

Sec. 5.1

District Rights. The rights of the District include, but are not limited to, the exclusive right to determine the mission of its constituent departments, commissions, committees, and boards; set standards of service; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of operations; determine the methods; means and personnel by which operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work.

Sec. 5.2

Discrimination, Harassment and Retaliation Policies and Procedures. All employees have a right to work in an environment free from discrimination, harassment and retaliation based on the individual's race, color, national origin, ancestry, creed, citizenship, marital status, religion (including dress and religious grooming), sex (including pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions), sexual orientation, gender, gender identity (including transgender identity), gender expression, mental or physical disability, medical condition, genetic characteristics, pregnancy or related medical condition, military or veteran status, age (40 and over), or any other characteristic protected by applicable federal or state law. This applies to all employment practices, including but not limited to: recruitment, hiring, compensation, benefits, promotion, training, transfer, discipline, layoff, recall, and termination.

- a. Policies. The District makes reasonable accommodations for disabled applicants and employees, for pregnant employees who request an accommodation for pregnancy, childbirth, or related medical conditions, for employees who are victims of domestic violence, sexual assault, or stalking, and for applicants and employees based on their religious beliefs and practices.

The District is committed to providing a work environment that is free from unlawful harassment. Harassment is a form of misconduct which undermines the integrity of the employment relationship. No employee should be subjected to any kind of unlawful harassment including verbal, physical, visual and/or sexual harassment. Verbal harassment includes such matters as epithets, derogatory comments or slurs. Physical harassment includes such activities as assault, impeding or blocking movement or any physical interference with normal work or movement. Visual forms of harassment are such things as derogatory posters, cartoons or drawings. Unsolicited or unwelcome overtures or misconduct are also a form of harassment.

Sec. 5.2Discrimination, Harassment and Retaliation Policies and Procedures (Cont'd)

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, made by someone from or in the work setting, under any of the following conditions: Submission to the conduct is explicitly or implicitly made a term or a condition of an individual’s employment or progress; or submission to, or rejection of, the conduct by the individual is used as the basis of any employment decision affecting the individual or any decision affecting the individual regarding benefits and services; or the conduct has the purpose or effect of having a negative impact upon the individual’s work or of creating an intimidating, hostile, or offensive work environment. Sexually harassing conduct need not be motivated by sexual desire.

Retaliation against an employee for reporting violations of this Policy or for participating in the investigation of a harassment, discrimination or retaliation complaint is also strictly prohibited. Retaliation is a form of adverse employment action that is taken against an individual for opposing any legally prohibited employment practice or engaging in any legally protected activity related to his or her employment.

- b. Procedures. Any improper conduct in connection with discrimination, harassment or retaliation, whether committed by supervisors, nonsupervisory personnel, or nonemployees, is specifically prohibited. Disciplinary action will be taken if such conduct is found to be valid.

1. Internal Reporting Procedure.

The District’s complaint procedure provides for timely, thorough and objective investigation of any claim of unlawful or prohibited discrimination, harassment and/or retaliation, appropriate disciplinary action against one found to have engaged in prohibited discrimination, harassment and/or retaliation, and appropriate remedies for any victim of discrimination, harassment and/or retaliation.

Any employee who believes that he or she has been the victim of sexual or other prohibited discrimination, harassment and/or retaliation by coworkers, supervisors, clients or customers, visitors, vendors, or others or any employee who observes or otherwise becomes aware of discrimination, harassment and/or retaliation has a duty to timely notify the Director of Finance and Administration unless that individual is the person who discriminated, retaliated, or harassed the employee. In the alternative, an employee may report the conduct to his or her immediate supervisor or to the General Manager. Supervisors and other members of management who receive complaints or observe discriminating, harassing and/or retaliating conduct must timely inform the Director of Finance and Administration or other appropriate personnel so that an investigation may be initiated.

Sec. 5.2

Discrimination, Harassment and Retaliation Policies and Procedures (Cont'd.)

Incidents of prohibited discrimination, harassment and/or retaliation that are reported will be subject to an impartial, timely and thorough investigation and will reach reasonable conclusions based on the evidence collected.

2. Corrective Action

At the conclusion of the timely investigation, if it is determined that prohibited discrimination, harassment and/or retaliation has occurred, the District will take timely and effective remedial action commensurate with the circumstances. The employee who initiated the complaint will be notified when the investigation has been completed and will be informed of the general outcome of the investigation.

3. Employee Obligation

All employees and supervisors have a duty to cooperate in District investigations of alleged discrimination, harassment, and/or retaliation. Failure to cooperate or deliberately providing false information during an investigation shall be grounds for disciplinary action, up to and including termination.

- c. Anti-Harassment Training. All employees hired as or promoted to a supervisory or management position must undergo at least two (2) hours of interactive training on sexual harassment and the prevention of abusive conduct (workplace bullying) within the first six (6) months of assuming a new supervisory or management position. Additionally, all supervisors and managers must complete at least two (2) hours of interactive training and education on the prevention of sexual harassment and abusive conduct at least once every two (2) years thereafter.

Sec. 5.3

Employee Class. All employees working for Valley Center Municipal Water District will fall into one (1) of the following classifications and will receive the benefits as indicated for that class.

- a. Regular Employee. Full time employee working forty (40) hours per week. Includes all benefits as provided by law and this Code. This classification also known as regular full time employee.
- b. Temporary Employee. Includes only those benefits such as workers' compensation as required by law. Hours are set at discretion of District and employee may be terminated without cause or notice with no right of appeal.
- c. Regular Part-Time Employee. The intent is to provide the employee with a minimum of 1,000 hours of work per fiscal year. However, the hours to be worked are at the discretion of the District.

The benefits to be received are the same as the regular employee class except the following:

1. Leave shall be prorated as provided by Section 2.9 of this Code.
 2. This classification is not eligible to accrue compensatory time off.
 3. For purposes of computing benefits under those requiring an annual salary, the regular part-time classification will be considered as earning one-half the annual salary of a similar employee in the regular class.
 4. No seniority for any purpose will accrue for this classification.
- d. Probationary Employee. All employees in the above classifications for the first twelve (12) months of employment will be on probation. This period is to be regarded as an integral part of the testing and hiring procedure and shall be utilized for closely observing the employees' work and adjustment within the organization to determine the capability of performing the required duties of the job or position before being considered as a regular employee.

During the probationary period, an employee may be terminated by the General Manager upon the department head's recommendation without cause and without right of appeal.

The General Manager or his designee shall notify the department head thirty (30) days before a probation period is complete, whereupon a performance evaluation shall be submitted as to the quality of service of the probationer, and whether he/she desires to retain the probationer as a regular employee.

Article 5 Employment Specifics (Cont'd.)

Sec. 5.3 Employee Class (Cont'd.)

- e. Training Range. Employment may be offered to prospective employees at 15% below the bottom of the entry range in the "Training Range", and progress through the Training Range shall be based upon the same parameters as used to determine movement through the balance of the established range.
- f. Provisional Regular Employee. Full time employee working 40 hours per week, and includes all benefits as provided by law and this Code. Provisional Regular Employees may be hired in and retained in this class for a period of up to two (2) years to obtain required certification(s) and licenses as required by the State of California to perform the duties specified in their respective classifications. Employees failing to obtain the required certifications and licenses may be reclassified to positions not requiring the levels of required certifications and licenses and, if no such opportunity for reclassification is reasonably available, then termination of employment may result.

Sec. 5.4 Pre-Employment Physical Examination. After an offer of employment has been made to a job applicant, and prior to the commencement of employment with the District, a selected applicant may be required to undergo a physical examination and evaluation which may include drug or alcohol screening performed by a physician selected by the District. The expense involved in such an examination shall be borne by the District. The evaluation of an employee's physical ability to perform the job shall be made only on the basis of the essential functions of the position for which the employee is applying.

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 5.3(e)&(f)]

Per Ordinance No. 2014-05 Adopted 8/4/14 [Sec. 5.4]

Sec. 5.5 Training. The department heads, under the guidance of the General Manager, shall be responsible for developing training programs. Such training programs may include lecture courses, demonstrations, assignments or reading material, or any other methods that may be available for increasing the knowledge of District employees in the performance of their duties. Should any of these programs include expenses, they shall be paid for by the District.

Sec. 5.6 Job Descriptions. The District maintains job descriptions for all classifications. These descriptions are useful in generally identifying the type and level of work required by any particular position.

These descriptions are formulated through a concerted effort of the department head and General Manager for his designee, and usually include a definition, tasks, skills, knowledge, abilities and educational and experience qualifications. All of these categories are reviewed periodically to ensure they reflect the actual position as it is being performed. Any job description is available to District employees upon request to the employee's immediate supervisor.

Sec. 5.7 Hours of Work. The regular daily work period shall be Monday through Thursday from 7:00 a.m. to 4:30 p.m., and on Friday from 7:00 a.m. to 3:30 p.m.

District employees work on a 9/80 schedule. The work, period will be forty (40) hours per week. District employees will work eight (8) days for nine (9) hours a day and one (1) Friday for eight (8) hours for a total of eighty (80) hours in a two (2) week period. District employees will have alternate Fridays off. The workweek will begin four (4) hours and one (1) minute into each employee's workday on Friday and end 168 hours later. By beginning and ending the work period four (4) hours into the workday on Fridays, each seven (7) day work period is limited to equal forty (40) hour blocks.

Sec. 5.8 Hours of Work – Field Department. The daily work period of the Field Department's personnel shall be 7:00 a.m. to 4:30 p.m. Monday through Thursday and 7:00 a.m. to 3:30 p.m. on Friday, with the exception of hours of work on Fridays for the Field Administrative personnel are 7:00 a.m. to 3:30 p.m., or as approved by the General Manager. On construction work, the daily work period shall be determined by the Engineer in charge to conform to the work period designated by the outside general contractor on the work, but the time of individual employees shall be limited to a forty (40) hour week whenever possible.

Per Ordinance No. 2024-08 Adopted 06/17/2024 (effective 06/28/2024 midshift) [Sec. 5.7 and 5.8]

Per Ordinance No. 2008-05 Adopted 6/16/08 [Sec. 5.8]

Per Ordinance No. 2009-06 Adopted 6/15/09 [Sec. 5.7]

Sec. 5.9 Lunch and Breaks. All employees shall be entitled to two (2) fifteen (15) minute breaks daily. Said breaks shall be scheduled by the employee's immediate supervisor to occur once during mid-morning and once in mid-afternoon. Employees who work more than five (5) hours in a day are provided with a thirty (30) minutes meal period for lunch and may be staggered between the hours of 11:30 a.m. and 1:00 p.m. to allow the office to be open to the public at all times during the daily work period. District employees may not consume alcohol or drugs during meal periods. Demands of the job may require certain employees from time to time to take their lunch break other than between 11:30 a.m. and 1:00 p.m.

Sec. 5.10 Legal Representation. Upon request of an employee and subject to any limitations provided by law, the District will provide for the defense of any civil action or proceeding initiated against the employee by a person or entity other than the District in a court of competent jurisdiction on account of any act or omission occurring within the course and scope of his employment as an employee of the District.

Nothing herein shall be deemed to require the provision of such defense where the discretion to provide or not provide such defense is vested in the District pursuant to the provisions of the California Government Code, or where the act or omission was not within the scope of the employee's employment, or the employee acted or failed to act because of actual fraud, corruption or actual malice, or where the provision of such defense would create a conflict of interest between the District and the employee. Nothing herein shall be construed to grant to any employee any rights or privileges in addition to those provided in the Government Code.

Sec. 5.11 Employee's Personal Property on the District Premises. Employee's personal property on District premises not authorized by his/her department head will not be subject to replacement or repair by the District for any reason. District has the right to require personal property to be removed from the District's premises for safety or any other reason.

District will not be responsible to repair or replace as a result of damage to or theft of an employee's vehicle used by the employee in the course of District business. Employee is responsible to maintain adequate limits of insurance as determined by the District on private vehicle used for District business including a minimum of \$300,000 liability coverage. Approval by department head is necessary before employee can use private vehicle on District business.

Per Ordinance No. 2001-11 Adopted 7/2/01 [Sec. 5.11]

Per Ordinance No. 2018-18 Adopted 11/5/18 [Sec. 5.9]

Sec. 5.12

Personal Use of District Vehicles. All District vehicles are owned by the District and are available to specifically assigned employees to conduct official District business. No employee of the District may use any District provided vehicle for purposes unrelated to the District's business. Transportation in District vehicles of persons other than Directors, officers, employees, agents of the District, or unauthorized guest, is prohibited. Assignment of vehicles for regular daily use will be by department heads with approval of the General Manger. With the exception of the vehicles assigned for permanent and temporary 24 hour use and designated twenty-four (24) hour duty personnel, all vehicles are to be stored on District premises unless otherwise specifically authorized by the General Manager or his designee. District vehicles assigned for regular daily use are not available for personal use.

Vehicles approved for 24 hour use, either on a temporary or permanent basis, are further authorized to be used to commute to and from work. It is recognized that de minimis personal use of District vehicles assigned to twenty-four (24) hour use may be necessary. "De minimis personal use" shall be defined as incidental personal use (such as a stop for a personal errand or stopping for food while on District business) encountered along the recognized and reasonable travel route to and from the District or to and from District authorized events and functions which result in only minor additional operational cost and does not reflect discredit on the District or its employees. The District shall require and maintain any records which it deems necessary and appropriate to maintain in order to establish that this Policy is enforced. Permanent 24 hour use assignments of District vehicles shall be approved by the Board of Directors. Employees permanently assigned a District vehicle for twenty-four (24) hour use may be subject to income tax for the value of commuting use in accordance with federal IRS regulations.

Any employee that is provided a vehicle under this Policy is required to promptly notify the District if he or she, or any other individual, uses the vehicle for any personal purpose other than de minimum personal use.

Employees who are required to use District vehicles shall:

1. Be aware they are on public display when driving a District vehicle and must conduct themselves accordingly.
2. Immediately report to their supervisor if the vehicle is involved in an accident or is damaged.
3. Be aware that if any violation results in a citation, it must be reported immediately to the supervisor. Thereafter, it is the employee's responsibility to address the citation in a legally compliant manner, and the employee may be subject to disciplinary action.
4. Fasten seat belts at all times and see to it that passengers do the same.
5. Use of cell phone while driving without a "hands-free" device is prohibited.

Sec. 5.13 Agreements for Modified Work Schedules.

At the discretion of the Department Head and approval by the General Manager, employees may enter into an agreement for a modified work schedule with the District. Such arrangements must comply with applicable state and federal labor laws and will be governed by the following terms and conditions. All requests for a modified work schedule, or extension thereof, shall be made in writing to the Department Head, stating the reason for and the anticipated duration of the alternate work hours accommodation, with final approval by the General Manager. In all cases, the final approval for the initial period of the modified work schedule will be in effect up to 6 months (180 days). Extensions may be granted based upon the Department Head's evaluation of operational needs and efficiency of the Department or Division, or the potential impact on other employees in the Department or Division. Modified schedules may be adjusted or withdrawn at any time due to changes in operational circumstances, such as staffing shortages or workload demands, emergency situations or other unforeseen events or requests from other employees seeking similar accommodations. Any withdrawal or modification of the approved schedule will be communicated to the employee as soon as practicable. Employees will be required to report to the District's corporate office within sixty (60) minutes of receiving the notification of the accommodation withdrawal, unless otherwise specified.

The District will evaluate all requests in compliance with applicable labor laws, including the California Labor Code, Fair Employment and Housing Act (FEHA), and other relevant regulations. This policy does not supersede employees' rights under state or federal law, including provisions for reasonable accommodations related to medical, health or disability needs.

Sec. 5.14 Workplace Violence Policy

The District has a zero tolerance policy against workplace violence. Acts or threats of physical violence, including intimidation, harassment, and/or coercion, which involve or affect the District or which occur on District property, will not be tolerated. The District's prohibition against threats and acts of violence applies to all persons involved in the District's operations, including, but not limited to, District personnel, contract, and temporary employees, and anyone else on District property. Weapons of any kind are strictly prohibited at the District.

Violations of this policy by any individual (1) on District property; (2) acting as a representative of the District while off District property; or (3) while off District property when his/her actions affect the District's business interests, will lead to disciplinary action (up to and including termination) and/or legal action as appropriate.

Any employee who is physically threatened by a co-worker or is aware of a threat to an employee, customer or vendor, or is aware of another individual who has been subjected to or threatened with violence, must report this information to his/her supervisor or manager, as soon as possible. All threats will be timely investigated and the District will not tolerate retaliation against any employee who reports workplace violence.

Per Ordinance No. 2025-08 Adopted 8/4/2025 [Sec. 5.13]

Per Ordinance No. 2003-11 Adopted 7/7/03 [Sec. 5.13]

Per Ordinance No. 2018-18 Adopted 11/5/18 [Sec. 5.14]