accrued leave benefits.

.....

3450.3.5 During the period of PDL, the Morongo Valley Community Services District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. The Morongo Valley Community Services District will also continue the employer contribution for employee benefit premiums as if the employee were not in leave status, as required by law or regulations. The employee must reimburse the Morongo Valley Community Services District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by the Morongo Valley Community Services District within 30 days of the date of the invoice or written notification. If the Morongo Valley Community Services District does not receive the reimbursement from the employee within 30 days, the Morongo Valley Community Services District can cancel any policies and/or plans for which they have not been reimbursed.

3450.4 Under most circumstances, upon submission of a medical certification that an employee is able to return to work from a PDL, an employee will be reinstated to her same position held at the time the leave began or to an equivalent position, if available. An employee returning from a PDL has no greater right to reinstatement than if the employee had been continuously employed.

POLICY TITLE: Rest & Meal Periods

POLICY NUMBER: 3455

3455.1 While not required by law, all regular, full-time employees may take periods of rest during the workday consisting of two (2) paid fifteen (15) minute breaks and one (1) unpaid meal period.

3455.2 Employees are required to notify their immediate supervisor, where feasible, at the beginning of any break or meal periods. Please keep in mind that when employees are not on a break, they are expected to devote their full efforts to their duties.

POLICY TITLE: Sick Leave**POLICY NUMBER: 3460**

3460.1 This policy shall apply to probationary and regular employees in all classifications.

3460.2 Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease, or diagnosis, care, or treatment of an existing health condition of, or preventative care for an employee. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be subject to sick leave provided prior notice is provided to General Manager.

3460.3 Employees shall earn sick leave at the rate of one working day per month, cumulative to a maximum of 60 days. The determination of total accumulated sick leave days shall be made on January 2 of each year.

3460.4 Each employee may use accrued sick leave, up to half the time accrued per calendar year, as kin care leave, to care for sick family members or for the diagnosis, care, or treatment of an existing health condition of, or preventative care for an employee's family member. It is provided for those circumstances where the employee must take time off to care for a sick family member, regardless of the seriousness of the illness. Employees should notify their supervisor to the extent feasible in order to avoid disruptions in work schedule as a result of use of kin care time. Family members covered include parents, children, spouses, registered domestic partners, grandparents, grandchildren, or siblings, and are further defined as follows:

3460.4.1 A "child" means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee has accepted the duties and responsibilities of raising, such as where a grandparent raises his/her grandchild, regardless of age or dependency status.

3460.4.2 A "parent" means a biological, foster or adoptive parent, a stepparent or legal guardian. Mothers-in-law, fathers-in-law and grandparents are also considered "parents for purposes of this division.

3460.4.3 The term "spouse" is not defined in the legislation mandating kin care, but presumably applies only to an individual to whom the employee is legally married.

3460.5 Each employee may also use sick leave if they are a victim of domestic violence, sexual assault, or stalking to obtain and relief, including, but not limited to, seeking a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child. Employees may also use sick leave to seek medical attention for injuries caused by crime or abuse, to obtain

.....

services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency as a result of the crime or abuse, to obtain psychological counseling or mental health services related to an experience of crime or abuse, or to participate in safety planning and take other actions to increase safety from future crime or abuse, including temporary or permanent relocation.

3460.6 In order to receive compensation while on sick leave, the employee shall notify his/her supervisor prior to the time for beginning the regular work day, or as soon thereafter as practical. The designation of sick leave taken shall be made at the sole discretion of the employee.

3460.7 If absence from duty by reason of illness occurs, satisfactory evidence may be required by the General Manager.

.....

POLICY TITLE: Time Keeping/Time Records

POLICY NUMBER: 3465

3465.1 It is the responsibility of every non-exempt employee to accurately record time worked. Federal and State laws require the Morongo Valley Community Services District to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked at is the time actually spent on the job performing assigned duties.

3465.2 Overtime compensation will be paid to qualified hourly employees. Overtime work must always be approved by a supervisor before it is performed. In accordance with Federal law, the District rounds this time to the nearest one-quarter hour/fifteen minutes.

3465.3 It is the employee's responsibility to sign and submit on time his/her time records certifying the accuracy of all time recorded for compensation.

POLICY TITLE: Time Off for Children- School Activities

POLICY NUMBER: 3470

3470.1 California Law allows a parent or guardian to take up to a total of 40 hours of time off each calendar year (but no more than 8 hours in one month) without pay to participate in their children's activities at school (grades K through 12) or licensed childcare provider. The absence is subject to all of the following conditions:

3470.1.1 Employees planning to take time off for school visitations must provide as much advance notice as possible and all requests must be approved by the employee's supervisor;

3470.1.2 If both parents are employed by the Morongo Valley Community Services District, the first employee to request such leave will receive the time off. The other parent will receive the time off only if the leave is approved by his or her supervisor;

3470.1.3 Employees must use accrued vacation or compensating time off in order to receive compensation for this time off;

3470.1.4 Employees who do not have accrued vacation time or compensatory time off available will take the time off without pay.

3470.2 Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In compliance with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

3470.2.1 Employees must use accrued vacation or compensating time off in order to receive compensation for this time off;

3470.2.2 Employees who do not have accrued vacation time or compensatory time off available will take the time off without pay.

POLICY TITLE: Time Off to Vote

POLICY NUMBER: 3475

3475.1 The Morongo Valley Community Services District believes that it is the responsibility and duty of employees to exercise the privilege of voting in federal, state or local governmental elections. In accordance with this philosophy, the Morongo Valley Community Services District will grant its employees advance arranged and approved time off to vote and for periods of service as an election official.

3475.2 All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, managers are authorized to grant a reasonable period of time, up to three hours, during the workday to vote. Time off for voting should be coordinated to occur at the beginning or end of a work shift where possible and reported and coded appropriately on timekeeping records.

POLICY TITLE: Unauthorized Voluntary Absence

POLICY NUMBER: 3480

3480.1 Voluntary absence from work without permission for three (3) consecutive working days shall be considered an automatic resignation.

3480.1.1 After two consecutive days of voluntary absence from work without permission, the employee shall be notified in writing that the absence will be considered as resignation if it continues consecutively through the third working day. Said notice shall provide factual evidence that the employee's absence is voluntary and unauthorized and an invitation to the employee to present his/her version of the "facts" at a meeting with the General Manager.

3480.1.1.1 Constructive resignation shall not be determined to have occurred until after the employee has an opportunity to present his/her version of the "facts" at the meeting with the General Manager.

3480.1.1.2 The fact-finding hearing shall be held within ten (10) days after the end of the three (3) consecutive days of unauthorized voluntary absence.

3480.2 The General Manager [may, prior to the informal fact-finding hearing, reinstate the employee who has been voluntarily absent if the employee provides a satisfactory explanation. If the employee is reinstated after providing a satisfactory explanation, back pay for the period of absence may be disallowed, including the employee's use of vacation or "comp" time to cover the period of absence.

3480.3 If the General Manager determines, as a result of the evidence presented at the fact-finding hearing, that the employee was voluntarily absent without leave and did not have a satisfactory explanation, the employee shall not be entitled to a post-severance evidentiary hearing and the employee's resignation shall be considered to be effective at the end of the third consecutive day of his/ her unauthorized voluntary absence.

POLICY TITLE: Use of Make-up Time**POLICY NUMBER: 3485**

3485.1 The Morongo Valley Community Services District allows the use of makeup time when non-exempt employees need time off to tend to personal obligations. Use of makeup time is discretionary and subject to preapproval by the General Manager. Make up time worked will not be paid at an overtime rate.

3485.2 Subject to compliance with this policy, employees may take time off and then make up the time later in the same workweek or may work extra hours earlier in the workweek to make up for time that will be taken off later in the workweek.

3485.3 Make up time requests must be submitted in writing to your supervisor, with your signature, on the Morongo Valley Community Services District provided form. Requests will be considered for approval based on the legitimate business needs of the Morongo Valley Community Services District at the time the request is submitted. A separate written request is required for each occasion the employee requests make up time.

3485.4 If you request time off that you will make up later in the week, you must submit your request at least 24 hours in advance of the desired time off. If you request to work make up time first in order to take time off later in the week, you must submit your request at least 24 hours before working the makeup time. Your make up time request must be approved in writing before you take the requested time off or work make up time, which- ever is first.

3485.5 All make up time must be worked in the same workweek as the time taken off. The Morongo Valley Community Services District's seven- day workweek is Sunday through Saturday. Employees may not work more than 40 hours in a workweek as a result of making up time that was or would be lost due to a personal obligation.

3485.6 If you take time off and are unable to work the scheduled make up time for any reason, the hours missed will normally be unpaid. However, your supervisor may arrange with you another day to make up the time, if possible, based on scheduling needs. If you work make up time in advance of time you plan to take off, you must take that time off, even if you no longer need the time off for any reason.

3485.7 An employee's use of makeup time is completely voluntary and subject to the ability of the District to accommodate the employee. The Morongo Valley Community Services District does not encourage, discourage, or solicit the use of makeup time off.

POLICY TITLE: Vacations**POLICY NUMBER: 3490**

3490.1 This policy shall apply to regular and probationary employees in all classifications. 3490.2 Paid vacations shall be accrued according to the following schedule on an annual basis:

- a) During the first year of continuous work, () days;
- b) Two through five years of service, () days;
- c) Six through ten years of service, () days;
- d) After ten years of service, one additional day of paid vacation for each additional year of service to a maximum of 30 days.

3490.3 Employees who have completed six months in regular status may take their vacation time all at once, or gradually, with the prior written approval of their supervisor. No vacation may be taken until the employee has completed at least six months in regular employee status unless approved by the General Manager in writing.

3490.4 Vacation time may be accumulated or postponed. The total accumulated vacation time shall not exceed that amount earned annually by the employee. Only one week of accumulated vacation may be used in addition to regular vacation time during any given year.

3490.5 At termination of employment for any reason, the District shall compensate the employee for his/her accumulated vacation time at his/her straight time rate of pay at the time of termination.

3490.6 The District will not require an employee to take vacation time in lieu of sick leave during periods of illness. However, the employee may elect to take vacation time in case of extended illness where sick leave has been fully used. The District will not consider granting a leave of absence for medical reasons until all accumulated sick leave and vacation time have been used.

3490.7 If a holiday falls on a workday during an employee's vacation period, that day shall be considered as a paid holiday and not vacation time.

3490.8 Vacations may be scheduled at any time during the year upon written approval of the General Manager.

3490.9 Vacations are provided by the District to employees as a period of exemption from work with pay for the purpose of rest, relaxation, and recreation. This respite is a benefit and is intended as an aid in maintaining the long-term and consistent productivity and contentment of the employee. As such, pay in lieu of vacation time away from work shall not be permitted except in situations of hardship or cumulation in excess of () hours. Said pay off shall be submitted for written approval by the General Manager.

.....

POLICY TITLE: Workers' Compensation Leave [Not applicable to Sworn Public Safety Employees Due to Labor Code Section 4850]

POLICY NUMBER: 3495

3495.1 If an employee is injured at work and is temporarily unable to perform his or her usual and customary work, the employee will be allowed to take an unpaid leave of absence while receiving workers' compensation benefits. Certification from a recognized medical professional confirming the necessity of the leave must be provided to the Morongo Valley Community Services District within fourteen (14) days after the leave begins. The duration of the leave will be determined on a case-by-case basis, considering both the injured employee's medical condition and the Morongo Valley Community Services District business needs.

3495.2 The employee may elect during such absence to apply sick leave on a prorated basis to such absence and receive compensation in an amount equal to the difference between compensation received as regular salary and the amount received as Workers' Compensation benefits, not to exceed the amount of available accrued sick leave. Similarly, the employee may elect to use any accrued paid leave time and accrued time off after the sick leave is exhausted.

3495.3 The employee may return to work only after a recognized medical professional certifies that the employee is capable of resuming all of the essential functions of the employee's position. The Morongo Valley Community Services District may, in its discretion, provide modified or light duty work if the employee's release contains such limitation. If the employee has been released without limitation, the employee will be offered the same position he or she held previously, unless the job no longer exists or has been filled so that the Morongo Valley Community Services District can operate safely and efficiently or the employment relationship has otherwise been terminated.

3495.4 Workers' compensation leave will run concurrently with any family and medical leave. [Not applicable to sworn public safety employees.] During the period of leave, the Morongo Valley Community Services District will continue payment of all premiums for employee benefit plans in place at the time the leave begins. The District will also continue the employer contribution for employee benefit premiums, as if the employee were not in leave status, for the duration of the leave. The employee must reimburse the District for any portion of benefits they would have paid through payroll deduction. Such reimbursement must be received by District within 30 days of the date of the invoice or written notification. If District does not receive the reimbursement from the employee within 30 days, District can cancel any policies and/or plans for which they have not been reimbursed.

POLICY TITLE: Longevity Policy**POLICY NUMBER: 3497****3497.1 Longevity Pay**

In addition to regular salary or wages, a full-time employee shall receive as compensation longevity pay calculated from the date of hire, as long as said employee is performing at a satisfactory or above level as follows:

- a) Completion of 10 years of continuous service as a full-time employee, including any time spent as probationary employee: 3% of base salary.
- b) Every five years of satisfactory or above service thereafter: 3% of base salary, with a maximum total of 12% of base salary.
- c) Part-time employees accrue longevity on a pro-rated basis, so that a year of service is achieved once the employee has worked 2,080 hours, which is the number of hours equivalent to a year of service for a full-time employee. For example, an employee who reaches 2,080 hours over the course of 18 months shall then be deemed to have completed one year of service for purposes of longevity.

3497.2 Vacation Policy

Full-time employees (employees who work at least 40 hours per week) are entitled to increase their amount of paid vacation leave once they have completed 10 years of continuous service, as follows:

- a) Employees who have completed 10 years of continuous service shall accrue 40 hours of additional vacation leave per year (in addition to their normal accrual).
- b) Employees who have completed 20 years of continuous service shall accrue 80 hours of additional vacation leave per year.

3497.3 Breaks in Service

Employees granted leaves of absence for pregnancy disability, Family and Medical Leave, California Family Rights Act, or any other leave to which this provision applies by law, shall not experience a break in service for purposes of longevity.

Employees who separate from the Morongo Valley Community Services District employment for reasons other than layoff, whether voluntarily or involuntarily, and then return to District employment, shall have longevity calculated from the first date of their most recent employment. For example, if an employee has worked for the District for 20 years, separates for 1 year, and then returns to employment, the employee shall begin with 0 years of longevity.

3497.4 Layoffs

Employee layoffs are made at the discretion of District according to business necessity. The General Manager shall prepare a layoff list, giving consideration to all applicable factors, including business necessity, job performance, competence and skill set of

.....

individual employees, and longevity of service with District (where practical). Longevity will not be the sole factor in layoff considerations where other relevant factors apply.

Employees laid off in good standing shall be eligible for re-employment with the District. If a laid off employee is re-hired within one year of layoff, the employee shall commence re-employment at the level of longevity they had at the time of layoff.

.....

POLICY TITLE: Reimbursement Policy**POLICY NUMBER: 3499**

The purpose of this policy is to establish a travel and expense policy for the Morongo Valley Community Services District Board Members and employees when attending business or professional conferences, training seminars or other travel on authorized District business.

It is the intent of District to assure compliance with IRS regulations and the California Labor Code. Reimbursement of business-related expenses paid to employees and incurred at the request, or to the benefit, of the employer is usually tax free; however, employees must substantiate the expenses with original receipts.

3499.1 Required Forms and Procedures:

The Finance and Administrative Director will establish such forms as are necessary and appropriate to provide accurate records of travel requests and travel expense reimbursement. Such forms shall be approved by the General Manager.

Reimbursement of expenses shall be made upon submission of appropriate expense forms and receipts. Applicable receipts must be submitted with the employee's name and nature of the business documented. Any payment without a receipt will appear as additional income on the employee's W-2 at year end.

3499.2 Cell Phone/Data Expenses:

For employees that are provided with a District cell phone for business use, which may include voice calls, emails, and messaging, the District cell phone is expected to be used for all necessary business usage. Employees are not required to use their personal cell phones for any business use. Accordingly, such employees will not be reimbursed for expenses accrued from personal cell phone use.

For employees that are not provided with a cell phone and are required by their supervisor to use their personal cell phones for District business, a monthly stipend of percent of the employee's monthly cell phone bill will be paid to cover voice calls, emails, and messaging, up to a maximum of \$.

3499.3 Per Diem Transportation Expenses:

Use of air, train, private car or bus shall be selected on the basis of the most reasonable and appropriate method, taking into consideration distance, time and total costs to District after all expense items are tabulated.

If you are required to use your personal automobile on approved District business, the District will reimburse you for mileage at the prevailing IRS reimbursement rate, and is intended to cover gas, oil, tires, repairs, and automobile insurance. Use of a privately owned vehicle on District business requires the driver to possess a valid California

.....

driver's license and to carry the minimum automobile insurance required by law and District retains the right to request proof of insurance. Any damages to the vehicle or service repairs are of a personal nature and are not reimbursed by District. Reimbursement for personal vehicle use will be based on the vehicle and not on the number of passengers.

Expenses such as tolls and parking will be fully reimbursed upon presentation of the receipt.

When the use of public air carrier transportation is approved, travel for all personnel shall be in coach class or equivalent service.

While traveling, the use of rental vehicles is to be discouraged. Courtesy shuttle service, buses, or limousine service should be utilized between airports and meeting locations. When rental vehicles are used, the least expensive vehicle practical will be used.

3499.4 Meal Expenses:

While traveling for the District, the following meal reimbursement rates apply:

- If the work commitment requires that you leave your home before 7:00 am, you are eligible for re-imbursement of breakfast in the amount up to \$17.00.
- If the work commitment requires that you to travel during the lunch hour, you are eligible for re-imbursement of up to \$18 for lunch.
- If the work commitment requires that you travel during the dinner hour, you are eligible for re- imbursement of up to \$34.00 for dinner.

In addition, the maximum daily meal allowance is \$69.00 (which includes taxes and tips) per day, as established by the United States General Services Administration. Expenses shall not exceed the daily meal limit amounts set, regardless of the amount of receipts submitted. Meals that are included in conference registration fees will not be an allowable expense.

If the rates set by the United States General Services Administration exceed those established in this policy, the federal government rates/allowances shall supersede.

3499.5 Lodging Expenses:

The cost of lodging accommodations for approved conferences, seminars or meetings will be arranged in advance directly by the District staff or reimbursed to the employee as outlined in the following paragraphs. In the case of advance arrangements, a check will be issued to the traveler prior to departure which will cover all hotel/motel charges, including parking. Hotel and motel charges shall be based on single occupancy rates. The District will not reimburse employees for lodging expenses incurred by family members when an employee's family accompanies them, or for any charges for additional guests in the same room. Under no circumstances should lodging expenses

.....

exceed the conference hotel rate. In instances where conference hotels are filled, the employee should attempt to secure comparable rates at the nearest hotel.

3499.6 Unauthorized Expenses:

Items of personal nature are not reimbursable including movies, entertainment, premium television services, alcoholic beverages, dry-cleaning, spas, gyms, barber, magazines, shoeshine, travel insurance, purchase of clothing or toiletries, loss of tickets, fines or traffic violations, excess baggage, spouse and/or guest accommodations, office equipment and other personal items.

Special training sessions and other unique one-time meetings or situations may be pre-approved by the General Manager or designee on a case-by-case basis. The District will not reimburse for optional social functions such as retirement or testimonial dinners unless approved in advance by the General Manager.

If unauthorized expenses have been paid by the District (i.e., via credit card or petty cash), the employee will be responsible for immediate reimbursement to the District either by personal check or an authorized payroll deduction.

.....

POLICY TITLE: Employee Assistance During Response to Emergency Situations**POLICY NUMBER: 3500**

3500.1 Employees are to be trained to handle emergencies in the field or at District facilities as the purposes of such activities are to improve District operation and safeguard the value of District assets. Hence, employees often work under adverse conditions and under stress at times to the degree that is beneficial to the District.

3500.1.1 Employees working in the field or at District facilities may be required to work unusual hours and shifts including nights and weekends. Due to these unusual hours, emergency situations involving the employee, or his/her family may occur while working. Employees are trained and are to be prepared for such incidents.

3500.2 It is the policy of the District to provide a safe and environmentally friendly working experience. Employees may be subject to injury or to notifications that members of their families are in need of assistance. It is the policy of the district to assist employees in these situations as much as possible to minimize the mental and emotional impacts upon them.

3500.2.1 An employee who experiences an injury on the job is to inform his/her supervisor or another management employee as soon as reasonably possible by phone or in person. In case of injury beyond first aid level, the employee is to be transported to the designated first aid treatment facility. The nature of the injury or incident and any actions needed to be taken shall be reported. If involving a criminal act or an equipment accident, an accident report shall be completed as soon as possible and within 24 hours.

3500.2.2 In cases where an employee's family member is involved in an emergency situation and the employee believes that he/she must leave the job to respond, the employee shall inform his/her supervisor or another management employee immediately and before leaving the work site. If no response is required, the employee is encouraged to inform his/her supervisor in order to have them aware of the situation and to provide supportive assistance in an appropriate manner. An Employee Assistance Program (EAP) may be available, and the employee is encouraged to contact the identified agency or the Human Resources Department for assistance.

3500.2.3 Expenses to the District for an EAP may be provided by the District for initial administrative services. Specific services available to the employee shall be identified and appropriate expense information made known by the EAP provider.

.....

3500.2.4 Absences from work due to injury or emergencies of close family members may be covered by either workers compensation, sick leave or the Federal FMLA regulations. The employee shall consult with the General Manger as soon as practical to determine what applicable leave or laws apply to their situation. A doctor's certification may be required for use of leaves and for returning to work in some cases.

3500.3 Employees, supervisors and managers shall be provided training and information on dealing with injury, emergencies and trauma on the job in order to prepare them for unusual situations. Such training is not to be viewed as for personal safety and security but for handling sensitive and emergency situations until additional assistance may be obtained.

.....

POLICY TITLE: Health and Welfare Benefits

POLICY NUMBER: 3505

3505.1 Medical Expense Insurance. Health and dental insurance to cover non-occupational injuries and sickness for probationary and full-time employees in all job classifications, and their dependents, shall be provided by the District. The scope of coverage and the portion of premiums to be paid by the District is subject to periodic review and revision by the Board of Directors.

3505.2 Workers' Compensation Insurance. All District employees will be insured against injuries received while on the job as required by State law.

3505.3 Retirement Plan. Upon achieving full-time employee status, employees shall be enrolled in the District's employee retirement plan. The terms of the retirement plans provided to District employees is subject to periodic review and revision by the Board of Directors.

.....

POLICY TITLE: Illness and Injury Prevention Program

POLICY NUMBER: 3510

3510.1 Program Goal and Outline.

The goal of the District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The District's safety and health program will include:

3510.1.1 Providing mechanical and physical safeguards to the maximum extent possible.

3510.1.2 Conducting a program of safety and health inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.

3510.1.3 Training all employees in good safety and health practices.

3510.1.4 Providing necessary personal protective equipment, and instructions for use and care.

3510.1.5 Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment.

3510.1.6 Investigating promptly and thoroughly, every accident to determine its cause and correct the problem so it will not happen again.

3510.1.7 Developing a system of recognition and awards for outstanding safety service and/or performance.

3510.2 Program Responsibility.

Although the District recognizes that the responsibility for safety and health is shared, the General Manager shall be responsible and have full authority for implementing this policy and the District's Injury and Illness Prevention Program.

3510.2.1 The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.

3510.2.2 Supervisory personnel are responsible for developing proper attitudes toward safety and health for themselves and in those they supervise, and for ensuring that all operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.

.....

3510.2.3 No employee will be required to work at a job he/she knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program - including compliance with all rules and regulations - and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.

3510.3 Injury and Illness Records.

The District's record keeping system for its Injury and Illness Prevention Program shall conform to Cal/OSHA standards. Records shall be used to measure and evaluate the success of said program.

3510.3.1 A report shall be obtained on every injury or illness requiring medical treatment. (See also Section 3510.8.)

3510.3.2 Each injury or illness shall be recorded on the "Cal/OSHA Log and Summary of Occupational Injuries and Illnesses," Cal/OSHA Form 200, according to its instructions.

3510.3.3 A supplementary record of the occupational injuries and illnesses shall be prepared on OSHA Form 5020, "Employer's Report of Injury or Illness," with the same information as in 3510.32, above.

3510.3.4 Annually, the summary Cal/OSHA Form 200 shall be prepared and posted no later than February 1 in a place easily observable by employees. Said form shall remain posted until March 1.

3510.3.5 All records specified in this section shall be maintained in the District's files for a minimum of five years after their preparation.

3510.4 Documentation of Activities.

Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:

3510.4.1 Records of scheduled and periodic inspections as required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] to identify unsafe conditions and work practices. The documentation must include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and the action taken to correct the unsafe conditions and work practices. The records are to be maintained for at least three (3) years.

3510.4.2 Documentation of safety and health training required by Cal/OSHA [California Code of Regulations, Title 8, Chapter 4] for each employee. The

.....

.....

documentation must specifically include employee name or other identifier, training dates, type(s) of training and the name of the training provider. These records must also be kept for at least three years.

3510.5 Program Communication System.

Readily understandable communication shall be maintained with all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees shall include meetings, training programs, posted written information, and a system of anonymous notification by employees about hazards.

3510.5.1 Written communications to employees shall be in a language they can understand. If an employee cannot read in any language, said communication shall be made orally in a language he/she can readily understand.

3510.5.2 The District's Code of Safe Practices, below, shall be posted at a conspicuous location in the District's maintenance office, and shall be provided to each supervisory employee who shall keep it readily available.

3510.5.3 Periodic meetings (at least one per quarter) of supervisory employees shall be held under the direction of the General Manager for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for three years.

3510.5.4 Supervisory employees shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crew(s) at least every ten working days to emphasize safety. Documentation of these meetings shall be maintained for three years.

3510.5.5 General employee meetings shall be conducted (at least one per quarter) at which safety is freely and openly discussed by those present. Such meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Documentation of these meeting shall be maintained for three years. Discussions at these meetings should concentrate on:

3510.5.5.1 Occupational accident and injury history within the District, with possible comparisons to other similar agencies.

3510.5.5.2 Feedback from employees.

.....

3510.5.5.3 Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.

3510.5.5.4 Brief audio-visual materials that relate to the District's operations.

3510.5.6 Training programs shall be conducted when new equipment, machinery or tools are purchased. Employees shall be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs shall be maintained for three years.

3510.5.6.1 New employees shall be trained by their supervisor in the safe operation of the equipment, machinery and tools with which they will be working prior to being allowed to work independently. Documentation of new employee training shall be maintained for three years.

3510.5.7 Posters and bulletins relating to and encouraging safe and healthy practices shall be posted on a rotational basis at a conspicuous location in the District's maintenance office.

3510.5.8 News articles and publications devoted to safety shall be distributed to employees. This policy shall also be distributed to all employees upon its adoption, to all new employees at the time of their hiring, and annually thereafter.

3510.5.9 A safety suggestion box shall be maintained where employees, anonymously if desired, can communicate their concerns to the District's General Manager.

3510.6 Hazard Assessment and Control.

Periodic safety inspections shall be conducted to identify existing hazards in the workplace, or conditions, equipment and procedures that could be potentially hazardous. The inspections shall be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.

3510.6.1 Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

3510.6.2 Safety inspections will be conducted at least annually. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses.

.....

.....

3510.6.3 A written assessment shall be prepared after said inspections which will document identified hazards and prescribe procedures for the elimination of same, and measures that can be taken to prevent their recurrence.

3510.6.4 The General Manager [or other designated program manager] will review written inspection reports and/or assessments and will assist in prioritizing actions and verify completion of previous corrective actions. He/she shall also review the overall inspection program to determine trends.

3510.7 Accident Investigation.

All accidents shall be thoroughly and properly investigated by the Field Operations Supervisor [or other responsible managing employee who should be trained in accident investigation], with the primary focus of understanding why the accident or near-miss occurred and what actions can be taken to preclude recurrence. A written report of said investigation shall be prepared which adequately identifies the cause(s) of the accident or near-miss occurrence.

3510.7.1 The investigation must obtain all the facts surrounding the occurrence: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near-miss; were they properly trained; were proper operating procedures established for the task involved; were procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected.

3510.7.2 The accident investigator must determine which aspects of the operation or process require additional attention (what type of constructive action can eliminate the cause(s) of the accident or near-miss).

3510.7.3 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.

3510.7.4 Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

3510.7.5 Corrective action should be identified in terms of not only how it will prevent a recurrence of the accident or near-miss, but also how it will improve the overall operation. The solution should be a means of achieving not only accident control, but also total operation control.

3510.8 Code of Safe Practices. General

3510.8.1 All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to

.....

.....
the Foreman, Field Operations Supervisor, or General Manager [or other responsible managing employees].

3510.8.2 Supervising employees shall insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work and shall take such action as necessary to obtain observance.

3510.8.3 Anyone known to be under the influence of drugs or intoxicating substances which impair the employee's ability to safely perform the assigned duties shall not be allowed on the job while in that condition and will be subject to the discipline specified in Policy #2190.

3510.8.4 Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.

3510.8.5 Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.

3510.8.6 No one shall knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.

3510.8.7 Employees shall not enter manholes, underground vaults, chambers, or other similar places that receive little ventilation, unless it has been determined that it is safe to enter.

3510.8.8 Employees shall be instructed to ensure that all guards and other protective devices are in proper places and adjusted and shall report deficiencies promptly to the Foreman or Field Operations Supervisor [or other responsible managing employee].

Machinery and Vehicles

3510.8.9 Only authorized persons shall operate machinery or equipment.

3510.8.10 Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.

3510.8.11 Machinery shall not be serviced, repaired or adjusted while in operation, nor shall oiling of moving parts be attempted, except on equipment that is designed or fitted with safeguards to protect the person performing the work.

3510.8.12 Where appropriate, lock-out procedures shall be used.

.....

3510.8.12 Employees shall not work under vehicles supported by jacks or chain hoists, without protective blocking that will prevent injury if jacks or hoists should fail.

3510.8.13 Air hoses shall not be disconnected at compressors until hose line has been bled.

3510.8.14 Tractors, backhoes and other similar equipment shall not operate where there is possibility of overturning in dangerous areas like edges of deep fills, cut banks, and steep slopes.

3510.9 Employee Access to Program

All employees – or their designated representatives – have the right to examine and receive a copy of our IIPP

The District will provide access in a reasonable time, place, and manner, but in no event later than five (5) business days after the request for access is received from an employee or designated representative.

3510.9.1 Whenever an employee or designated representative requests a copy of the Program, the District will provide the requester a printed copy of the Program, unless the employee or designated representative agrees to receive an electronic copy of the Program.

3510.9.2 One printed copy of the Program will be provided free of charge. If the employee or designated representative requests additional copies of the Program within one (1) year of the previous request and

the Program has not been updated with new information since the prior copy was provided, the District may charge reasonable, non-discriminatory reproduction costs for the additional copies.

3510.9.3 Any copy provided to an employee, or their designated representative will not include any of the records of the steps taken to implement and maintain the written IIP Program.

3510.9.4 Where the District has distinctly different and separate operations with distinctly separate and different IIPs, it may limit access to the IIPP applicable to the employee requesting it.

3510.9.5 An employee must provide written authorization in order to make someone their “designated representative.” A recognized or certified collective bargaining agent will be treated automatically as a designated representative for

.....

.....

the purpose of access to the company IIPP. The written authorization must include the following information:

- The name and signature of the employee authorizing the designated representative.
- The date of the request.
- The name of the designated representative.
- The date upon which the written authorization will expire (if less than 1 year).

.....

POLICY TITLE: Smoke-free Workplace

POLICY NUMBER: 3515

3515.1 Smoking is prohibited within the buildings, facilities and vehicles of the Morongo Valley Community Service District. Those who smoke are requested to do so outdoors away from entrances or windows of buildings and covered parking lots.

3515.2 Extra care should be taken when working around combustible materials, or out in the field near equipment or supplies.

3515.2.1 Personnel who smoke in the field should use extreme caution and dispose of cigarettes in a responsible and safe manner, not littering or throwing residual parts on the ground or street or areas of drains, etc.

POLICY TITLE: Substance Abuse**POLICY NUMBER: 3520**

3520.1 Policy Statement: The purpose of this policy is to assure worker fitness for duty and to protect District employees and the public from risks posed by the use of alcohol and controlled substances. This policy is also intended to comply with all applicable Federal regulations governing workplace anti-drug programs in the transportation industry. The Federal Highway Administration (FHWA) of the Department of Transportation (DOT) has enacted 49 CFR Part 382 that mandate urine drug testing and breathalyzer alcohol testing for safety-sensitive positions and prevents performance of safety-sensitive functions when there is a positive test result. The Department of Transportation has also enacted 49 DFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted 49 CFR Part 29, "The Drug-Free Workplace Act of 1988," which requires the establishment of drug free workplace policies and the reporting of certain drug-related offenses to the Department of Transportation. This policy incorporates those requirements of safety-sensitive employees and others when so noted.

The Morongo Valley Community Services District recognizes that the use of alcohol and/or controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy and productive work environment for all employees, it is the objective of the District to have a work force that is free from the influence of alcohol and controlled substances.

3520.1.1 Applicability: This policy applies to all employees when they are on District property or when performing any District related business. Certain provisions, where identified, will apply only to safety-sensitive employees. It also applies to off-site lunch periods and breaks when a safety-sensitive employee is scheduled to return to work.

A safety-sensitive employee is:

- a) one in any classification requiring the use of a Class "A" or Class "B" commercial driver's license, as listed in Appendix A;
- b) one who has voluntarily driven a District vehicle requiring a commercial license within the last 12-month period, or who desires in the future to voluntarily drive a District vehicle requiring a commercial license; or,
- c) one who performs safety-sensitive functions as specified in Appendix A. A safety-sensitive employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

.....

3520.1.2 Prohibited Substances: "Prohibited substances" addressed by this policy include the following:

- a) Drugs: marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine.
- b) Alcohol.
- c) Legal Medications.

3520.1.3 Prohibited Conduct:

- a) Manufacture, Trafficking, Possession and Use. Engaging in unlawful manufacture, distribution or dispensing of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation may result in termination. Law enforcement shall be notified, as appropriate, where criminal activity is suspected. Engaging in unlawful possession or use of a controlled substance or alcohol on District premises, in a District vehicle or while conducting District business off the premises is absolutely prohibited. Violation will result in removal from duty and referral to a Substance Abuse Professional (SAP) and may result in discipline up to and including termination of employment.
- b) Impaired/Not Fit for Duty. Any employee who is reasonably suspected of being impaired, under the influence of a prohibited substance, or not fit for duty shall be removed from job duties and be required to undergo a reasonable suspicion-controlled substance or alcohol test. Employees failing to pass this reasonable suspicion-controlled substance or alcohol test shall remain off duty and be referred to an SAP. A controlled substance or alcohol test is considered positive (failed) if the individual is found to have a quantifiable presence of a prohibited substance in the body above the minimum thresholds defined in the DOT guidelines.
- c) Alcohol Use. No safety-sensitive employee may report for duty or remain on duty when his/her ability to perform assigned functions is adversely affected by alcohol or when his/her breath alcohol concentration is 0.04 or greater. No employee shall use alcohol during working hours. No safety-sensitive employee shall use alcohol within four (4) hours of reporting for duty. Violations of this provision is prohibited and will subject the employee to disciplinary action, including removal from safety-sensitive duty and referral to an SAP.
- d) Compliance with Testing Requirements. All safety-sensitive employees are subject to controlled substance testing and breathe alcohol testing. Any safety-sensitive employee who refuses to comply with a request for testing, who provides false information in connection with a test or who attempts to falsify test results

.....

-
- through tampering, contamination, adulteration, or substitution shall be removed from duty immediately and be referred to an SAP. Refusal to submit to a test can include an inability to provide a urine specimen or breathe sample without a valid medical explanation, as well as a verbal declaration, obstructive behavior or physical absence resulting in the inability to conduct the test.
- e) Treatment/Rehabilitation Program. An employee with a controlled substance and/or alcohol problem will be afforded an opportunity for treatment in accordance with the following provisions:
 - f) Positive Controlled Substance and/or Alcohol Test: A Rehabilitation Program is available for employees who have tested positive for a prohibited substance on a one-time basis only. Employees will be terminated immediately on the occurrence of a second event with a verified positive test result. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. When recommended by the SAP, participation and completion of the rehabilitation program is mandatory. Failure of an employee to attend and complete a prescribed program will result in termination from employment. Prior to return-to-duty testing, an employee must follow the rehabilitation program recommended by the SAP and agree to and sign a Return-To-Duty Agreement. The duration and frequency of follow-up testing will be determined by the SAP but will not be shorter than one (1) year or longer than five (5) years.
 - g) Voluntary Admittance: All employees who feel they have a problem with controlled substances and/or alcohol may request voluntary admission to a rehabilitation program. Requests must be submitted to the General Manager or his/her designee for review. Program costs and subsequent controlled substance and/or alcohol testing costs will be paid by the employee. An employee completing a rehabilitation program must agree to and sign a Return-To-Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up testing for thirty-six (36) months following return to duty. A positive result on the return-to-duty test or on the unannounced follow-up tests will result in termination from employment. Participants in the rehabilitation program may use accumulated sick leave, vacation and floating holidays, if any.

3520.1.4 Notifying The District of Criminal Drug Conviction: Pursuant to the "Drug Free Workplace Act of 1988," any employee who fails to immediately notify the District of any criminal controlled substance statute conviction shall be subject to disciplinary action, up to and including termination of employment.

3520.1.5 Proper Application of the Policy: The District is dedicated to assuring fair and equitable application of this Substance Abuse Policy. There-

fore, supervisors are required to administer all aspects of the policy in an unbiased and impartial manner. Any supervisor who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy with respect to his/her subordinates shall be subject to disciplinary action, up to and including termination of employment.

3520.1.6 Testing for Prohibited Substances: Analytical urine-controlled substance testing and breathe testing for alcohol will be conducted as required under DOT guidelines. All employees shall be subject to testing prior to employment and for reasonable suspicion. All safety-sensitive employees shall be subject to testing randomly and following an accident, as defined in the DOT guidelines. In addition, all safety-sensitive employees will be tested prior to returning to duty after failing a controlled substance and/or alcohol test. Employees who have returned to duty will be subject to unannounced follow-up tests for up to five (5) years, as determined by an SAP. Safety-sensitive employees who perform safety-sensitive functions as defined in the DOT guidelines shall also be subject to testing on a randomly selected and unannounced basis.

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the Department of Health and Human Services (DHHS), including split-sample testing. All testing will be conducted consistent with the procedures put forth in the DOT guidelines.

Tests for alcohol concentration will be conducted utilizing an approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). If the initial test indicated an alcohol concentration of 0.02 or greater, a confirmation test will be performed to confirm the result of the initial test. A safety-sensitive employee who has a confirmed alcohol concentration of 0.02, but less than 0.04 will be removed from his/her position for at least twenty-four (24) hours unless a retest results in an alcohol concentration of 0.02 or less. An alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of DOT guidelines and this policy.

Any employee who has a confirmed positive controlled substance or alcohol test will be removed from his/her position, informed of educational and rehabilitation programs available, and evaluated by an SAP.

The District affirms the need to protect individual dignity, privacy and confidentiality throughout the testing process.

Circumstances under Which Employees May be Tested:

- a) Pre-Employment Testing. All job applicants for any safety sensitive position who have been offered District employment, including current safety-sensitive employees who promote, demote or transfer to another safety sensitive position, shall undergo urine-controlled substance testing

.....

prior to employment. Receipt of a satisfactory test result is required prior to employment and failure of a controlled substance test will disqualify the candidate from further consideration for employment. Current employees who promote, demote or transfer from non-safety-sensitive to safety-sensitive position shall test negative prior to assignment to a safety-sensitive classification. The District will obtain records from previous employers of new employees in conformance with DOT guidelines. Probationary employees who receive a positive alcohol and/or substance abuse test, or who fail to provide "clean" records from previous employers will fail to complete the District's probationary period.

- b) Reasonable Suspicion Testing. All employees will be subject to urine and/or breathe testing when there is a reason to believe that controlled substances or alcohol use is adversely affecting job performance. A reasonable suspicion referral for testing will be made on the basis of documented objective facts and circumstances which are consistent with the effects of substance abuse. Examples of reasonable suspicion include, but are not limited to, the following:
1. Adequate documentation of unsatisfactory work performance or on-the-job behavior.
 2. Physical signs and symptoms consistent with prohibited substance use.
 3. Occurrence of a serious or potentially serious accident that may have been caused by human error.
 4. Fights (i.e., physical contact), assaults and flagrant disregard or violations of established safety, security, or other operational procedures.

Reasonable-suspicion determinations will be made by a supervisor who is trained to detect the signs and symptoms of controlled substance and alcohol use and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to prohibited substance abuse or misuse.

- c) Post-Accident Testing. Safety-sensitive employees will be required to undergo controlled substance and/or breathe alcohol testing if they are involved in an accident with a District vehicle that results in a fatality. This includes all safety-sensitive employees who are on duty in the vehicles. In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or where one or more vehicles incurs disabling damage that requires towing from the site; or the safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident.

Following an accident, the safety-sensitive employee will be tested as soon as possible, but not to exceed eight (8) hours for alcohol and thirty-two (32) hours for controlled substances. Any employee who leaves the scene of the accident without appropriate authorization prior to submission to controlled substance and alcohol testing will be

.....

.....

considered to have refused the test and be subject to termination of employment. Post-accident testing of safety-sensitive employees will include not only the operation personnel, but any other employees whose performance could have contributed to the accident.

- d) Random Testing. Employees working in safety-sensitive classifications will be subjected to randomly selected, unannounced testing. The random selection will be by a scientifically valid method. Each safety-sensitive employee will have an equal chance of being tested each time selections are made. Safety-sensitive employees will be tested either just before departure, or during duty, or just after the safety-sensitive employee has ceased performing his/her duty.

When safety-sensitive employees are off work due to long-term layoffs, illness, injury, or vacation, the employee's name will be placed back into the pool and another employee name selected.

The number of safety-sensitive employees selected for random testing will be the amount required in the DOT guidelines. Currently, 25% of the employee pool is tested for alcohol and 50% for substance abuse. The employee pool will either be all District safety-sensitive employees or, if the District participates in a consortium of employers, all safety-sensitive employees within the consortium.

- e) Return-to-Duty Testing. All employees who previously tested positive for a controlled substance or alcohol test must test negative and be evaluated and released to duty by the SAP before returning to duty. Employees will be required to undergo unannounced follow-up controlled substance and/or alcohol breath testing following returning to duty. The SAP will determine the duration and frequency. However, it shall not be less than six tests during the first 12 months, nor longer than 60 months in total, following return to duty.
- f) Employee Requested Testing. Any employee who questions the result of a required controlled substance test may request that an additional test be conducted. This additional test may be conducted at the same laboratory or at a different DHHS certified laboratory. The test must be conducted on the split sample that was provided at the same time as the original sample. All costs for such testing are to be paid by the employee unless the second test invalidated the original test. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in the DOT guidelines. The safety-sensitive employee's request for a retest must be made to the Medical Review Officer (MRO) within 72 hours of notice of the initial test result. Requests after 72 hours will only be accepted if the delay was due to documentable facts that were beyond the control of the employee.

.....

- g) **Records Retention.** The District shall maintain complete records of alcohol and/or controlled substance test results for each employee in a secure location with controlled access. Employee records are confidential and will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only. Records will be kept for a minimum of five (5) years regarding the following: driver alcohol tests; positive controlled substance tests; documentation on refusals to take alcohol or controlled substance tests; and employee evaluations and referrals. Records will be kept for a minimum of two (2) years regarding the alcohol and controlled substance collection process. Records will be kept for a minimum of one (1) year regarding the following: collection process; collection logbooks; documents of random selection process; calibration documents for breath testing device; and documentation of breath alcohol technician training.

3520.1.7 Employee Assessment: Any employee who tests positive for the presence of controlled substances or whose breath alcohol concentration is above the minimum thresholds set forth in the

If an employee is returned to duty following rehabilitation, he/she must agree to and sign a Return-to- Duty Agreement, pass a return-to-duty controlled substance and/or alcohol test and be subject to unannounced follow-up tests for a period of one (1) to five (5) years, as determined by the SAP. The cost of any rehabilitation and subsequent controlled substance and/or alcohol testing is borne by the employee and is on a one-time basis only. An employee will be immediately terminated from employment on the occurrence of a second verified positive test result. Employees may use accumulated sick leave, vacation, administrative leave, personal necessity leave, and/or floating holidays, if any, to participate in the prescribed rehabilitation program.

3520.1.8 Test Related Time-Off Work Provisions: Any employee who is relieved from duty due to a positive drug or controlled substance test must use accumulated compensated leave (i.e., vacation, sick leave, administrative leave, personnel necessity leaves or floating holidays, if any) during the regularly scheduled work time missed. If the employee has insufficient accumulated compensated leave to cover the regularly scheduled work time missed due to a positive alcohol or controlled substance test, such time shall be without pay. In the event there is a false positive test the District, upon verification, will compensate the employee for any regularly scheduled work time missed as a result thereof.

3520.1.9 Contact Person: Any questions regarding this policy should be directed to the General Manager.

3520.10 Definitions:

.....

.....

- a) Accident - An unintended happening or mishap where there is loss of human life (regardless of fault), bodily injury or significant property damage.
- b) Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl or isopropyl alcohol.
- c) Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test under this policy (e.g., 0.02 means 0.02 grams of alcohol in 210 liters of expired deep lung air).
- d) Alcohol Use - Consumption of any beverage, mixture, or preparation, including any medication containing ethyl alcohol. Since ingestion of a given amount of alcohol produces the same alcohol concentration in an individual whether the alcohol comes from a mixed drink or cough syrup, the DOT prohibits the use of any substance containing alcohol, such as prescription or over-the-counter medication or liquor-filled chocolates. Prescription medications containing alcohol may have a greater impairing effect due to the presence of other elements (e.g., antihistamines).
- e) Breath Alcohol Technician (BAT) - A person trained to proficiency in the operation of the Evidential Breath Testing (EBT) device that the technician is using in the alcohol testing procedures. BAT's are the only qualified personnel to administer the EBT tests.
- f) Chain of Custody - The procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of collection to final disposition.
- g) Collection Site - A place designated by the District where individuals present themselves for the purpose of providing a specimen of urine and/or breathe.
- h) Commercial Motor Vehicle - A motor vehicle, or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle: (1) has a gross combination weight ratio of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or, (2) has a gross vehicle weight rating of 26,001 or more pounds; or, (3) is designed to transport 16 or more passengers, including the driver; or, (4) is of any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.
- i) Confirmation Test - For alcohol testing, a second test following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances testing this is a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass

.....

.....

- spectrometry (CG/MS) is the only authorized confirmation method of cocaine, marijuana, opiates, amphetamines, and phencyclidine.)
- j) Controlled Substance (Drug) Test - A method of detecting and measuring the presence of alcohol and other controlled substances, whether legal or illegal, in a person's body. A controlled substance test may be either an initial test or confirmation test. An initial controlled substance test is designed to identify specimens having concentrations of a particular class of drug above a specified concentration level. It eliminates negative specimens from further consideration.
- k) Covered Employee - A person, including a volunteer or applicant, who performs a safety-sensitive function for the District.
- l) Department of Transportation Guidelines - The controlled substance and alcohol testing rules - 49 CFR Part 382 (FWHA - Commercial Motor Vehicle) - setting forth the procedures for controlled substance and alcohol testing (49 CFR Part 40) in all transportation industries.
- m) District – The Morongo Valley Community Services District.
- n) District Time - Any period of time in which an employee is actually performing a District function. Any period of time in which a safety-sensitive employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.
- o) Driver - Any person who operates a commercial motor vehicle for the District. This includes full time, regularly employed drivers; and casual, intermittent or occasional drivers.
- p) Drug (Controlled Substance) Metabolite - The specific substance produced when the human body metabolizes (changes) a given drug (controlled substance) as it passes through the body and is excreted in urine.
- q) Evidential Breath Testing Device (EBT) - The device to be used for breath alcohol testing.
- r) Performing (Safety-Sensitive Function) - A safety-sensitive employee is considered to be performing a safety-sensitive function and includes any period in which the safety sensitive employee is actually performing, ready to perform, or immediately available to perform such functions.
- s) Post-Accident Alcohol and/or Controlled Substance testing - Testing conducted after accidents on employees whose performance could have contributed to the accident. For drivers this is determined by a citation for a moving traffic violation and for all fatal accidents even if the driver is not cited for a moving traffic violation. See "Accident."
- t) Pre-Employment Controlled Substance testing - Testing conducted after an offer to hire has been extended to a job applicant, but before actually performing District functions as an employee. Also required when employees transfer to a safety-sensitive position.
- u) Prohibited Drugs (Controlled Substances) - Marijuana, cocaine, opiates, amphetamines, or phencyclidine.

.....

.....

- v) Prohibited Substances - Synonymous with drug abuse and/or alcohol misuse or abuse.
- w) Random Alcohol and/or Controlled Substance Testing - Testing conducted on a random unannounced basis just before, during or just after performance of safety-sensitive functions.
- x) Reasonable Suspicion Alcohol and/or Controlled Substance Testing - Testing conducted when a trained supervisor observes behavior or appearance that is characteristic of alcohol misuse or controlled substance abuse.
- y) Refuse to Submit (to an Alcohol and/or Controlled Substance Test) - Failure by an employee to provide an adequate breath or urine sample for testing without a valid medical explanation after that employee received notice of the requirement to be tested or engages in conduct that clearly obstructs the testing process (i.e., verbal declarations, obstructive behavior or physical absence resulting in the inability to conduct the test).
- z) Rehabilitation - The total process of restoring an employee to satisfactory work performance through constructive confrontation, referral to the SAP and participation in SAP recommendations such as education, treatment and/or support groups to resolve personal, physical or emotional/mental problems which contributed to job problems.
- aa) Return-to-Duty and Follow-Up Alcohol and/or Controlled Substance testing - Testing conducted when an employee who has violated the prohibited alcohol or controlled substance conduct standards returns to performing duties. Follow-up tests are unannounced, and at least six tests must be conducted in the first 12 months after an employee returns to duty. Follow-up testing may be extended for up to 60 months following return-to-duty upon the SAP recommendation.
- bb) Return-to-Duty Agreement - A document agreed to and signed by the General Manager or his/her designee, the employee, and the SAP, that outlines the terms and conditions under which the employee may return to duty after having had a verified positive controlled substance test result, or an alcohol concentration of 0.04 or greater on an alcohol test.
- cc) Safety-Sensitive Employee (Function and/or Position) - An employee is considered to be performing a safety-sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. (A complete list of safety-sensitive classifications and functions is listed in Appendix A of this policy.)
- dd) Screening (Initial) Test - An analytical procedure in alcohol testing to determine whether an employee may have a prohibited concentration of alcohol in their system. In controlled substance testing, it is an immunoassay screen to eliminate negative urine specimens from further consideration
- ee) Vehicle - Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

.....

3520.2 Procedures:

3250.2.1 Reasonable Suspicion Testing:

- a) An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor. Any employee may identify someone suspected of alcohol and/or controlled substance abuse to any supervisor (employees should realize, however, that it is against District policy to make false or malicious statements about other employees and doing so can result in disciplinary action). The supervisor must witness first-hand the employee's signs and symptoms.
- b) The supervisor is then obligated to ensure that the matter is immediately investigated. If possible, two supervisors determine (independently or together) that the employee in question may be under the influence of alcohol and/or controlled substances.
- c) When the supervisor(s) suspect and believe that the employee may be under the influence of alcohol and/or controlled substances, the employee is then immediately suspended from duty (with pay) and driven by a District employee (or others designated) to the District specified collection site. Because of a testing facility requirement, the employee in question must show proof of identification, such as a driver's license photo or state-issued photo identification card. Whenever practical, the General Manager (or his/her designee) should be notified in advance of the employee being taken to the collection site.
- d) At the collection site, the employee will be required to submit a urine sample in the event that controlled substances are suspected, or a breath sample in the event that alcohol intoxication is suspected by the on-duty technician. Care will be taken to provide the employee with maximum privacy without compromising the integrity of the sample.
- e) The District will take precautions to prevent the employee being tested from going back to work and driving their own car home if any of the tests are positive. Instead, the employee will be taken home from the collection by a District employee (or others designated).
- f) The employee whose test results are negative (0.02 alcohol concentration or less) will be reinstated immediately. The employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for twenty-four (24) hours after administration of the test. The employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater for alcohol will be referred to a District specified SAP who

-
- will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.
- g) The employee whose controlled substance test results are verified negative will be reinstated immediately. The employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the employee's termination of employment.

3520.2.2

Random Testing:

- a) The compliance company notifies the General Manager, who in turn notifies the supervisor to send the safety-sensitive employee to the collection site for alcohol and/or controlled substance testing.
- b) The supervisor notifies the safety-sensitive employee to go to the collection site for alcohol and/or controlled substance testing immediately. Because of a testing facility requirement, the safety-sensitive employee sent to the collection site must have proof of identification, such as a drivers license photo or state-issued photo identification card.
- c) At the collection site, the safety-sensitive employee will be required to submit a urine sample (in the event that controlled substances are to be tested for) or a breath sample (in the event that alcohol is being tested for) to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- d) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and

-
- e) unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.
 - e) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.3 Post-Accident:

- a) The safety-sensitive employee notifies a supervisor that an accident has occurred.
- b) The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued, or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- c) At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- d) The General Manager (or his/her designee) will be notified that an accident has occurred, and that the safety-sensitive employee was instructed to go to the collection site.
- e) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to return to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted

-
- recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
- f) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.4 Return-To-Duty and Follow Up

- a) The safety-sensitive employee notifies a supervisor that an accident has occurred. The supervisor determines that the circumstances of the accident warrant a post-accident test when a citation was issued, or a fatality occurred. Thereafter, the supervisor directs the safety-sensitive employee to immediately go to the collection site for alcohol and controlled substance testing. Because of a testing facility requirement, the safety-sensitive employee in question must have proof of identification, such as a driver's license photo or state-issued photo identification card.
- b) At the collection site, the safety-sensitive employee will be required to submit a urine sample for controlled substances and a breath sample for alcohol testing to the on-duty technician. Care will be taken to provide the safety-sensitive employee with maximum privacy without compromising the integrity of the sample.
- c) The General Manager (or his/her designee) will be notified that an accident has occurred and that the safety-sensitive employee was instructed to go to the collection site.
- d) The safety-sensitive employee whose test results are negative (0.02 alcohol concentration or less) will be released to return to work. The safety-sensitive employee whose confirmation test results indicate an alcohol concentration greater than 0.02 but less than 0.04, will not be permitted to re- turn to duty or perform a safety-sensitive function for 24 hours after administration of the test. The safety-sensitive employee whose confirmation test result indicates an alcohol concentration of 0.04 or greater will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted

-
- recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination.
 - e) The safety-sensitive employee whose controlled substance test results are verified negative will be released to return to work. The safety-sensitive employee whose controlled substance test is verified positive by the Medical Review Officer will be referred to a District specified SAP who will assess the safety-sensitive employee's condition and make a recommendation for treatment which, if accepted by the District, must be followed by the safety-sensitive employee. Failure to follow the accepted recommendations or refusal to submit to return-to-duty and unannounced follow-up testing will result in the safety-sensitive employee's termination of employment.

3520.2.7 Alcohol Concentration:

- a) The employee and the on-duty Breath Alcohol Technician (BAT) complete the alcohol testing form to ensure that the results are properly recorded.
- b) After an explanation of how the breathalyzer works, an initial breath sample is taken.
- c) If the results of the initial test show an alcohol concentration of 0.02 or greater, a second or confirmation test must be conducted. The confirmation test must not be conducted less than fifteen (15) minutes after, nor more than twenty (20) minutes after the screening test.
- d) The confirmation test will utilize Evidential Breath Testing (EBT) devices that print out the results, date and time, a sequential test number, and the name and serial number of the EBT device to ensure the reliability of the results.

3520.2.8 Deviations from Procedures: Unless otherwise provided in DOT guidelines, deviations from the foregoing procedures shall not invalidate the results of any prohibited substance tests verified positive by the General Manager.

POLICY TITLE: Workplace Violence Prevention Policy**POLICY NUMBER: 3525**

3525.1 Purpose: The purpose of this policy is to maintain a zero-tolerance standard of violence in the work- place. This policy provides District employees with guidance that will maintain an environment at and within District premises and facilities as well as events that are free of violence and the threat of violence. This policy applies to all full-time and part-time employees and includes volunteers, temporary and provisional employees as well as contracted employees.

3525.2 Policy: The District prohibits violent behavior of any kind or threats of violence, either implied or direct, in District premises and facilities as well as at District sponsored events. Such conduct by a District employee will not be tolerated. An employee who exhibits violent behavior may be subject to criminal prosecution and shall be subject to disciplinary action up to and including termination. Violent threats or actions by a non-employee may result in criminal prosecution. The District will investigate all complaints filed and will also investigate any possible violation of this policy of which District management are made aware. Retaliation against a person who makes a good faith complaint regarding violent behavior or threats of violence made to him/her is also prohibited.

3525.3 Definitions:

- a) Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.
- b) Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.
- c) District premises or District facilities means all property of the District including, but not limited to the offices, facilities and surrounding areas on District-owned or -leased property, parking lots, and storage areas. The term also includes District-owned or -leased vehicles and equipment wherever located, as well as, pump station, sites, sewer line, excavation sites.
- d) Intimidation: Making others afraid or fearful through threatening behavior.
- e) Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.
- f) Court Order: An order by a Court that specifies and/or restricts the behavior of an individual. Court orders may be issued in matters involving domestic violence, stalking or harassment, among other types of protective orders, including Temporary Restraining Orders.

3525.4

Prohibited Behavior:

- a) Violence in the workplace may include, but is not limited to the following list of prohibited behaviors directed at or by a co-worker, supervisor or member of the public:
- 1) Direct threats or physical intimidation.
 - 2) Implications or suggestions of violence.
 - 3) Stalking, including following to and from work.
 - 4) Possession of weapons of any kind on District premises, including parking lots, other exterior premises or while engaged in activities for District in other locations, or at District sponsored event
 - 5) Assault of any form.
 - 6) Physical restraint or confinement.
 - 7) Dangerous or threatening horseplay.
 - 8) Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment.
 - 9) Blatant or intentional disregard for the safety or well-being of others.
 - 10) Commission of a violent felony or misdemeanor on District premises.
 - 11) Any other act that a reasonable person would perceive as constituting a threat of violence. Records shall be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They shall include:
- b) Domestic violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional or reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:
- 1) Spouse or former spouse;
 - 2) Domestic partner or former domestic partner;
 - 3) Cohabitant or former cohabitant and or other household members;
 - 4) A person with whom the victim is having, or has had, a dating or engagement relationship;
 - 5) A person with whom the victim has a child.

The District recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

- c) Reporting Acts or Threats of Violence: An employee who:
- 1) is the victim of violence, or

.....

- 2) believes they have been threatened with violence, or
- 3) witnesses an act or threat of violence towards anyone else shall take the following steps:
 - i. If an emergency exists and the situation is one of immediate danger, the employee shall contact the Police Department by dialing 9-1-1, or push the emergency button located underneath the front counter and may take whatever emergency steps are available and appropriate to protect himself/herself from immediate harm, such as leaving the area.
 - ii. If the situation is not one of immediate danger, the employee shall report the incident to the appropriate supervisor or manager as soon as possible and complete the District's Workplace Violence Incident Report Form.
- d) Procedures for Future Violence:
 - 1) Employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with the District, shall inform their supervisor by immediately completing a Workplace Violence Incident Report Form so appropriate action may be taken. The supervisor shall inform the General Manager and the local law enforcement officials.
 - 2) Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to their supervisor. The supervisor shall provide copies to the General Manager and to the Police Department.
- e) Incident Investigation:
 - 1) Acts of violence or threats will be investigated immediately in order to protect employees from danger, unnecessary anxiety concerning their welfare, and the loss of productivity. The General Manager will cause to be initiated an investigation into potential violation of work rules/policies. Simultaneously, the

.....

.....

General Manager will refer the matter to local police for their review of potential violation of civil and/or criminal law.

- 2) Procedures for investigating incidents of workplace violence include:
 - Visiting the scene of an incident as soon as possible.
 - Interviewing injured and threatened employees and witnesses.
 - Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
 - Determining the cause of the incident.
 - Taking mitigating action to prevent the incident from recurring.
 - Recording the findings and mitigating actions taken.
- 3) In appropriate circumstances, the District will inform the reporting individual of the results of the investigation. To the extent possible, the District will maintain the confidentiality of the reporting employee and the investigation but may need to disclose results in appropriate circumstances; for example, in order to protect individual safety. The District will not tolerate retaliation against any employee who reports workplace violence.

f) Mitigating Measures:

Incidents which threaten the security of employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

- 1) Notification of law enforcement authorities when a potential criminal act has occurred.
- 2) Provision of emergency medical care in the event of any violent act upon an employee.
- 3) Post-event trauma counseling for those employees desiring such assistance.
- 4) Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.
- 5) Requesting District Counsel file, a restraining order as appropriate.

g) Training Instruction:

- 1) The District shall be responsible for ensuring that all employees, including managers and supervisors, are provided training and instruction on general workplace security practices.

.....

.....

Managers and supervisors shall be responsible for ensuring that all employees are provided training and instructions on job specific workplace security practices.

- 2) Training and instruction shall be provided as follows:
 - To all current employees when the policy is first implemented. Employees will be re- quired to sign a written acknowledgment that the policy has been received and read.
 - To all newly hired employees, supervisors and managers, or employees given new job assignments for which specific workplace security training for that job assignment has not previously been provided. Employees will be required to sign a written acknowledgment that the policy has been received and read.
 - To affected employees whenever management is made aware of a new or previously unrecognized hazard.
- 3) Workplace security training and instruction includes, but is not limited to, the following:
 - Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
 - Methods to diffuse hostile or threatening situations.
 - Escape routes.
 - Explanation of this Workplace Violence Prevention Policy.

In addition, specific instructions shall be provided to all employees regarding workplace security hazards unique to their job assignment.



Board

MORONGO VALLEY COMMUNITY SERVICES DISTRICT
Policy Handbook

POLICY TITLE: Attendance at Meetings

POLICY NUMBER: 4100

4100.1 Members of the Board of Directors are expected to and shall attend all regular and special meetings of the Board unless there is good cause for absence.

To be counted as present for any meeting, Board Members must be present for the duration of the meeting.

Good cause for absence, including late arrivals or early departures, includes temporary illness or other unavoidable circumstances of which the President of the Board is notified prior to the meeting. Good cause also includes Board authorized meeting absences such as attendance at a conference directly related to the functions and interests of the District or at the meeting of another public agency in order to participate in an official capacity.

A Board Member who will be absent for good cause may notify the President by electronic transmission (email), telephone communication, or letter. The President shall notify the General Manager and the Board of all absences that are excused for good cause. The minutes shall indicate whether an absence was excused.

A vacancy shall occur if a Board Member is absent from three (3) consecutive regular meetings without good cause, except as otherwise provided for by law or as authorized by the Board.

.....

POLICY TITLE: Committees of the Board of Directors

POLICY NUMBER: 4105

4105.1 Temporary Advisory Committees:

The Board President shall appoint any such temporary advisory committees as may be deemed necessary or advisable by the President or the Board. The purpose of a temporary advisory committee and the time allowed to accomplish that purpose shall be outlined at the time of appointment. A temporary advisory committee shall be considered dissolved when its purpose has been accomplished or when the timeframe for its existence has expired, whichever occurs first.

4105.1.1 A temporary advisory committee shall be comprised solely of members of the Board and shall consist of less than a majority of Board Members.

4105.1.2 A temporary advisory committee may make recommendations to the Board. The Board may not delegate any decision-making power to a temporary advisory committee.

4105.1.3 A temporary advisory committee shall meet on an as needed basis and shall not have a meeting schedule fixed by charter, ordinance, resolution, or formal action of the Board.

4105.2 Standing Committees:

The following shall be standing committees of the Board: Planning Committee; Policy Committee; Personnel Committee; Finance Committee; and Public Relations Committee. The Board President shall appoint and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January. Standing committees may be assigned to review District functions, activities, and operations pertaining to their designated concerns, as specified below. Said assignment may be made by the Board President, a majority vote of the Board, or on their own initiative. Any recommendations from standing committees shall be submitted to the Board via a written or oral report. All meetings of standing committees are subject to the requirements of all applicable open meeting laws, including but not limited to the Brown Act.

4105.2.1 The Planning Committee shall be concerned with the formulation of plans for arranging, realizing, and/or achieving District goals.

4105.2.2 The Policy Committee shall be concerned with proposed ordinances, resolutions, and District policies, except those pertaining specifically to personnel.

.....

4105.2.3 The Personnel Committee shall be concerned with the functions, activities, operations, compensation, and welfare of District staff.

4105.2.4 The Finance Committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.

4105.2.5 The Public Relations Committee shall be concerned with assuring that information regarding the affairs of the District is adequately and appropriately communicated to its constituents and the public at large.

.....

POLICY TITLE: Duties of the Board President

POLICY NUMBER: 4110

4110.1 Presiding Officer:

The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the presiding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

The presiding officer shall have the same rights as the other members of the Board in voting, introducing motions, resolutions and ordinances, and any discussion of questions that follow said actions. The presiding officer may move, second, debate, and vote from the chair.

4110.2 Duties Regarding Meetings:

The President shall preside over and conduct all meetings of the Board of Directors, shall carry out the resolution and orders of the Board of Directors, and shall exercise such other powers and perform such other duties as the Board of Directors shall prescribe including, but not limited to, the following:

- a) Call the meeting to order at the appointed time;
- b) Announce the business to come before the Board in its proper order;
- c) Enforce the Board's policies in relation to the order of business and the conduct of meetings;
- d) Recognize persons who desire to speak, and protect the speaker who has the floor from disturbance or interference;
- e) Explain what the effect of a motion would be if it is not clear to every member;
- f) Restrict discussion to the question when a motion is before the Board;
- g) Rule on parliamentary procedure;
- h) Put motions to a vote, and state clearly the results of the vote; and
- i) Preserve order and decorum.

4110.3 Responsibilities:

Responsibilities of the President include, but are not limited to, the following:

- a) Sign all instruments, act, and carry out stated requirements and the will of the Board;
- b) Sign the minutes of the Board meeting following their approval;
- c) Appoint and disband all committees, subject to Board ratification;
- d) Call such meetings of the Board as he/she may deem necessary, giving notice as prescribed by law;

.....

- e) Coordinate the preparation of meeting agendas with the General Manager;
- f) Confer with the General Manager or designee on crucial matters which may occur between Board of Directors meetings;
- g) Be responsible for the orderly conduct of all Board meetings;
- h) Be the spokesperson for the Board; and
- i) Perform other duties as authorized by the Board.

In the absence or disability of the President, the alternate presiding officer may temporarily carry out these responsibilities until such time as the President is able to resume his or her responsibilities.

The President of the Board of Directors shall serve as the presiding officer at all Board meetings.

In the absence or disability of the President, the Vice President of the Board of Directors shall serve as the pre- siding officer over all meetings of the Board. If the President and Vice President of the Board are both absent or disabled, the remaining members present shall select one of themselves to act as temporary presiding officer of the meeting.

.....

POLICY TITLE: Ethics Training
POLICY NUMBER: 4115

4115.1 All Directors, designated staff, and members of all commissions, committees and other bodies that are subject to the Brown Act shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of election or appointment to the board of directors and at least once every two years thereafter, pursuant to Government Code Sections 53234 et seq. as may be amended from time to time.

4115.1.1 All ethics training shall be provided by providers whose curricula have been approved by the California Attorney General and the Fair Political Practices Commission.

4115.1.2 Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken at home, in person, or online.

4115.1.3 Attendees shall obtain proof of participation after completing the ethics training. Applicable costs for attending the training shall be reimbursed by the District.

4115.1.3.1 District staff shall maintain records indicating both the dates that attendees completed the ethics training and the name of the provider that provided the training.

These records shall be maintained for at least five years after the date of training and may be public records subject to disclosure under the California Public Records Act.

4115.1.4 District staff shall provide the prospective attendees with information on available training that meets the requirements of this policy at least once every year.

4115.1.5 A single training course may be used to satisfy the obligation to receive training for multiple agencies or positions.

POLICY TITLE: Members of the Board of Directors

POLICY NUMBER: 4120

4120.1 Meeting Preparation:

Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Directors may request information from staff before meetings.

4120.1.1 Requests by individual Directors for substantive information and/or research from District staff will be channeled through the General Manager.

4120.1.2 The General Manager shall be responsible for providing the requested information and shall make all information equally available to all Directors.

4120.1.3 If writings are distributed to a majority of the Board in connection with an agenda item, those writings shall be made available to the public in the manner required by law.

4120.2 Meeting Decorum:

4120.2.1 Directors shall at all times conduct themselves with courtesy to each other, to staff, and to members of the audience present at Board meetings.

4120.2.2 Directors shall defer to the presiding officer for conduct of meetings of the Board but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.

4120.2.3 Directors may request for inclusion into the meeting minutes brief comments pertinent to an agenda item only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).

4120.3 Abstentions and Failure to Vote:

Directors should not abstain from the Board's decision-making responsibilities unless a personal or financial conflict of interest exists. Directors abstaining due to a disqualifying conflict of interest will not be counted as part of a quorum and will be considered absent for the purposes of determining the outcome of a vote on the matter. Directors who fail to vote in the absence of a declared conflict of interest will be counted as part of a quorum and in effect consent that a majority of the quorum will determine the outcome of a vote on the matter.

.....

POLICY TITLE: Training, Education and Conferences

POLICY NUMBER: 4125

4125.1 Members of the Board of Directors are encouraged to attend educational conferences, seminars, trainings, and professional meetings when the purpose of any such activity is to improve District operation. There is no limit as to the number of Directors attending a particular activity when it is apparent that attendance is beneficial to the District, as long as a majority of the members of a body do not discuss issues related to their local agency's business. Directors shall not attend conference or training event when it is apparent that there is no significant benefit to the District. Directors shall not attend or engage in any tour or journey for pleasure at public expense (e.g. "junkets" or other such events that are not beneficial to the District.

4125.2 It is the policy of the District to encourage Board development and excellence of performance by reimbursing actual expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District. Cash advances or use of District credit cards for these purposes is not permitted.

4125.2.1 The General Manager shall reimburse Directors for conference tuition and registration expenses, and for per diem expenses if approved by the Board of Directors and the Budget allows. Per diem expenses, when appropriate, shall include meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the General Manager, together with validated receipts. All reimbursements shall be made in accordance with applicable State and federal law, including but not limited to Internal Revenue Service Guidelines.

4125.2.2 Attendance by Directors at seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the Board of Directors prior to the District incurring any reimbursable costs.

4125.2.3 Expenses to the District for Board of Directors' training, education, and conferences should be kept to a minimum by utilizing recommendations for transportation and housing accommodations recommended by the General Manager, and by:

4125.2.3.1 Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

4125.2.3.2 Directors traveling together whenever feasible and economically beneficial.

.....

4125.2.3.3 Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

4125.3 A Director shall not be reimbursed for expenses incurred at any educational conference, seminar, training, or professional meeting event if such event occurs after the District has announced that Director's pending resignation, or if such event occurs after an election in which it has been determined that the Director will not retain his or her seat on the Board.

4125.4 Upon returning from educational conferences, seminars, trainings, and professional meetings where expenses are reimbursed by the District, Directors will either prepare a written or verbal report for presentation at the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

.....

POLICY TITLE: Board Actions and Decisions

POLICY NUMBER: 4200

4200.1 Actions by the Board of Directors include but are not limited to the following:

4200.1.1 Adoption or rejection of regulations or policies;

4200.1.2 Adoption or rejection of a resolution;

4200.1.3 Adoption or rejection of an ordinance;

4200.1.4 Approval or rejection of any contract or expenditure;

4200.1.5 Approval or rejection of any proposal which commits District funds or facilities, including employment and dismissal of personnel; and,

4200.1.6 Approval or disapproval of matters that require or may require the District or its employees to take action and/or provide services.

4200.2 Action can only be taken by the vote of the majority of the Board of Directors. Three (3) Directors represent a quorum for the conduct of business.

4200.2.1 A Board member abstaining in a vote is considered as absent for that vote. A Board member abstaining due to a conflict of interest does not count towards a quorum.

4200.2.1.1 Example. If three of five Directors are present at a meeting, a quorum exists and business can be conducted unless the abstention is due to a conflict of interest. However, if one Director abstains on a particular action and the other two cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

4200.2.1.2 Example. If an action is proposed requiring a two-thirds vote and two Directors abstain, the proposed action cannot be approved because four of the five Directors would have to vote in favor of the action.

4200.2.1.3 Example. If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, three Directors must vote in favor of the appointment for it to be approved. If two of the four Directors present abstain, the appointment is not approved.

4200.3 The Board may give directions that are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager.

.....

4200.3.1 The President shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the President, a voice vote may be requested.

4200.3.2 A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.).

4200.3.3 Informal action by the Board is still Board action and shall only occur regarding matters that appear on the agenda for the Board meeting during which said informal action is taken.

4200.3.4 Nothing in this policy prevents the Board from providing direction to the General Manager in response to public comments or under Board member or General Manager comments, as allowed under the Brown Act. No vote or action shall be taken.

.....

.....

POLICY TITLE: Board Meeting Agenda

POLICY NUMBER: 4205

4205.1 Agenda preparation. The General Manager, in cooperation with the Board President, shall prepare an agenda for each regular and special meetings of the Board of Directors in accordance with the Brown Act. Any Director may contact the General Manager and request an item to be placed on the agenda no later than 5:00 P.M. on the day that is 48 hours prior to the closing of the agenda for the next meeting date.

4205.2 Public requests. Any member of the public may request that a matter directly related to District business be placed on the agenda of a regularly scheduled meeting of the Board of Directors, subject to the following conditions:

4205.2.1 The request must be in writing and be submitted to the General Manager [or other responsible managing employee] together with supporting documents and information, if any, at least seven business days prior to the date of the meeting.

4205.2.2 The General Manager shall be the sole judge of whether the public request is or is not a "matter directly related to District business."

4205.2.3 The General Manager shall determine the timing of when the item will be placed on the agenda.

4205.2.4 The public member requesting the agenda item may appeal the General Manager's decision at the next regular meeting of the Board of Directors. Any Director may request that the item be placed on the agenda of the Board's next regular meeting.

4205.2.5 No matter which is legally a proper subject for consideration by the Board in closed session will be accepted under this policy.

4205.2.6 The Board of Directors may place limitations on the total time to be devoted to a public re- quest issue at any meeting and may limit the time allowed for any one person to speak on the issue at the meeting.

4205.3 Agenda descriptions. All Board agendas shall include a clear and unambiguous description of each item on the agenda to be discussed, including closed session items. The General Manager shall ensure that the description gives notice to the public of the essential nature of business to be considered.

4205.4 Agenda posting. Agendas for regular meetings shall be posted 72 hours in advance of the meeting and agendas for special meetings shall be posted 24 hours in

.....

.....

advance of the meeting. The posting must occur in a place that is freely accessible to the public and on the District's website. A touch screen electronic kiosk may take the place of the paper posting. The internet posting shall occur on the District's primary website homepage through a prominent, direct link to the current agenda. The agenda shall also be accessible in an open format.

4205.5 Agenda packages. When distributing agenda packages and other materials to members of the Board of Directors, those materials should be provided to all Board members at the same time. Agenda packages, except for closed session materials, should also be made available to the public once distributed to the Board.

4205.5.1 When a closed session item is agenized on the grounds of anticipated litigation based on either: (1) a written threat of litigation; (2) an oral threat received outside of the public meeting setting; or (3) an issue of potential litigation where the facts and circumstances giving rise to the closed session are known to the potential plaintiff, a copy of the written record must be included in the agenda pack- age or public announcement of same.

4205.6 Public comment.

4205.6.1 For regular meetings the Board shall provide the public with an opportunity to address not only any item on the agenda but any item within the subject matter jurisdiction of the District.

4205.6.2 For special meetings, the Board shall provide the public with an opportunity to address any item on the agenda.

4205.6.3 The Board may not prohibit public criticism, but shall control the order of the proceedings, including placing reasonable time limits on public comment.

4205.6.4 The Board may not require members of the public to give names or sign a register as a condition of attendance or speaking.

4205.6.5 The Board may require public comment specific to items on the agenda be made at the time when the agenda item is considered.

4205.7 Closed sessions. The Board may conduct a closed session during a noticed meeting for certain matters, as identified on the agenda, where it is necessary to conduct business in private. Major reasons for permissible closed sessions, as authorized by the Brown Act, include real property transactions, labor negotiations, and pending litigation. The Board shall allow public comment on any closed session item before going into closed session.

4205.8 Items not on the agenda. The Board shall not discuss or take action on any item that does not appear on the posted agenda except that the Board may act on items not on the agenda to address emergency situations, subsequent need items, and

.....

.....

hold-over items from a continued previous meeting held within the prior five days. The Board may also respond to public comments and make announcements.

.....

.....

POLICY TITLE: Board Meeting Conduct

POLICY NUMBER: 4210

4210.1 Rules of order. Meetings of the Board of Directors shall be conducted by the President in a manner consistent with the policies of the District. Policy No. 4230, "Rules of Order for Board and Committee Meetings," shall be used as a general guideline for meeting protocol.

4210.2 Agenda timing. All Board meetings shall commence at the time stated on the agenda and shall be guided by same. The placement of an item on the agenda shall not be deemed a requirement that the items proceed in any particular order. The Board President, with concurrence of a majority of the Board, may alter the order in which agenda items shall be considered for discussion and/or action by the Board.

4210.3 Conduct of meetings. The following concepts shall be applied to Board meetings: 4210.3.1 The meetings shall be conducted in an open and fair manner. 4210.3.2 Members of the public shall be given ample opportunity to participate in the meetings.

4210.3.3 Due process principles shall apply to quasi-judicial proceedings, or as otherwise required by law.

4210.3.4 The meetings shall proceed in a manner that enables the Board to consider problems to be solved and make wise decisions intended to solve the problems.

4210.3.5 The Board may receive, consider and take any needed action with respect to reports of accomplishment of District operations.

4210.3.6 Noticed public hearings shall be conducted in an orderly fashion, with the Board President establishing the order of the proceedings.

4210.3.7 The Board may weigh and determine the credibility of evidence and public comment.

4210.4 Public comment. Public comment on items on the agenda, and general public comment at a regular Board meeting for matters within the jurisdiction of the Board of Directors, shall be as followed:

4210.4.1 Five minutes may be allotted to each speaker and a maximum of 20 minutes to each subject matter.

4210.4.2 The Board president may allow additional time per speaker and/or per subject when necessary for a full and fair proceeding.

.....

4210.4.3 No disruptive conduct shall be permitted at any Board meeting. Persistence in disruptive conduct shall be grounds for summary termination, by the Board President, of that person's privilege of address.

4210.4.4 The Board may require public comment specific to items on the agenda be made at the time when the agenda item is considered.

4210.5 Disruption of meetings. Willful disruption of any of the meetings of the Board of Directors shall not be permitted. If the President finds that there is willful disruption of any meeting of the Board, he/she may do the following:

4210.5.1 Notify the disrupting individual or group to immediately stop the conduct or they will be asked to leave the meeting if the behavior continues.

4210.5.2 If the behavior continues after notice, order the disrupting individuals out of the room and conduct the Board's business without them present.

4210.5.3 In cases of extreme disruption, clear the room of all members of the public, and conduct the Board's business without them present.

4210.5.4 Duly accredited representatives of the news media, whom the President finds not to have participated in the disruption, shall be permitted to remain in the meeting.

4210.5.5 In some circumstances, an advance restrictive order may be obtained in order to place limitations on an individual's attendance at public meetings when there is a credible threat of violence from that person.

.....

.....

POLICY TITLE: Brown Act Compliance – Open Meeting Requirements

POLICY NUMBER: 4215

4215.1 The Brown Act. The Legislature adopted the Brown Act, commonly referred to as California's "Open Meetings Laws" in 1964. The Brown Act is contained in Government Code section 54950 et seq. The Brown Act is broadly construed and compliance is constitutionally mandated.

4215.2 Compliance with Brown Act. All meetings of the Board of Directors shall comply with the Brown Act.

4215.2.1 Meetings occur whenever the majority of the Board of Directors meets to discuss District business.

4215.2.2 Member of the Board includes newly elected and appointed officials prior to assuming office.

4215.2.3 All Board meetings shall be open and freely accessible to the public, including those with disabilities.

4215.2.4 Meetings through the use of intermediaries, serial communications, or emails are prohibited. 4215.2.5 The Board shall only take action during a properly noticed meeting.

4215.3 Committees. Committees created by formal action of the Board shall comply with the Brown Act

4215.4 Use of Social Media. A majority of the members of the Board are prohibited from using a social media platform to discuss agency business of a specific nature among themselves.

4215.4.1 Additionally, members of the Board may not respond directly to any communication from another member on an internet-based social media platform regarding a matter within their subject-matter jurisdiction.

4215.4.2 Social media may be used for answering questions or providing information to the public as well as to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body.

4215.4.3 The use of "emojis" or interaction in a manner similar to using the "like" button could constitute discussion among members of the legislative body.

.....

4215.4.4 A member of the Board is not prohibited from commenting on, forwarding or “liking” a post made by a member of the public, as long as those comments do not become a discussion of agency business “of a specific nature” among a majority of the members of the legislative body.

.....

POLICY TITLE: Minutes of Board Meetings**POLICY NUMBER: 4220**

4220.1 Duty to keep minutes. The Secretary of the Board of Directors shall keep minutes of all regular and special meetings of the Board.

4220.1.1 Copies of a meeting's minutes shall be distributed to Directors as part of the information packet for the next regular meeting of the Board, at which time the Board will consider approving the minutes as presented or with modifications. Once approved by the Board, the official minutes shall be kept in a fireproof vault or in a fire-resistant, locked cabinet.

4220.1.2 Unless directed otherwise, an audio tape recording of regular and special meetings of the Board of Directors will be made. The device upon which the recording is stored shall be kept in a fire-proof vault or in fire-resistant, locked cabinet for a minimum of 60 days. Members of the public may inspect recordings of Board meetings without charge on a playback machine that will be made available by the District.

4220.1.3 Motions, resolutions or ordinances shall be recorded in the minutes as having passed or failed. The motion makers, and individual votes will be recorded. A unanimous vote shall be recorded as a vote in favor by each member.

4220.1.4 All resolutions and ordinances adopted by the Board shall be numbered consecutively, starting new at the beginning of each year.

4220.1.5 In addition to other information that the Board may deem to be of importance, the following information (if relevant) shall be included in each meeting's minutes:

- Date, place and type of each meeting;
- Directors present and absent by name;
- Administrative staff present by name;
- Call to order;
- Time and name of late arriving Directors;
- Time and name of early departing Directors;
- Names of Directors absent during any agenda item upon which action was taken;
- Summary record of staff reports;
- Summary record of public comment regarding matters not on the agenda, including names of commentators;
- Approval of the minutes or modified minutes of preceding meetings;
- Approval of financial reports;

.....

- Record by number (a sequential range is acceptable) of all warrants approved for payment;
- Complete information as to each subject of the Board's deliberation;
- Record of the vote of each Director on every action item for which the vote was not unanimous;
- Resolutions and ordinances described as to their substantive content and sequential numbering;
- Record of all contracts and agreements, and their amendment, approved by the Board;
- Approval of the annual budget;
- Approval of all policies, rules and/or regulations;
- Approval of all dispositions of District assets;
- Approval of all purchases of District assets; and,
- Time of meeting's adjournment.

.....

POLICY TITLE: Review of Administrative Decisions

POLICY NUMBER: 4225

4225.1 Code of Civil Procedure § 1094.6. The provisions of California Code of Civil Procedure §1094.6 shall be applicable to judicial review of all administrative decisions of the Board of Directors pursuant to the provisions of §1094.5 of said code. The provisions of §1094.6 shall prevail over any conflicting provision and any otherwise applicable law, rule, policy or regulation of the District, affecting the subject matter of an appeal.

4225.1.1 In accordance with §1094.6, the time to seek judicial relief shall be 90 days following the date in which the Board's decision becomes final.

4225.1.2 No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first raised that issue before the Board and provided the Board with an opportunity to address the issue.

4225.1.3 No person aggrieved by a Board decision shall be allowed to seek judicial relief unless they shall have first exhausted all available administrative remedies made available by the District.

4225.2 Applicability. This policy affects those administrative decisions rendered by the Board of Directors following a proceeding at which notice and an opportunity to be heard has been provided.

4225.3 Purpose. The purpose of this policy is to ensure efficient administration of the District, and the expeditious review of decisions rendered by the Board of Directors.

4225.4 Claims. Nothing in this policy shall be deemed to waive the claims filing requirements of the District when damages are being sought.

POLICY TITLE: Rules of Order for Conduct of Board and Committee Meetings

POLICY NUMBER: 4230

4230.1 General:

4230.1.1 Action items shall be brought before and considered by the Board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules - Robert's Rules of Order.

4230.1.1.1 If a Director believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Director, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.

4230.2 Obtaining the Floor:

4230.2.1 Any Director desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.

4230.3 Motions:

4230.3.1 Any Director, including the President, may make or second a motion. A motion shall be brought and considered as follows:

4230.3.1.1 A Director makes a motion; another Director seconds the motion; and the President states the motion.

4230.3.2 Once the motion has been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

4230.3.2.1 If the public in attendance has had an opportunity to comment on the proposed action, any Director may move to immediately bring the question being debated to a vote, suspending any further debate. The motion must be made, seconded, and approved by a majority vote of the Board.

4230.4 Secondary Motions: Ordinarily, only one motion can be considered at a time and a motion must be disposed of before any other motions or business are considered. There are a few exceptions to this general rule, though, where a secondary

.....

motion concerning the main motion may be made and considered before voting on the main motion.

4230.4.1 Motion to Amend: A main motion may be amended before it is voted on, either by the consent of the Directors who moved and seconded, or by a new motion and second.

4230.4.2 Motion to Table: A main motion may be indefinitely tabled before it is voted on by motion made to table, which is then seconded and approved by a majority vote of the Board.

4230.4.3 Motion to Postpone: A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority vote of the Board.

4230.4.4 Motion to Refer to Committee: A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

4230.4.5 Motion to Close Debate and Vote Immediately: As provided above, any Director may move to close debate and immediately vote on a main motion.

4230.4.6 Motion to Adjourn: A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

4230.5 Decorum:

4230.5.1 The President shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings, and in accordance with Policy Number 4210.

4230.5.2 The President may also declare a short recess during any meeting.

4230.5.3 In some circumstances, an advance restrictive order may be obtained in order to place limitations on an individual's attendance at public meetings when there is a credible threat of violence from that person.

4230.6 Amendment of Rules of Order:

4230.6.1 By motion made, seconded and approved by a majority vote, the Board may, at its discretion and at any meeting: a) temporarily suspend these rules in whole or in part; b) amend these rules in whole or in part; or, c) both.

.....

.....

POLICY TITLE: Types of Board Meetings

POLICY NUMBER: 4235

4235.1 Regular meetings: Regular meetings of the Board of Directors shall be held on the third Wednesday of each calendar month at 6:00 p.m. in the Multi-purpose Room at Covington Park, 11165 Vale Drive Morongo Valley, CA 92256. The date, time and place of regular Board meetings may be reconsidered annually at the annual organizational meeting of the Board, or such other time as the Board may determine due to a change in District needs and circumstances.

4235.1.1 An agenda shall be prepared and posted at least 72 hours before the meeting.

4235.1.2 Notice of the meeting shall be provided to the local newspaper and any other media outlet or person who has requested to receive notices of meetings by serving a copy of the agenda at least 72 hours before the meeting.

4235.2 Special meetings: Special meetings of the Board of Directors may be called by the Board President or by a majority of the Board.

4235.2.1 All Directors shall be notified of the special Board meeting and the purpose or purposes for which it is called. Notice of the meeting shall be in writing, received by them at least 24 hours prior to the meeting.

4235.2.2 An agenda shall be prepared and posted at least 24 hours before the meeting and shall be delivered with the notice of the special meeting to the Board of Directors.

4235.2.3 Notice of the meeting shall be provided to the local newspaper and any other media outlet or person who has requested to receive notices of meetings by serving a copy of the agenda at least 24 hours before the meeting.

4235.2.4 Only those items of business listed in the call for the special meeting shall be considered by the Board at any special meeting.

4235.3 Emergency Meetings: In the event of an emergency situation involving matters upon which prompt action is necessary, the Board of Directors may hold an emergency meeting without complying with the 24-hour notice requirement. An emergency situation means either, as determined by a majority of the Board: (1) a work stoppage, crippling activity, or other activity that severely impairs public health or safety; or (2) a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses immediate and significant peril (a dire emergency).

.....

.....

4235.3.1 When possible, notice shall be provided to the media outlets by telephone at least one hour before the meeting.

4235.3.2 Actions taken during an emergency meeting shall be by roll call vote.

4235.3.3 The Board may meet in closed session if agreed to by 2/3 vote of the members present, or if less than 2/3 present, by unanimous vote.

4235.3.4 Following an emergency meeting, the minutes of the meeting, a list of persons notified or attempted to be notified of the meeting, and actions taken must be posted for ten (10) days in a public place.

4235.4 Adjourned Meetings: A majority vote of the quorum of the Board of Directors may adjourn any Board meeting at any place in the agenda to a time and place specified in the order of adjournment, except that if no quorum is present or no Directors are present at any regular or adjourned regular meeting, the Board president or General Manager may declare the meeting adjourned to a stated time and place. Notice of the adjourned meeting shall be posted on or near the door of the meeting within 24 hours after the adjournment and the adjourned meeting shall be noticed in the same manner as a special meeting.

4235.5 Annual Organizational Meeting: The Board of Directors shall hold an annual organizational meeting at its regular meeting in December. At this meeting the Board will elect a President, Vice President and Clerk from among its member to serve during the coming calendar year and will appoint the General Manager as the Board's Secretary and the Finance Director as the District's Treasure.

.....