



RUBIDOUX COMMUNITY SERVICES DISTRICT

EMPLOYEE HANDBOOK

Adopted: February 16, 2023

Rubidoux Community Services District

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POLICY TITLE: Purpose of Handbook
POLICY NUMBER: 1000

1000.1 It is the intent of the Board of Directors of the Rubidoux Community Services District to maintain a Handbook of policies and procedures. Contained herein is a comprehensive listing of the Board's current policies and procedures, being the rules and regulations enacted by the Board from time to time. The Handbook will serve as a resource for Directors and staff in determining the manner in which matters of District business are to be conducted.

1000.2 These employment policies are designed to comply with all applicable federal, state and local employment laws, regulations and ordinances. Accordingly, to the extent of any conflict between such applicable laws, regulations or ordinances the District's employment policies should be interpreted and applied to be consistent with such laws, regulations and ordinances. If you believe that a District employment policy is in conflict with one of these, please notify the General Manager so that appropriate remedial measures may be undertaken. When the District becomes aware of an actual conflict between its policies and applicable law, regulations or ordinances it will take steps to revise the policy and provide employees with a written change to the policies within a reasonable period of time.

1000.3 Some units have a Safety Manual and/or current Memorandum of Understanding (MOU), necessary for their internal operations. Employees should familiarize themselves with those documents also. This Handbook is based on Federal and State law, District Board ordinances and/or resolutions, administrative policies or agreements with employee organizations. Those source documents are summarized here—this document is not intended to amend or replace them.

1000.4 The policies and procedures contained in this Handbook do not constitute a contract, either expressed or implied, between the District and its employees. Rather, this Handbook is a guide and statement of the District's policies and procedures. It is not intended to cover all circumstances that may arise. The policies and procedures contained herein do not alter the employment relationship.

1000.5 The District maintains an open-door policy to employees for explanations, clarifications, or interpretations regarding this Handbook.

1000.6 Employment policies are established by the District's Board of Directors and are administered by managers and supervisors. Since circumstances often change, the District must reserve the right, in its sole discretion, to change or delete existing policies and to add new ones. Such changes are valid only when made and approved in writing by the Board of Directors. You will be notified when changes are made and eventually you will be provided with supplemental material (for inclusion in your copy of the Employee Handbook).

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POLICY TITLE: Adoption/Amendment of Policies

POLICY NUMBER: 1010

1010.1 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 a written draft of the proposed new or amended policy and requesting that the item be included for consideration on the agenda of the next appropriate regular meeting of the Board of Directors.

1010.2 Adoption of a new policy or amendment of an existing policy shall be accomplished at a regular meeting of the Board of Directors and shall require a 3/5 affirmative vote of the entire Board of Directors.

1010.3 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. 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, (or 24 hours if it is a special meeting) prior to any meeting at which the policy(ies) are to be considered.

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POLICY TITLE: Conflict of Interest

POLICY NUMBER: 1020

1020.1 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 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 Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. §18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix A 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 Rubidoux Community Services District District.

1020.2 Designated employees and consultants shall file statements of economic interests with the Clerk of the County of Riverside.

APPENDIX "A"

<u>Designated Positions</u>	<u>Disclosure Category</u>
Board Members;	1
General Counsel;	1
General Manager;	1
Assistant General Manager;	1
Director of Finance and Administration	1

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POLICY TITLE: Fraud/Ethics Policy

POLICY NUMBER: 1030

1030.1 The District's fraud policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud against the Rubidoux Community Services District. It is the intent to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conduct of investigations.

1030.2 This policy applies to any irregularity, or suspected irregularity, involving employees as well as consultants, vendors, contractors, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with the District. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the District.

1030.3 "Fraud" is defined as the intentional, false representation, or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Any irregularity that is detected or suspected must be reported immediately to the General Manager, who coordinates all investigations with District legal counsel and the affected areas, both internal and external.

1030.4 The terms "defalcations," "misappropriation," and other "fiscal irregularities" refer to, but are not limited to:

- Any dishonest or fraudulent act.
- Misappropriation of funds, securities, supplies, or other assets.
- Impropriety in the handling or reporting of money or financial transactions.
- Profiteering as a result of insider knowledge of company activities.
- Disclosing confidential and proprietary information to outside parties.
- Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to the District. Exception: Gifts less than \$50 in value.
- Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment.
- Any similar or related activity.

1030.5 Irregularities concerning an employee's moral, ethical, or behavioral conduct should be resolved by departmental management and the General Manager. If there is any question as to whether an action constitutes fraud, contact the General Manager for guidance.

1030.6 The General Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. (If the allegation of fraudulent acts is against the General Manager, the Board of Directors will appoint an investigator and assume primary responsibility over the investigation.) If the investigation substantiates that fraudulent activities have occurred, the General Manager will report to the Board of Directors. Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory

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agencies for independent investigation will be made in conjunction with legal counsel, senior management, and Board of Directors, as will final decisions on disposition of the case.

1030.7 All reports of fraud or suspected fraud will be treated confidentially. Any employee who suspects dishonest or fraudulent activity will notify the General Manager and should not attempt to personally conduct investigations or interviews/interrogations related to any suspected fraudulent act. Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the District from potential civil liability.

1030.8 The General Manager will have free and unrestricted access to all District records and premises, whether owned or rented, and the authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of the investigation.

1030.9 An employee who discovers or suspects fraudulent activity will contact the General Manager immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to the General Manager. No information concerning the status of an investigation will be given out. The proper response to any inquiries is, *"I am not at liberty to discuss this matter."* Under no circumstances should any reference be made to "the allegation", "the crime", "the fraud", or any other specific reference.

The reporting individual should not contact the suspected individual in an effort to determine facts or demand restitution, and must not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the General Manager or District legal counsel.

1030.10 If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed by the General Manager, District legal counsel, and the Board of Directors before any such action is taken.

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POLICY TITLE: Accommodations for Disability

POLICY NUMBER: 2100

2100.1 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.

2100.2 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. Generally, an interactive process meeting will be scheduled to discuss the request, job duties and possible accommodations.

Employee or applicant should contact his or her supervisor, Director of Finance and Administration, or the General Manager for further information.

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POLICY TITLE: Demotion – Non-disciplinary
POLICY NUMBER: 2102

2102.1 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.

2102.2 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.

2102.3 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 three 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.

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POLICY TITLE: Disciplinary Action

POLICY NUMBER: 2104

2104.1 The District expects all 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.

2104.2 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 may result in discipline, up to and including immediate termination:

- Discourteous treatment of the public or fellow employees
- Drinking of intoxicating beverages or use of illegal or nonprescribed drugs on the job, or arriving on the job under the influence of such beverages or drugs;
- Habitual absence or tardiness;
- Abuse of sick leave;
- Disorderly conduct;
- Incompetence or inefficiency;
- Being wasteful of material, property, or working time;
- Violation of any lawful or reasonable regulation or order made and given by an employee's supervisor;
- Neglect of duty;
- Dishonesty or fraud;
- Misuse of District property;
- Willful disobedience;
- Conduct unbecoming a District employee;
- Violation of the District's Unlawful Harassment Policy;
- Theft.

2104.3 Types of Disciplinary Action. Disciplinary action includes oral warning, written warning, disciplinary probation, suspension, reduction in salary, demotion, or termination of employment.

2104.3.1 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 filed 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.

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- 2104.3.2 Disciplinary Probation. Employees on disciplinary probation may be terminated for failure to meet performance or behavior standards as provided by in the employee's job classification.
- 2104.3.3 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.
- 2104.3.4 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.
- 2104.3.5 Discharge. The removal of an employee from District services, as provided for in these Guidelines.

2104.4 Disciplinary Notice/Appeal Procedure

(This Section does not apply to probationary or temporary employees.)

- 2104.4.1 Written Notice of Proposed Action. In the event the District imposes disciplinary action as described in sections 2104.3.2-2104.3.5 above, the employee will be given a notice of the disciplinary action as set forth below.

Notice of Disciplinary Action. Whenever a disciplinary action 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, return receipt requested and shall contain the following information:

- a) A statement of the disciplinary action to be taken;
- b) The effective date of the disciplinary action;
- c) The reason or cause of the disciplinary action;
- d) A summary of the facts upon which the charges are based;
- e) Notice that the employee may inspect copies of all materials upon which the disciplinary action is based;
- f) A statement notifying the employee that he or she has five (5) business days in which to respond orally or in writing regarding the proposed disciplinary action; and
- g) Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

- 2104.4.2 Response Meeting/Skelly Hearing. No less than five (5) business days after the notice has been served upon employee, employee shall have the opportunity to refute charges or present facts that may not be known at a "Skelly" Hearing. The employee may respond orally or in writing, personally or with a representative. Neither party shall be entitled to call witnesses or take testimony.

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At the meeting, the hearing officer may consider information contained in the charges and recommendations, as well as information presented by the employee or his or her representative.

- 2104.4.3 Post-Skelly Final Notice. Within ten (10) days after the Skelly Hearing, the appropriate authority shall: 1) dismiss the notice and take no disciplinary action against the employee; 2) modify the intended 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; and
- 6) The employee's right to appeal.

If an employee fails to respond to the notice for a Skelly Hearing, the hearing officer 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 without pay, demotion or termination (i.e., written or oral reprimands) shall not be subject to appeal. Disciplinary action consisting of a suspension without pay, demotion or termination may be appealed by regular employees pursuant to section 2104.4.4.

- 2104.4.4 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 above. Neither the provisions of this section or this Chapter shall apply to 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 for employees in a recognized bargaining unit.

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 the Board of Directors.

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- 2104.4.5 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 Judicial Arbitration and Mediation Services, a non-profit organization or governmental agency with whom the District has contracted to conduct hearings pursuant to these Guidelines. No hearing officer shall be compensated or evaluated, directly or indirectly, based upon the outcome of any hearing.
- 2104.4.6 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.
- 2104.4.7 Representation at Appeal. Any District employee, other than those appointed to supervisory, management, and confidential classifications, shall be permitted to represent another District employee. The appellant may appear in person or be represented by counsel.
- 2104.4.8 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.
- 2104.4.9 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.
- 2104.4.10 Decision on the Appeal. The General Manager or appointed hearing officer shall render a written decision within thirty (30) days after concluding the hearing. The General Manager's or appointed hearing officer's decision shall be final and conclusive. A copy of such decision shall be forwarded to the appellant. 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.

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POLICY TITLE: Driver Training and Record Review

POLICY NUMBER: 2106

2106.1 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. Employees are required to notify their supervisor immediately if their license is revoked, suspended, or expired.

2106.2 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.

2106.3 Implementation. Rubidoux 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.

2106.4 Review Criteria. Employees will be required to verify the validity of their California Driver's Licenses annually. 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, (e) Vehicle Code violations.

2106.5 Disciplinary Procedures.

2106.5.1 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:

- a) They earn two points within 36 months of report date; or,
- b) They receive any moving violation in a District vehicle within 36 months of report date; or,
- c) They are involved in an accident within 36 months of report date.

2106.5.2 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.

2106.5.3 A driver will be suspended from District driving privileges for 120 days if:

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- a) They earn four or more points within 24 months of report date; or,
- b) They earn six or more points within 36 months of report date; or,
- c) They receive a citation for DUI, reckless driving, or speed contest on personal time within 36 months of report date; or,
- d) 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.

2106.5.4 A driver will be permanently suspended of District driving privileges if:

- a) 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.

2106.5.5 Maintaining a driving record acceptable to the General Manager and the District's insurance carrier is a condition of employment for any employee that drives a District vehicle or is required to drive as part of their District duties. Employees who fail to do so will be subject to disciplinary action up to and including termination of employment.

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POLICY TITLE: Drug and Alcohol Testing
POLICY NUMBER: 2108

2108.1 Pre-Employment Drug Testing. As a part of the District's employment screening process, any applicant to whom a conditional offer of employment is made must pass a test 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.

2108.2 Testing of Employees in Designated Safety-Sensitive Position. Employees in safety sensitive positions, including, but not limited to, the following management and non-management positions: vehicle and heavy machinery drivers with commercial licenses/operators and utility crew members, will be required to submit to random drug/alcohol testing under the procedures described in Policy 2520. This testing shall occur at random by an independent, third party drug/alcohol testing company performing such testing. If an employee refuses to cooperate with the administration of the drug/alcohol test, the refusal will be handled in the same manner as a positive test result.

2108.3 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 credibly explain the behavior, he or she will be requested to take a drug/alcohol test in accordance with the procedures described herein. If the employee refuses to cooperate with the administration of the drug/alcohol test, the refusal will be handled in the same manner as a positive test result, which results in termination.

2108.4 On-the-Job Injury or Accident. Should an injury or accident occur while working, a drug or alcohol test may be administered if the injured employee's supervisor has a reasonable suspicion that an employee was injured or involved in an accident due to drug or alcohol use.

2108.5 Procedures for Drug 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.

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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 accordingly.

2108.6 Drugs Definition. For the purpose of this policy, the term "drugs" means over-the-counter drugs; substances controlled by statute or regulation (including, but not limited to, marijuana in all forms as it remains illegal under federal law), such as those available only by prescription of a licensed physician, dentist, or other licensed practitioner; and so called illegal or "street" drugs, which, when taken, impair the employee's ability to work without risk of harm to persons, property, or work efficiency. If you are using an over-the-counter or prescription drug which may impair your ability to perform work safely and efficiently, you must tell your supervisor of the possible impact on your job performance. (This does not require you to disclose the type of medication or reason for taking it.) Your supervisor may place you in an alternative position, if available, or on leave of absence until it can be confirmed that you can safely and efficiently perform all of the essential functions of your position.

2108.7 Under the Influence. If it is determined by a test, examination, or by other means that you are using or are under the influence of drugs or alcohol while on duty, or otherwise in violation of the terms of this policy, you will be subject to discipline, up to and including, termination of employment. For the purpose of applying this policy, being under the influence of drugs and other controlled substances means being impaired in any way which would prevent the employee from fully and proficiently performing job duties or having a detectable amount of said substances in one's body. For purposes of applying this Policy, being under the influence of alcohol means having a test result indicating an alcohol concentration of .04 or greater.

2108.8 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 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 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.

2108.9 Confidentiality. All drug testing records will be treated as confidential.

2108.10 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.

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POLICY TITLE: Employee Information/Emergency Data

POLICY NUMBER: 2110

- 2110.1 It shall be the policy of the District to maintain accurate and vital personal contact information for each employee and Director of the District in case of need to contact them. All such information shall be maintained as confidential to the extent allowed by law.
- 2110.2 It is important that employees promptly notify the District of any changes to their personal information including:
- Name
 - Home and Mailing Address
 - Home and Cell Phone Telephone Numbers
 - Number, Names, and Status of Spouse and Dependents
 - Change of Emergency Contact Information
 - Educational Accomplishments
 - Marital or Registered Domestic Partner Status
 - Change of Military Status
 - Payroll Deductions
 - Benefit Plan Beneficiary
- 2110.3 Employees are responsible for notifying the Director of Finance and Administration in the event of a name, address or other vital information change within ten (10) days of the change, as required by this policy or any other District policy/procedure.
- 2110.4 The District shall not be responsible in the event of failure of an employee to provide this information in a timely manner and a loss of benefits or services by the employee or dependents.
- 2110.5 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.
- 2110.6 Release of Information. Personnel records are considered confidential. Employees may examine their own personnel records, except for letters of reference, records relating to the investigation of a possible criminal offense and ratings, reports for records that were: (a) obtained prior to the employee's employment; (b) prepared by identifiable examination members; and (c) obtain in connection with a promotional examination. Employees who wish to examine their records should contact the General Manager or his or her designee. 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. Ordinarily, no information on past or present employees shall be provided by

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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.

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.

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POLICY TITLE: Employee Promotion

POLICY NUMBER: 2112

2112.1 An employee may be promoted only if the employee has the desirable qualifications for the higher position. Desirable qualifications shall be ascertained on the same basis of information, application, examination, interview, and evaluation as those for an initial appointment in accordance with the most current Job Description.

2112.2 A promoted employee shall be required to successfully complete a six (6) month probation period, as outlined in Policy 2116. If a promoted employee is unable to perform the required duties of the new 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 three (3) month probationary period. If the probationary period is not extended, and the position is unavailable, the employee will be released from District employment for failure to satisfactorily complete the promotional probationary period. If the employee is released during their promotional probationary period they will not be entitled to any appeal or hearing.

2112.2.1 Section 2112.2 applies to non-bargaining unit employees only. For promotional probationary criteria for bargaining unit employees see Memorandum of Understanding Article XIX.

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POLICY TITLE: Employee Status

POLICY NUMBER: 2116

2116.1 A "Regular" employee is one who has been hired to fill a regular position in any job classification and has completed his/her probationary period. 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.

2116.2 A "Probationary" employee is one who has been hired to fill a full-time regular position in any job classification and has less than six (6) continuous months of service with the District. Upon completion of six (6) months of continuous service with the District in said classification, and upon the General Manager's 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/she becomes eligible. A probationary employee will not be eligible for a leave of absence, unless required by applicable law.

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.

2116.3 A "Temporary" employee is one who is hired to work within any job classification, but whose position is not regular in nature. The duration of the work assignment of a temporary employee may range from one day to a maximum of twelve (12) months of continuous service.

a) Employees hired to replace a regular employee who is on a leave of absence shall be hired as temporary employees at discretion of the General Manager.

b) A temporary employee will receive not less than the minimum rate for the job and will be eligible for sick leave pay, holiday pay, and vacation pay. A temporary employee will not be eligible for insurance coverage, retirement or items of a similar nature, nor will he/she accrue seniority or leave of absence rights.

c) If a temporary employee is reclassified to probationary or regular status, he/she will be credited with all continuous service in determining eligibility for such benefits that may accrue to him/her in his/her new status.

2116.4 A "Part-time" employee is one who is hired to work within any job classification, but whose position is not regular in nature. The part-time employee works whenever the District's workload increases to a level that

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regular employees cannot accommodate it. He/she may also be required to work standby as discussed in Policy 2122, "Hours of Work and Overtime". Part time employees accrue pro rata benefits as their weekly schedule compares to a 40 hour schedule.

2116.5 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.

2116.6 A "Non-Exempt" employee is an employee who is not a bona fide executive, administrative, or professional employee as defined by the FLSA. Non-exempt employees can earn overtime pay in accordance with the overtime requirements of the FLSA.

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POLICY TITLE: Equal Opportunity

POLICY NUMBER: 2118

2118.1 The District employs persons having the best available skills to provide high quality service efficiently to the public.

2118.2 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.

2118.2.1 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, physical or mental disability or medical condition, veteran status, marital status, gender, gender identity, gender expression or any other factor unrelated to job performance.

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POLICY TITLE: Grievance Procedure

POLICY NUMBER: 2120

2120.1 This policy shall apply to all regular employees in all classifications.

2120.2 The purpose of this policy is to provide a procedure by which an employee may formally claim that he/she has been affected by a violation, misapplication, or misinterpretation of a law, District policy, rule, regulation, or instruction.

2120.3 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, terms and conditions of employment, performance evaluations and disciplinary actions.

2120.4 Grievance Procedure Steps.

2120.4.1 Level I, Preliminary Informal Resolution. Any aggrieved employee or steward (as requested by the employee) who believes he/she has a grievance shall present the evidence thereof orally to his/her immediate supervisor within five (5) working days after the occurrence of the event, of the circumstances which form the basis for the alleged grievance. The immediate supervisor shall hold discussions and attempt to resolve the matter.

2120.4.2 Level II, Formal Presentation. If the grievance has not been resolved at Level I after five (5) working days of the oral discussion with the supervisor, the grievant may present his/her grievance in writing (sample format attached hereto as Appendix "B") to the General Manager. Either party may request the presence of the grievant and/or the immediate supervisor. Within five (5) working days after such written grievance is presented, the General Manager shall review the matter and present a written reply to the steward, with a copy to the Union if the employee is a member of the bargaining unit.

2120.4.2.1 The statement shall include the following:

- a) A concise statement of the grievance including specific reference to any law, policy, rule, regulation, or instruction deemed to be violated, misapplied or misinterpreted;
- b) The circumstances involved;
- c) The decision rendered by the immediate supervisor at Level I;
- d) The specific remedy sought.

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2120.4.3 Level III, Board of Directors' Personnel Committee. In the event the grievant is not satisfied with the decision at Level II, the grievant may appeal the decision in writing (sample attached hereto as Appendix "B") to the District Board of Directors' Personnel Committee within five (5) days after the Level II decision is rendered. Such grievance shall then be discussed by the parties in an attempt to settle the grievance. The District shall provide a written answer to the Union within five (5) working days after said meeting.

2120.4.3.1 The parties involved may, within ten (10) days from the issuance of the Level II response, elect to form a Conciliation Committee. Sessions shall be confidential, and recommendations shall be advisory. The Conciliation Committee shall consist of one spokesperson for each party and a conciliator chosen by the California State Department of Industrial Relations/Conciliation Service.

2120.4.3.2 If the conciliation process does not satisfactorily resolve the grievance, the grievant may appeal the grievance to Level IV with ten (10) days of the last conciliation session, provided that the Conciliator has certified the matter for Step IV; only those unresolved issues remaining after Step III may go forward.

2120.4.4 Level IV, Full Board of Directors. If within five (5) business days following receipt of the answer from Level III the grievance has not been adjusted to the employee's satisfaction, the grievance may be submitted to the full Board for a final administrative decision.

2120.5 Basic Rules.

2120.5.1 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.

2120.5.2 A copy of all formal grievance decisions shall be placed in the employee's permanent personnel file.

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Appendix "B"

EMPLOYEE GRIEVANCE FORM Rubidoux 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:

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POLICY TITLE: Hours of Work and Overtime

POLICY NUMBER: 2122

2122.1 This policy shall apply to all non-exempt employees.

2122.2 The regular hours of work each day shall be consecutive except for interruptions for meal periods and breaks.

2122.3 A workweek is defined to consist of seven (7) consecutive calendar days, Sunday through Saturday, and, except as otherwise provided herein, a basic workweek is defined to consist of five (5) consecutive workdays of eight (8) hours each, Monday through Friday. (For employees assigned to a 9/8/80 schedule, the workweek, for purposes of overtime calculation, shall begin after four (4) hours of work on their eight-hour day.) The regular work hours shall be 8:00 a.m. to 5:00 p.m. with one (1) hour off for lunch.

2122.3.1 Clerical Staff shall have a 9/8/80 schedule (i.e., employees would work eight nine-hour days and one eight-hour day during a two-week period). For the nine-hour days, the work shift is 7:15 a.m. to 5:15 p.m. with the exception of a one-hour meal period. For the eight-hour day, the work shift is 8:15 a.m. to 5:15 p.m. with the exception of a one-hour meal period. Holidays will be credited as eight-hour days, even when they fall on a day that would normally be assigned as a nine-hour day. One hour of vacation time will be added to the eight hours of holiday credit to complete the compensated leave for the day.

2122.3.2 Field Staff shall have a 4/10 schedule (i.e., employees would work four ten-hour days during a two-week period). The work shift is 6:45 a.m. to 5:15 p.m. with the exception of a half-hour meal period. Holidays will be credited as eight-hour days, even when they fall on a day that would normally be assigned as a ten-hour day. Two hours of vacation time will be added to the eight hours of holiday credit to complete the compensated leave for the day.

2122.3.3 The District reserves the right to modify work schedules in order to accommodate business needs. Each employee's direct manager will inform him or her of his or her specific work schedule and of any schedule changes as far in advance as possible. Employees may not change their own schedules without prior written approval from their manager.

2122.4 Overtime is defined as:

2122.4.1 Time worked in excess of eight (8) hours on a scheduled workday if a five (5) day, eight (8) hour per day work week is in effect; or,

2122.4.2 Time worked in excess of scheduled hours on a scheduled workday if an alternative workweek is in effect such as a 9/8/80 schedule or a four (4) day, ten (10) hour per day work week is in effect; or,

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2122.4.3 Time worked on Saturday shifts commencing after 12:01 a.m.,

2122.4.4 Time worked on Sunday shifts commencing after 12:01 a.m.,

2122.4.5 Time worked on a designated holiday.

2122.4.6 Time worked in excess of forty (40) hours in the workweek.

2122.5 Other than regular hours of work, any time worked by an employee in emergency repair or emergency maintenance of facilities of the District shall be compensated at the overtime rate of pay.

2122.5.1 A schedule shall be maintained by the Supervisor whereby maintenance employees shall be assigned, on a rotational basis, to be "on-call" on weekends, holidays, and other times not considered regular hours of work for District employees.

2122.5.2 When an employee is on-call, he/she shall be provided a District cellphone which will provide notification in the event of an emergency repair/maintenance work need. The cellphone shall be kept in the on-call employee's possession during the entire on-call period. Notification of an emergency-repair/maintenance job may also be given verbally, in person or telephonically by the Supervisor or standby person.

2122.5.3 When an employee is on-call, he/she shall be free to utilize his/her time as desired but must remain available to respond to an emergency call.

2122.6 Attendance.

2122.6.1 Punctual and regular attendance is an essential job requirement. Employees are therefore expected to be at work as scheduled and to arrange personal matters around working hours. Employees are also expected to return from their breaks and meal periods on time. Except in an emergency, employees must have advance permission to leave work before they are regularly scheduled to do so.

2122.6.2 Although employees are expected to be at work on time, the District understands that this is not always possible. If an employee is unable to report to work as scheduled for any reason, he/she must notify his or her manager as early as possible, but in no case later than 30 minutes before the employee's shift is scheduled to begin. Employees must notify their manager of the reason for their absence and when they expect to return to work. If the employee's manager is not available, the employee should leave a message and call back later to speak directly with the manager. Failure to notify the manager of the intent to be tardy or absent may result in disciplinary action, up to and including termination. If the employee's manager is unavailable, he or she should contact Human Resources.

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POLICY TITLE: Letters of Recommendation

POLICY NUMBER: 2124

2124.1 The Board of Directors recognize that the District faces exposure to significant liability through the provision of letters of recommendation of 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/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/her designee before dissemination.

2124.1.1 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/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/her designee.

2124.1.2 At his/her discretion, the General Manager or his/her designee may refuse to give a recommendation. Any recommendation he/she gives shall provide a careful, truthful, and complete account of the employee's job performance and qualifications.

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POLICY TITLE: Nepotism
POLICY NUMBER: 2126

2126.1 It is the policy of Rubidoux Community Services District to seek for its staff the best possible candidates through appropriate search procedures. The District has established guidelines for employment of relatives in order to maintain high morale and professional working relationships among employees. Vacancies shall not be filled by the employment of relatives of District employees where a supervisory or other conflict of interest may exist.

2126.1.1 For the purpose of this policy, "close relative" is defined as husband, wife, domestic partner, mother, father, son, daughter, sister, brother, grandchild, grandparent, guardian, father-in-law, mother-in-law, sister-in-law, brother-in-law or other comparable relationships.

For business reasons of supervision, security or morale, the District may refuse to place spouses and registered domestic partners in the same department, division or facility if the work involves potential conflicts of interest or other hazards greater for such individuals than for other persons. In determining whether there is a greater potential for conflict, the General Manager, or designee, shall carefully assess the actual work setting to determine whether that setting would pose, because of the mutual concerns such individuals are assumed to bear, a potential conflict of interest or other hazard greater for these individuals than other employees. If the potential conflict or hazard is greater, the District shall take such steps to regulate the employment of the individuals to avoid the conflict or other hazard. The District shall attempt to match reasonably the severity of its actions towards the individual to the degree of risk and the significance of the potential harm involved.

Where potential conflicts of interest exist, the District retains the right to disqualify one party to the relationship for a position privy to confidential matters who has a spouse or registered domestic partner already in the District's employment, when such relationship could result in the compromise of confidential information.

If co-employees marry (or enter into a relationship similar to marriage, including a registered domestic partnership) or become related by marriage, the District will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security and morale following completion of the assessment discussed above. If such efforts prove to be unsatisfactory, the District reserves its rights to transfer, terminate or reassign said employee as may be appropriate to alleviate the concern.

This policy shall apply to all employees of the District, including both full-time, part-time temporary and seasonal positions.

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POLICY TITLE: Payroll Deductions for Salaried Employees
POLICY NUMBER: 2128

2128.1 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 benefits programs and policies.

2128.2 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.

2128.3 It is Rubidoux Community Services District’s policy to comply with these salary basis requirements. Therefore, Rubidoux Community Services District prohibits all employees and managers from making any improper deductions from the salaries of exempt employees. Rubidoux Community Services District wants employees to be aware of this policy and know that Rubidoux Community Services District does not allow deductions that violate Federal or State law.

2128.4 If you believe that an improper deduction from your salary has been made, you should immediately report this information to your direct supervisor.

2128.5 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.

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POLICY TITLE: Performance Evaluation

POLICY NUMBER: 2130

2130.1 This policy shall apply to all employees, except temporary employees.

2130.2 In order to provide employees with information concerning their employment progress and to identify areas to improve job performance, the employee's Supervisor and/or General Manager will conduct formal written employee evaluations at least once per year. Employee evaluations will be given within two (2) weeks of the employee's anniversary date of employment.

2130.3 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.

2130.4 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. Performance evaluations can be appealed to the General Manager by filing a written appeal with the General Manager within five (5) working days of the employee receiving the evaluation. Employee evaluation appeals will only be considered by the General Manager; they will not be heard by the Board and are not subject to the Grievance Procedure. The General Manager may only modify employee evaluations if there is a compelling reason to do so.

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POLICY TITLE: Pre-Employment Physical Examinations

POLICY NUMBER: 2132

2132.1 All individuals who are offered full-time, temporary or part-time employment shall be required to submit to a physician's examination and controlled substance test at District expense.

2132.1.1 Employment will not occur until after a negative controlled-substance test result is certified, and until after a qualified physician has certified the individual as fit to perform the type of work required by the position applied for. The General Manager may authorize the hiring of an individual in advance of these certifications if he/she believes waiting may jeopardize the District's opportunity to secure an appropriately qualified candidate or in emergency situations. However, such pre-certification offers of employment shall clearly specify that they are conditional upon a negative controlled-substance test result and/or the physician's fitness-for-work certification, and that employment will be terminated if controlled-substance test results in a positive outcome or if the physician does not certify the employee as fit to perform the type of work required for the position.

2132.1.2 Employment will not occur if the individual refuses to cooperate in the examination and testing.

2132.2 Retesting of an individual who was previously employed on a temporary, part-time or full-time basis will be required if more than three months have elapsed since the individual's last day of work for the District.

2132.3 Appointments, if necessary, with the medical facility providing the examination and controlled substance testing shall be made by the individual to be tested.

2132.4 When the individual to be tested reports to the medical facility for the scheduled examination and controlled substance testing, they must provide proof of identification, such as a driver's license photo or a state-issued photo identification card.

2132.5 All test results shall be kept confidential. The applicant may be told they failed to pass the test, but only the General Manager and his/her confidential designee shall have access to the actual test results.

Rubidoux Community Services District

POLICY TITLE: Political Activity

POLICY NUMBER: 2134

2134.1 While participation in political activity is a sign of good citizenship, certain guidelines should be observed.

2134.1.1 Employees should not say or publish anything that implies District endorsement of any candidate.

2134.1.2 Employees are not to engage in political activity, including soliciting funds or being solicited for funds during working hours, on District premises, or while wearing a District uniform.

Rubidoux Community Services District

POLICY TITLE: Separation from District Employment
POLICY NUMBER: 2136

2136.1 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/she determines the circumstances warrant. Resignations may not be withdrawn without the General Manager's approval.

2136.2 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.

2136.2.1 Notification. Employees to be laid off will be given at least fourteen calendar days prior notice, if possible.

2136.2.2 Except as otherwise provided, whenever there is a reduction in the work force, the General Manager shall first demote to a vacancy, if any, in a lower position for which the employee who is the latest to be laid off is qualified.

2136.2.3 An employee affected by layoff may have retreat rights to displace an employee who has less seniority in a lower position that the employee has previously occupied or supervised. For the purpose of this document, seniority includes all periods of regular full-time service at or above the retreat position being considered.

2136.2.4 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 overall 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 a rating of "unsatisfactory"; (2) all employees having ratings of "improvement needed"; (3) all employees having ratings of "satisfactory"; (4) all employees having rating of "above satisfactory".

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- 2136.2.5 The names of persons laid off or demoted in accordance with this policy shall be entered upon a re-employment list. The re-employment list shall be used by the General Manager when a vacancy arises in the same or lower position.
- 2136.2.6 Names of persons laid off shall be carried on the re-employment list for one year, except that persons appointed to regular positions of the same level as that from which they were laid off, shall upon such appointment, be removed from the list. Persons who refuse re-employment shall be removed from the list. Persons re-employed in a lower position in the same classification, or on a temporary basis, shall be continued on the list for the higher position for one year. At the discretion of the General Manager, the list may be extended for an additional year.

2136.3 Dismissal of Employees. A tenured employee may be dismissed at any time by the General Manager for cause, and after consulting with District Legal Counsel.

- 2136.3.1 The following shall constitute sufficient cause for dismissal:
 - 2136.3.1.1 Conviction of a felony;
 - 2136.3.1.2 Fraud in securing employment;
 - 2136.3.1.3 Misappropriation of District funds or property;
 - 2136.3.1.4 Intentional or gross misconduct;
 - 2136.3.1.5 Failure to respond or improve regarding an item specified in Section 2104, after an evaluation or corrective action plan has failed to produce an improvement to performance;
 - 2136.3.1.6 Incapacity due to mental or permanent physical disability rendering the employee unable to perform job duties with or without a reasonable accommodation;
 - 2136.3.1.7 Severe physical or mental disability that prevents the employee from performing their essential functions, even with reasonable accommodation: and,
 - 2136.3.1.8 Other reasons, subject to a test for “Just Cause.”
- 2136.3.2 A probationary employee, including a promotional probationary employee, may be dismissed at any time during a probationary period without right of appeal, grievance or hearing. In case of such dismissal, the General Manager shall notify the dismissed probationary employee that he/she is being separated from District service.

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2136.4 Notice of Dismissal. The notice of dismissal shall be prepared by the General Manager after consultation with District Counsel and shall contain the information required by 2104.

2136.5 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.

2136.6 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.

2136.7 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.

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POLICY TITLE: Temporary Reclassifications
POLICY NUMBER: 2138

2138.1 The General Manager may temporarily assign an employee to perform work normally performed by another employee or position classification at a different level or salary.

2138.2 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 four (4) consecutive work weeks. An approved reclassification shall continue only until such time as the employee is returned to his or her original job duties.

2138.3 Temporary assignments to a higher or lower paid class need to be in writing and approved by the General Manager in advance.

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POLICY TITLE: Unlawful Harassment and Discrimination
POLICY NUMBER: 2140

2140.1 Policy Statement. The District strictly prohibits unlawful harassment and discrimination. This includes harassment and discrimination on the basis of sex, gender, sexual orientation, gender identity, gender expression, genetic information, race, color, ancestry, national origin, religious creed, physical disability, mental disability, medical condition, age (40 or over), marital status, military and veteran status, or any other protected class under applicable law.

2140.2 Application.

2140.2.1 This policy applies to all phases of the employment relationship, including, but not limited to, recruitment, testing, hiring, upgrading, promotion/demotion, transfer, layoff, termination, rates of pay, benefits, and selection for training.

2140.2.2 This policy applies to all officers and employees of the District, including, but not limited to, full- and par-time employees, per diem employees, temporary employees, and persons working under contract for the District.

2140.3 Harassment Defined. Harassment may consist of offensive verbal, physical, or visual conduct when such conduct is based on or related to an individual's sex and/or membership in one of the above-described protected classifications, and:

2140.3.1 Submission to the offensive conduct is an explicit or implicit term or condition of employment;

2140.3.2 Submission to or rejection of the offensive conduct forms the basis for an employment decision affecting the employee; or

2140.3.3 The offensive conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive working environment.

2140.3.4 Examples of what may constitute prohibited harassment include, but are not limited to, the following:

- Kidding or joking about sex or membership in one of the protected classifications;
- Hugs, pats, and similar physical contact;
- Assault, impeding or blocking movement, or any physical interference with normal work or movement;

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- Cartoons, posters, e-mails, texts and other materials referring to sex or membership in one of the protected classifications;
- Threats intended to induce sexual favors;
- Continued suggestions or invitations to social events outside the workplace after being told such suggestions are unwelcome;
- Degrading words or offensive terms of a sexual nature or based on the individual's membership in one of the protected classifications;
- Prolonged staring or leering at a person;
- Similar conduct directed at an individual on the basis of race, color, ancestry, national origin, religious creed, physical disability, mental disability, medical condition, age (40 or over), marital status, military or veteran status, sexual orientation, gender identity, gender expression, genetic information, or any other protected classification under applicable law.

2140.4 Procedure.

2140.4.1 Internal Reporting Procedure.

2140.4.1.1 Any employee who believes that he or she has been the victim of sexual or other prohibited harassment or discrimination by coworkers, supervisors, managers, clients or customers, visitors, vendors, or others (including third parties) should immediately notify his or her supervisor or, in the alternative, the General Manager, depending on which individual the employee feels most comfortable in contacting. If the complaint is against the General Manager, the employee should contact the Board President.

2140.4.1.2 Additionally, supervisors who observe or otherwise become aware of harassment that violates this policy have a duty to report it to the General Manager, so the District can try to resolve the claim internally.

2140.4.2 External Reporting Procedure. Any employee who believes that he or she has been the victim of sexual or other prohibited harassment by co-workers, supervisors, clients or customers, visitors, vendors, or others may file a complaint with the California Department of Fair Employment and Housing ("the DFEH"). The phone number for the DFEH is located in the phone book under government agencies.

2140.5 Investigation.

2140.5.1 Upon the filing of a complaint with the District, the complainant will be provided with a copy

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of this policy. The complainant shall be notified in a timely manner that their complaint has been received and will be investigated. The General Manager is the person designated by the District to investigate complaints of harassment and/or discrimination. The General Manager may, however, delegate the investigation to qualified, impartial personnel at his/her discretion. In the event the harassment or discrimination complaint is against the General Manager, a different investigator shall be appointed by the President or the Board of Directors. A fair, timely and thorough investigation will be conducted. All parties to the investigation will receive appropriate due process.

2140.5.2 Charges filed with the DFEH are investigated by the DFEH.

2140.6 Internal Documentation Procedure.

2140.6.1 When an allegation of harassment is made by an employee, the person to whom the complaint is made shall immediately prepare a report of the complaint according to the preceding section and submit it to the General Manager.

2140.6.2 The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment or discrimination, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. The investigator's notes shall be made at the time the verbal interview is in progress. Any other documentary evidence shall be retained as part of the record of the investigation. Upon completion of the investigation, the results shall be given to the complainant, the alleged harasser, and the General Manager.

2140.6.3 Based on the report and any other relevant information, the General Manager shall, within a reasonable period of time, determine whether the conduct of the person against whom a complaint has been made constitutes unlawful harassment or unlawful discrimination. In making that determination, the General Manager shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question; the context in which the conduct, if any, occurred; and the conduct of the person complaining of harassment or discrimination. The determination of whether harassment or discrimination occurred will be made on a case-by-case basis by the General Manager. All investigations should be closed in a timely manner.

2140.7 Confidentiality. All records and information relating to the investigation of any alleged harassment and resulting disciplinary action shall be confidential, except to the extent disclosure is required by law, as part of the investigatory or disciplinary process, or as otherwise reasonably necessary.

2140.8 Remedies.

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2140.8.1 Remedial Action. If the General Manager determines that the complaint of harassment or discrimination is founded, the General Manager shall take immediate and appropriate disciplinary action consistent with the requirements of law and any personnel rules or regulations pertaining to employee discipline. Other steps may be taken to the extent reasonably necessary to prevent recurrence of the harassment and to remedy the complainant's loss, if any.

Disciplinary action shall be consistent with the nature and severity of the offense, the rank of the harasser, and any other factors relating to the fair and efficient administration of the District's operations.

2140.8.2 In the event a complaint is filed with the DFEH, and the DFEH finds that the complaint has merit, the DFEH will attempt to negotiate a settlement between the parties. If not settled, the DFEH may issue a determination on the merits of the case.

Where a case is not settled, the DFEH may pursue litigation in civil court with the Complainant as the Real Party in Interest. Legal remedies available through the DFEH for a successful claim by an applicant, employee, or former employee include possible reinstatement to a former job; award of a job applied for; back pay; front pay; reasonable attorneys' fees; and under appropriate circumstances, punitive damages, out-of-pocket losses, affirmative relief, training, and emotional distress damages.

In the alternative, the DFEH may grant the employee permission to withdraw the case and pursue a private lawsuit seeking similar remedies.

2140.9 Retaliation. Retaliation against anyone for opposing conduct prohibited by this policy or for filing a complaint with or otherwise participating in an investigation, proceeding or hearing conducted by the District or the DFEH, is strictly prohibited by state regulations. It may subject the offending person to, among other things, disciplinary action, up to and including, termination of employment.

2140.10 Employee Obligation.

2140.10.1 Employees are not only encouraged to report instances of harassment or discrimination, they are obligated to report instances of harassment.

2140.10.2 Employees are obligated to cooperate in every investigation of harassment or discrimination, including, but not necessarily limited to:

- Coming forward with evidence, both favorable and unfavorable to a person accused of harassment or discrimination; and

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- Fully and truthfully making a written report or verbally answering questions when required to do so during the course of a District investigation of alleged harassment or discrimination.

2140.10.3 Knowingly, falsely accusing someone of harassment or discrimination or otherwise knowingly giving false or misleading information in an investigation of harassment or discrimination shall result in disciplinary action, up to and including, termination of employment.

2140.11 Training. The District will provide training to all employees as required by applicable law.

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POLICY TITLE: Inclusive Workplace Policy
POLICY NUMBER: 2141

2141.1 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.

2141.2 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.

- 2141.2.1 Transgender. Transgender is a term used to describe people whose gender identity differs from the sex they were assigned at birth.
- 2141.2.2 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.
- 2141.2.3 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.
- 2141.2.4 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.
- 2141.2.5 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.

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2141.3 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.

2141.4 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.

2141.4.1 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.

2141.5 Transitioning. Employees who transition during their employment with the District can expect the support of management and human resources staff. HR will work with each transitioning employee individually to ensure a successful workplace transition.

2141.6 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.

2141.7 Locker Room Accessibility. All employees have the right to use the locker room that corresponds to their gender identity or gender expression, regardless of the employee's sex assigned at birth. Any employee who has a need or desire for increased privacy, regardless of the underlying reason, can be provided with a reasonable alternative changing area such as the use of a private area, or using the locker room that corresponds to their gender identity or gender expression before or after other employees. Any alternative arrangement for transgender employee will be provided in a way that allows the employee to keep their transgender status confidential.

2141.8 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.

2141.9 Discrimination/ Harassment. It is unlawful and violates the District's policy to discriminate in any way

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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.

- 2141.9.1 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.
- 2141.9.2 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 General Manager. The process for filing a complaint is outlined in Policy 2140.

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POLICY TITLE: Expenses/Vehicle Costs Reimbursement

POLICY NUMBER: 2142

2142.1 In accordance with California law, the District reimburses employees for all expenses that they incur directly in performing their job duties. In order to obtain reimbursement from the District, the employee must, as required by IRS regulations, submit a copy of the appropriate bill, receipts or other satisfactory evidence identifying the costs incurred to the Director of Finance and Administration. The employee must also complete the appropriate reimbursement request form and verify the amount of the expense, the date the expenses were incurred, and the reason why they were incurred. All reimbursement requests should be submitted within 30 days of incurring the expense.

2142.2 When an employee is authorized to use his/her personal vehicle in the performance of District work, he/she shall be reimbursed for the cost of said use on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of said usage.

2142.3 Use of personal vehicles shall not be authorized for the performance of District work if a suitable District vehicle is available and safely operational.

2142.4 Every attempt shall be made to coordinate work so that District vehicles are available and operational for the performance of said work.

2142.5 Proof of adequate insurance coverage for collision, personal injury, and property damage shall be required by the District of any employee using a personal vehicle in the performance of District work.

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POLICY TITLE: Fair Pay Act Policy
POLICY NUMBER: 2143

2143.1 The District follows all applicable state and federal laws requiring equal pay for employees for substantially similar work. Substantially similar work is a composite of skill, effort and responsibility when performed under similar working conditions. Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity is prohibited. Pay differentials may be valid in certain situations as set forth in applicable law. California's Fair Pay Act and the District prohibit discrimination and retaliation against any employee who invokes or assists in the enforcement of the Fair Pay Act. Employees will not be retaliated against for inquiring about or discussing wages.

If you believe you are not being paid the same wage as other employees engaged in substantially similar work of a different race, ethnicity or sex, please report your concerns to the Human Resources Department so that appropriate corrective action may be taken.

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POLICY TITLE: Cellphone Reimbursement Program

POLICY NUMBER: 2144

2143.1 The purpose of the Cellphone Reimbursement Program is to provide guidance on the usage of cellular devices, establish reimbursement procedures, and to distinguish between District owned and personal owned equipment/services. The goal of the Cellphone Reimbursement Program is to reduce District costs related to the use and administration of cell services. Below will provide the required guidelines in how the program is administered.

2143.2 The Cellphone Reimbursement Program will be considered non-taxable consistent with IRS regulations provided that the employee maintains the type of cellphone coverage that is reasonably related to the needs of the District, and the reimbursement is reasonably calculated so as not to exceed expenses the employee actually incurred in maintaining the cell phone. Additionally, the reimbursement for business use of the employee's personal cell phone must not be a substitute for a portion of the employee's regular wages.

2143.3 It is recognized that technology evolves rapidly, and therefore specific technologies and the terms used for them changes rapidly. These terms are loosely defined to include future technologies not specifically listed below, but which provide similar function or capability. For purposes of this Program, the term "cellphone" refers to mobile phones provided by wireless carriers that are used for voice and text messaging purposes; including smart phones that have data plans for email, internet access, and a variety of custom-built applications.

2143.4 Eligibility. This section outlines eligibility requirements for the Cellphone Reimbursement Program.

2143.4.1 District Owned Equipment. Currently, the District provides cellphones to certain administrative and field type employees. All employees with a District provided cellphone would not be eligible to participate under the Cellphone Reimbursement Program simultaneously. Guidelines for District owned equipment includes:

- District equipment is solely for business use; personal use is strictly prohibited.
- The cellphone carrier will be determined by the District and may change over time.
- Cellphone equipment will be limited to devices selected and approved by the District.
- Administration will provide technical support for District owned equipment, in addition to assistance with replacement equipment.

2143.4.2 Employee Owned Equipment. Full-time employees in positions required to use cellphones to conduct District business on a regular basis as determined by functional responsibilities are eligible for a monthly reimbursement. Employees eligible for a monthly reimbursement include those where:

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- The employee is frequently away from access to traditional land-based phone services or District radio services. For purposes of this Program, the use of land-based phones, radio equipment, and District computers are considered primary business communication tools for sustained efficiency and reliability; and/or
- The employee's job requires them to spend a considerable amount of time outside of their assigned office or work area during normal working hours and needs regular access to telephone and/or internet connections while away from the office; and/or
- The employee's job requires them to be accessible outside of the employees regularly scheduled work shift. Overtime for eligible employees must be in accordance with the District's overtime policy at Policy 2122; and/or
- Employees required to promptly respond to media, legislative, and Board of Director inquiries outside of normal working hours.

The General Manager will make the final determination of employees required to maintain a cellphone for District business. This will be based on the criteria above as well as knowledge of the employee's duties and budget considerations. The General Manager may choose to make exceptions to this procedure on a case-by-case basis.

2143.5 Program Guidelines, Allocation, and Procedures. Guidelines for the Cellphone Reimbursement Program include:

- Employees are responsible for the purchase of a cellular phone and payment of the monthly service plan charges. The personally owned cellphone must be available for the employee to be contacted at all times.
- Employees must provide the District with the cellphone number obtained as a result of the reimbursement.
- The District must be notified if cell services are cancelled or expire.
- Recipients of the reimbursement will manage all interaction with their service provider for technical, equipment, and billing support outside of District business hours.
- All contractual obligations agreed upon by the employee and their service provider is their sole responsibility; including any termination fees.
- The employee is responsible for replacement of lost or stolen equipment, as well as for the repair of broken equipment.

2143.5.1 Reimbursement Allocation. The maximum monthly allowable reimbursement amount will be communicated to eligible employees via a memorandum from the General Manager, which may not exceed the employee's monthly cell services billed amount. The maximum monthly allowable reimbursement amount will be re-evaluated by the General Manager on an annual basis and adjusted via a memorandum to participating employees. In the event the employee has an unusually high volume of calls due to District special events or an emergency, the District will consider one-time variations to the allowance amount on a case-by-case

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basis. The requests for special consideration must be approved by the General Manager. If business usage exceeds cost of stipend, submit expense reimbursement to the General Manager with appropriate documentation.

2143.5.2 Reimbursement Procedure. Upon the initial enrollment in the Cellphone Reimbursement Program, employees will be required to provide their current cellphone bill to determine the reimbursement does not exceed the incurred cost. On a semi-annual basis, the employee will be required to provide their current cellphone bill to determine that their personal cell services are still active. All employees enrolled in the Program will have their reimbursement amount included on their first paycheck of each month.

2143.6 Safety. In the interest for the safety of our employees and other drivers, the District requires employees to comply with all applicable laws and to use care while using any cell services while driving.

2143.7 Separation from the District. In the event an employee separates from the District, the employee will no longer receive the reimbursement under the Cellphone Reimbursement Program.

2143.8 Violation of Procedures. Failure to maintain cell phones in working order, provide the necessary documentation or maintaining compliance with safety requirements may result in violation of the Program and subsequent removal.

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POLICY TITLE: Whistleblowing Policy

POLICY NUMBER: 2145

2144.1 It is the policy of Rubidoux 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 Rubidoux Community Services District best serves itself and its membership when it can be candid and honest without reservation in conducting the business of the Rubidoux Community Services District.

The Rubidoux 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 Rubidoux 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 Rubidoux 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 Rubidoux Community Services District any credible information in their possession regarding illegal or improper activities and/or retaliation as defined herein, including violations of the Rubidoux Community Services District's policies, promptly to those members of the Rubidoux Community Services District specified in this policy; and (2) prohibit the Rubidoux Community Services District's Board of Directors, General Manager and supervising employees from retaliating against any employee who reports illegal or improper activities to the Rubidoux 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 Rubidoux 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 Rubidoux Community Services District alleging actual or attempted acts of retaliation in response to having made a protected disclosure to the Rubidoux Community Services District or law enforcement protected by this policy.

2144.2 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 Rubidoux Community Services District that is undertaken in the performance of that person's duties that is either: (1) a violation of any applicable state or federal law or regulation including, but not limited to, corruption, malfeasance, bribery, theft of property, fraud, coercion, conversion, abuse

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of property or willful omission to perform a duty; or (2) violates Rubidoux Community Services 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 Rubidoux Community Services District to the Rubidoux 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 Rubidoux 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.

2144.3 Encouragement of Reporting of Illegal or Improper Activity. Rubidoux 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 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 Rubidoux Community Services District's General Counsel.

Other allegations with respect to which the Rubidoux Community Services District has existing complaint, grievance or appeal procedures as specified in the District's policies should be addressed pursuant to those procedures, such as issues of alleged discrimination or harassment which are processed by the Rubidoux 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.

2144.4 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

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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 Rubidoux Community Services District.

The General Manager may request the assistance of Rubidoux Community Services District 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, volunteer 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 or committee assignments, on those Board members found to have violated this policy. In that event the report shall be filed with the Personnel Committee of the Board of Directors which shall comply with the policies of the Rubidoux Community Services District in initiating discipline against a member of the Board of Directors. The Rubidoux Community Services District shall keep confidential all investigation work product including the investigative report.

2144.5 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 Rubidoux Community Services District 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 or volunteer. In making his or her determination, if it is alleged that improper disciplinary action was taken against the complaining employee or volunteer 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

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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 Personnel Committee of 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 Personnel Committee of 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 Personnel Committee may take evidence, and hear testimony from the complaining employee and other witnesses. The Personnel Committee 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 Personnel Committee 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 Personnel Committee 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 Personnel Committee 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 Personnel Committee of the Board of Directors regarding any alleged violation of this policy before being entitled to commence a civil action in the Superior Court.

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POLICY TITLE: Dress Code & Personal Standards

POLICY NUMBER: 2200

2200.1 At Rubidoux Community Services District, professional image is important and is maintained, in part, by the image employees present to customers, each other, visitors, vendors, and others in our business. In choosing appropriate work attire, employees should consider factors including tastefulness, anticipated requirement for public contact, the nature of the job, and working conditions.

2200.1.1 All employees who are required to wear uniforms shall wear the appropriate uniform for their work area. If an employee is governed by the 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. An employee shall not wear his or her District uniform while off-duty.

2200.2 Rubidoux Community Services District expects all employees to use good judgment and taste in matters of personal grooming and dress. Good judgment includes consideration for both Rubidoux Community Services District and its constituents and clients. 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 attire.

2200.2.1 No visible tattoos are allowed anywhere on the head, face, or neck, unless for religious reasons or purposes that the employee professes or provides information of religious affiliation or associate. Any visible tattoos cannot be obscene, sexually explicit, or otherwise violate the District's policy against unlawful harassment or discrimination. Extremist or gang-related tattoos are also not permitted. All non-conforming tattoos must be covered with clothing or a bandage while at work, or must be removed.

2200.2.2 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.

2200.2.3 There will be no unlawful discrimination based on "protective hairstyles" or religious clothing.

2200.3 In all cases, supervisors will assist employees to determine what is considered appropriate attire for the particular situation. The following is offered as a general guideline:

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- Business Casual Attire (Monday through Friday). No torn or faded 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.
- Field Work Attire (All times). Field or facility work may require special uniforms or equipment. Employees shall consult with a supervisor on requirements in advance. No personal hats or jackets, including with logos or names on them other than the District, shall be allowed.

Within each general guideline above, attire shall be clean, non-wrinkled, not torn or faded, and shirts tucked-in.

2200.4 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 Rubidoux Community Services District dress code policy or grooming standards will be subject to corrective action and disciplinary action, up to and including termination.

Rubidoux Community Services District

POLICY TITLE: Housekeeping
POLICY NUMBER: 2205

2205.1 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 lunch rooms 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.

Rubidoux Community Services District

POLICY TITLE: Outside Employment or Solicitation

POLICY NUMBER: 2210

2210.1 Employees may hold an outside job if he/she obtains the written approval of the General Manager. Outside employment is not permitted if:

- 2210.1.1 The additional or outside employment leads to a conflict, or potential conflict of interest for said employee; or
- 2210.1.2 The nature of the additional or outside employment is such that it will reflect unfavorably on the District; or
- 2210.1.3 The duties to be performed in the additional or outside employment are in conflict with the duties involved in District service.

2210.2 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.

2210.3 Solicitation of non-District business on District property is prohibited. This applies to outside salespersons and to District employees.

Rubidoux Community Services District

POLICY TITLE: Receipts of Gifts

POLICY NUMBER: 2215

2215.1 An employee or his/her immediate family (defined as spouse and child) 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 (\$25.00);
- 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.

Rubidoux Community Services District

POLICY TITLE: Uniforms and Protective Clothing
POLICY NUMBER: 2220

2220.1 The cost of uniforms and/or protective clothing, shoes, etc., that field unit employees are required to wear shall be borne by the District. The District provides the uniforms with a District insignia and employee first-name emblem.

2220.2 Uniforms are to be worn during regular working hours and on after-hours calls. This may include wear to and from work. Uniforms are not to be worn at other times.

2220.3 The employee is responsible for maintaining the uniforms in a neat and clean condition. Proper care of the uniform, both on and off the job site, will reflect favorably on the employee and the District. Employees are responsible for replacement of uniforms if damaged by willful negligence of the employee (normal wear and tear is excluded).

2220.4 The District will report to CalPERS the monetary value for providing the employee's required uniforms, as required by applicable law.

2220.5 A work boot allowance is provided by the District for field unit employees as outlined in any applicable Memorandum of Understanding. Upon approval by a field supervisor, the employee will receive a voucher for Boot Barn, and the vendor will be paid directly by the District. The cost of work boots exceeding the amount stated in the applicable MOU will be borne by the employee.

Rubidoux Community Services District

POLICY TITLE: Cellular Telephone & Radio Usage
POLICY NUMBER: 2225

2225.1 Personal cellular telephones may be used by employees during hours of work for “essential” personal calls. Responding or making essential personal calls shall conform to Section 2225.4 below.

2225.1.1 Essential personal calls are defined as calls of minimal duration and frequency that are urgent in nature and cannot be made at another time or from a different telephone. Examples of essential personal calls are calls to arrange for care of a child or other family emergency, to alert a family member of an unexpected delay due to a change in work schedule, or to arrange for transportation or service in the event of car trouble, etc.

2225.1.2 To the extent possible, personal cellular telephone usage should be confined to rest and lunch breaks, and in locations such that the conversation is not disrupting to other employees or District business.

2225.2 Personal and District-owned cellular telephone usage will not be permitted by employees who are engaged in a continuous operation, such as a member on a utility crew engaged in the construction or repair of District facilities. Earphones or earbuds on personal devices are prohibited during work hours.

2225.3 Personal and District-owned cellular telephones will be turned off or set to vibration mode during meetings, training sessions or during work hours if the employee’s work station is in close proximity to others.

2225.4 Employees are expected to operate District vehicles and equipment in a safe and prudent manner. Therefore, if use of a cellular telephone is necessary while driving a District vehicle or operating potentially hazardous equipment, hands-free cellular telephone accessories must be used when available to maximize the employee’s attentiveness. In the absence of hands-free accessories, the employee must park the vehicle or pull over to the curb safely before retrieving or placing a call. This applies to personal and District-owned cellular phones in District-owned vehicles. Refraining from using cellular telephones in a hand-held position while operating District vehicles and equipment will lower the employee’s risk of causing or becoming involved in an accident, and is California law.

2225.5 Camera phones shall not be used in situations where any individual may have an expectation of privacy. This includes but is not limited to restrooms, locker rooms and training rooms.

2225.6 Text messaging devices shall not be used by employees during working hours unless specifically authorized for District purposes by a supervisor.

2225.7 Personal iPod’s, MP3’s, DVD players or other entertainment devices, with or without earphones, are prohibited. The inability to hear warning signals or sirens or the inability to hear a work-related call are considered safety violations.

Rubidoux Community Services District

2225.8 In addition, if use of District-provided radios is necessary while driving a District vehicle, the employee must park the vehicle or pull over to the curb safely before responding or initiating a call. Again, refraining from using radios while operating District vehicles will lower the employee's risk of causing or becoming involved in an accident.

Rubidoux Community Services District

POLICY TITLE: Internet, E-mail, and Electronics Communications

POLICY NUMBER: 2300

2300.1 Rubidoux Community Services District believes that employee access to and use of the internet, e-mail, 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.

2300.2 The District has established this ethics, usage, and security policy to ensure that all District employees use the computer resources, which the District has provided its employees, such as the Internet and e-mail, in an ethical, legal, and appropriate manner. This policy defines acceptable and unacceptable use of the Internet, e-mail, and other electronic communications.

2300.3 This policy also establishes the steps the District may take for inappropriate use of the Internet and e-mail. All employees must read and adhere to the guidelines and policies established herein. Failure to follow this policy may lead to discipline, up to and including immediate termination.

2300.3.1 Employees shall not use the Internet or e-mail in an inappropriate manner. Inappropriate use of the internet and e-mail 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 upgrades. 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.

Rubidoux Community Services District

2300.4 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 and other electronic resources, including email and voicemail messages produced, sent, or received on the District computers and other electronic resources, or transmitted via the District's servers and network. The District may monitor, copy or review the contents of all computer files and other electronic resources, 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.

Rubidoux Community Services District

2300.5 Employee Acceptance. By signing this agreement, I hereby represent that I have read, understand, and agree to the District's Internet, e-mail, and electronic communications policy.

Date

Signature

Print name here

Rubidoux Community Services District

POLICY TITLE: Non-Exempt Employee Use of Communication Devices
POLICY NUMBER: 2305

Non-exempt employees may perform necessary and authorized work duties on various communication devices (e.g., smartphones, tablets, laptops, PDAs). All such time spent will be considered as hours worked and will count toward overtime eligibility as set forth by applicable law. Accordingly, they are required to report all time spent working after hours. Therefore, to control costs and avoid unnecessary expenses, non-exempt employees shall not use communication devices for work-related purposes outside of their regularly scheduled hours unless they receive prior written authorization from management. In other words, non-exempt employees shall not review, read, send, or respond to work-related emails outside of their regularly scheduled hours without prior management authorization. Failure to follow this policy will result in disciplinary action.

Rubidoux Community Services District

POLICY TITLE: Authorized Personal Leave
POLICY NUMBER: 2400

2400.1 Subject to Board approval and upon mutual agreement in writing, leave of absence without pay, not to exceed one hundred and twenty (120) consecutive calendar days, may be granted. In the event such leave of absence is taken, the employee shall not forfeit seniority rights. Health benefit contributions shall be maintained by the District for the first thirty (30) days of such leave of absence.

2400.2 An employee who has been granted a leave of absence in accordance with the provisions in 2400.1 shall return to their regular job at the same step of the same range of the Salary Schedule in effect.

2400.3 Employees may be granted an extended leave of absence without pay, as required by applicable law, beyond the accumulation of paid sick leave during periods covered by Workers' Compensation.

2400.4 Employees on leave of absence without pay for more than twenty (20) consecutive workdays shall not earn sick leave or vacation credits or be entitled to pay for holidays. The employee must actively return to work for at least fourteen (14) calendar days in order for sick leave and vacation credits to commence.

2400.5 If the District does not grant the above extended leave, the affected employee shall be subject for preferential rehire for the same maximum period.

Rubidoux Community Services District

POLICY TITLE: Bereavement Leave

POLICY NUMBER: 2405

2405.1 This policy shall apply to probationary and regular employees in all classifications.

2405.2 In the event of a death of a family member, an employee may be granted a paid leave of absence not to exceed three (3) days with pay and two (2) days without pay. The three (3) paid days are not to be charged against sick leave or vacation. For the unpaid days, employees may utilize accrued and available sick leave, personal leave, compensatory time off or vacation leave.. The District may require documentation of the death of the family member so long as it is requested within thirty (30) days of the first day of the leave. The five (5) days need not be consecutive, but all bereavement leave must be completed within three (3) months of the date of death of the family member. The District requests that employees provide reasonable advance notice of when they plan to use Bereavement Leave.

2405.3 "Family member" is defined as being spouse, parents or parents of spouse, registered domestic partner, child, brother, sister, sister-in-law, brother-in-law, parent, parent-in-law, grandparents, or grandchildren of the Employee or Employee's spouse, or any other person who is a legal dependent of the employee.

2405.4 Up to four (4) additional days of personal necessity leave for bereavement purposes may be permitted with the General Manager's approval. Said additional days will reduce employee's Accrued Sick Leave.

2405.5 The General Manager or designee may grant at his/her discretion, bereavement leave to an Employee in the event of a death outside the immediate family where, in his/her opinion, circumstances warrant such leave.

Rubidoux Community Services District

POLICY TITLE: Catastrophic Time Bank
POLICY NUMBER: 2410

This policy is applicable only to non-exempt employees, both as to use of and donation to a catastrophic time bank.

2410.1 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.

2410.1.1 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. They do not include sick leave or compensating time off (CTO).

2410.1.2 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.

2410.1.3 If a time bank is established, any employee may, upon written notice to the Director of Finance and Administration, donate eligible leave credits in one-hour increments, up to a maximum of 80 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. Donations are irrevocable.

2410.1.4 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.

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2410.2 Use of time from the time bank may not be used to augment benefits received due to a work-related injury or illness.

Rubidoux Community Services District

POLICY TITLE: Compensation
POLICY NUMBER: 2415

2415.1 This policy shall apply to all District employees.

2415.2 Compensation at Hiring.

2415.2.1 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 in certain circumstances and as approved by the General Manager.

2415.2.2 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.

2415.2.3 Former Employees. A person who previously held a full-time position from which the person was separated in good standing may, when re-employed 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.

2415.3 Merit Advancement Within Range.

2415.3.1 Performance Evaluation Required. The Supervisor shall perform a performance evaluation annually for each employee. The General Manager shall authorize a merit advancement within the salary range based on the recommendation of the Supervisor and determining that the employee's performance is satisfactory. This determination shall be noted on the performance evaluation form and placed in the employee's file, with a copy given to the employee.

2415.3.2 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:

2415.3.2.1 New Employees. A person hired as a new employee shall have a merit advancement date which is twelve (12) months following the appointment date.

2415.3.2.2 Promotion or Demotion. An employee who is promoted or demoted shall have a new merit adjustment date which shall be one year from the date of promotion or demotion.

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2415.3.2.3 Change-in-Range Allocation. If the salary range for an employee's position is changed, the employee's merit advancement date shall not change.

2415.3.2.4 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.

2415.3.3 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.

2415.4 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 [5%], at the same step.

Rubidoux Community Services District

POLICY TITLE: Educational Assistance

POLICY NUMBER: 2420

2420.1 Full-time employees of the District are encouraged to pursue educational opportunities to assist in obtaining skills and/or knowledge to become better qualified for his/her current duties and/or prepare for potential advancement within the District.

2420.2 Certification or Re-certification. The District will reimburse regular employees for approved courses of study with the following criteria:

2420.2.1 A refund of the entire cost of tuition and required class materials will be made if the employee received a grade of "B" (80%) or better for the class;

2420.2.2 A refund of one-half (1/2) of the cost of tuition and required class materials will be made if the employee received a grade of "C" (70%-79%) for the class.

2420.2.3 No refund will be made to employees who receive a grade below "C" for the class.

2420.2.4 Courses shall be taken after normal business hours.

2420.2.5 Employee must submit a completed "Expense Reimbursement Form" with grade report and evidence of expenses (receipts, canceled checks, etc.). "Expense Reimbursement Form" must be submitted within 90 days after completion of the course. Parking fees will not be reimbursed.

2420.3 Other Educational Courses. The District will reimburse regular employees for approved courses of study with the following criteria:

2420.3.1 A refund of the entire cost of tuition and required class materials will be made if the employee received a grade of "B" (80%) or better for the class;

2420.3.2 A refund of one-half (1/2) of the cost of tuition and required class materials will be made if the employee received a grade of "C" (70%-79%) for the class.

2420.3.3 No refund will be made to employees who receive a grade below "C" for the class.

2420.3.4 Courses shall be taken after normal business hours.

2420.3.5 Employee must submit a completed "Expense Reimbursement Form" with grade report and evidence of expenses (receipts, canceled checks, etc.). "Expense Reimbursement Form"

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must be submitted within 90 days after completion of the course. Parking fees will not be reimbursed.

2420.4 Reimbursement is limited to \$1,500.00 per year.

2420.5 To be eligible for reimbursement of course costs, the course must be pre-approved by the General Manager prior to enrollment.

2420.6 All reimbursements received by an employee under this program within a twelve (12) month period prior to the date of termination of employment with the District shall be repaid by the employee.

Rubidoux Community Services District

POLICY TITLE: Family and Medical Leave

POLICY NUMBER: 2425

2425.1 The purpose of this policy is to clarify how Rubidoux Community Services District will implement the Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act (CFRA). The provisions of the Memorandum of Understanding with the union shall prevail, notwithstanding the contents of this policy, unless said provisions are in conflict with the FMLA or CFRA.

2425.2 Eligibility. To be eligible for leave under the FMLA, an employee must have: (1) been employed by Rubidoux Community Services District for at least 12 months, which need not be consecutive, and (2) worked for Rubidoux Community Services District at least 1,250 hours during the 12 months immediately preceding the commencement of leave, and (3) be employed at a worksite where the District employs at least fifty (50) employees within seventy-five (75) miles of the worksite. Effective January 1, 2021, to be eligible for leave under the CFRA, an employee must have: (1) been employed by the Rubidoux Community Services District for at least twelve (12) months, which need not be consecutive; and (2) worked for the Rubidoux Community Services District at least 1250 hours during the previous twelve (12) month period immediately preceding the commencement of the leave.

2425.3 Leave Benefit.

2425.3.1 Eligible employees will be provided with up to 12 work weeks of unpaid leave each year to care for a newborn, adopted, or foster child or for a seriously ill child, parent, or spouse (and for CFRA leave, grandparents, grandchildren, siblings, designated persons and registered domestic partners). ("Designated persons" means any individual related by blood or whose association with the employee is equivalent of a family relationship. An employee is limited to one (1) "designated person" per twelve (12) month period.) 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 work weeks of unpaid leave. "Serious health condition" includes 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.

2425.3.2 Employees will generally be required to use applicable accrued paid leaves permitted by the District, including vacation leave and sick leave. However, an employee shall not use sick leave during a period of leave in connection with the birth, adoption, or foster care of a child or to care for a child, parent, grandparent, grandchild, sibling, designated person, spouse, or domestic partner with a serious health condition unless mutually agreed to by the District and the employee

Further, employees will make the determination on whether to use sick leave that also qualifies as "kin care" under applicable law.

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2425.3.3 Employees on leave who were previously covered by Rubidoux 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. Under certain circumstances, employees who fail to return from their leave may be required to repay the amounts the District has paid for their health benefits while out on CFRA or FMLA.

2425.3.4 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. Rubidoux Community Services District may also require the employee to obtain medical certification that he/she is able to resume work.

2425.3.5 Under the CFRA, employees may also be eligible for "qualifying exigency leave" related to the covered duty or call to covered active duty of any employee's spouse, registered domestic partner, child, or parent in the armed forces of the United States, as specified in Section 3302.2 of the Unemployment Insurance Code.

2425.4 Employee Obligations.

2425.4.1 If the event necessitating the leave is foreseeable, the employee must provide his or her division 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 division manager with as much notice as practicable.

2425.4.2 Employees seeking leave because of a serious health condition must provide the supervisor with medical certification regarding their condition. The General Manager may require employees to obtain, at Rubidoux 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.

2425.4.3 For some 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.

Rubidoux Community Services District

POLICY TITLE: Holidays

POLICY NUMBER: 2430

2430.1 This policy shall apply to all employees.

2430.2 The following days shall be recognized and observed as paid holidays:

New Years Day;
Martin Luther King, Jr.'s Birthday;
Cesar Chavez' Birthday;
Lincoln's Birthday,
Washington's Birthday;
Memorial Day;
Independence Day;
Labor Day;
Admissions Day (floating holiday);
Columbus Day;
Veteran's Day;
Thanksgiving Day;
Day after Thanksgiving;
Christmas Day.

The District shall observe:

1. The Friday immediately preceding a holiday, when the holiday falls on Saturday;
2. The Monday immediately following a holiday, whenever the holiday falls on Sunday;
3. December 26 and January 2 whenever those days fall on Friday;
4. December 24 and December 31 when those days fall on Monday.

2430.3 Employees shall receive eight (8) hours pay for each of the holidays listed above. Eligibility is also granted if the employee was on vacation or had received permission to be absent from work on that specific day or days.

2430.4 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.

2430.5 If any 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 #2122, "Hours of Work and Overtime."

Rubidoux Community Services District

POLICY TITLE: Jury Duty
POLICY NUMBER: 2435

2435.1 This policy shall apply to probationary and regular employees in all classifications.

2435.2 An employee summoned for jury duty will immediately notify his/her immediate supervisor and provide a copy of summons to District officials.

2435.3 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 workday. 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.

Rubidoux Community Services District

POLICY TITLE: Rights of Victims of Domestic Violence, Sexual Assault and Stalking
POLICY NUMBER: 2440

2440.1 Your Right to Take Time Off:

- You have the right to take time off from work to get help to protect you and your children's health, safety or welfare. You can take time off to get a restraining order or other court order.
- If your company has 25 or more workers, you can take time off from work to get medical attention or services from a domestic violence shelter, program or rape crisis center, psychological counseling, or receive safety planning related to domestic violence, sexual assault, or stalking.
- You may use available vacation, personal leave, accrued paid sick leave or compensatory time off for your leave unless you are covered by a union agreement that says something different. Even if you do not have paid leave, you still have the right to time off.
- In general, you do not have to give your employer proof to use leave for these reasons unless it involves an unscheduled absence.
- If you can, you should tell your employer before you take time off. Even if you cannot tell your employer before, your employer cannot discipline you if you give proof explaining the reason for your absence within a reasonable time. Proof can be a police report, court order or doctor's or counselor's note of similar document.

2440.2 Your Right to Reasonable Accommodation:

- You have the right to ask your employer for help or changes in your workplace to make sure you are safe at work. Your employer must work with you to see what changes can be made. Changes in the workplace may include putting in locks, changing your shift or phone number, transferring or reassigning you, or help with keeping a record of what happened to you. Your employer can ask you for a signed statement certifying that your request is for a proper purpose and may also request proof showing your need for an accommodation. Your employer cannot tell your coworkers or anyone else about your request.

2440.3 Your Right to be Free from Retaliation and Discrimination: Your employer cannot treat you differently or fire you because:

- You are a victim of domestic violence, sexual assault, or stalking.
- You asked for leave time to get help.
- You asked your employer for help or changes in the workplace to make sure you are safe at work.

You can file a complaint with the Labor Commissioner's Office against your employer if he/she retaliates or discriminates against you.

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POLICY TITLE: Military Leave
POLICY NUMBER: 2445

The District will grant military leave, as required by applicable law.

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POLICY TITLE: Pregnancy Disability Leave (PDL)

POLICY NUMBER: 2450

2450.1 If you are pregnant, have a related medical condition, or are recovering from childbirth, **PLEASE READ THIS NOTICE.**

California law protects employees against discrimination or harassment because of an employee's pregnancy, childbirth or any related medical condition (referred to below as "because of pregnancy"). California law also prohibits employers from denying or interfering with an employee's pregnancy-related employment rights.

2450.2 The Company has an obligation to:

- reasonably accommodate your medical needs related to pregnancy, childbirth or related conditions (such as temporarily modifying your work duties, providing you with a stool or chair, or allowing more frequent breaks);
- transfer you to a less strenuous or hazardous position (where one is available) or duties if medically needed because of your pregnancy;
- provide you with pregnancy disability leave (PDL) of up to four months (the working days you normally would work in one-third of a year or 17 $\frac{1}{3}$ weeks) and return you to your same job when you are no longer disabled by your pregnancy or, in certain instances, to a comparable job. Taking PDL, however, does not protect you from non-leave related employment actions, such as a layoff; and
- provide a reasonable amount of break time and use of a room or other location in close proximity to the employee's work area to express breast milk in private as set forth in the Labor Code.

2450.3 For pregnancy disability leave:

- PDL is not for an automatic period of time, but for the period of time that you are disabled by pregnancy. Your health care provider determines how much time you will need.
- Once the Company has been informed that you need to take PDL, the Company must guarantee in writing that you can return to work in your same position if you request a written guarantee. The Company may require you to submit written medical certification from your health care provider substantiating the need for your leave.
- PDL may include, but is not limited to, additional or more frequent breaks, time for prenatal or postnatal medical appointments, doctor-ordered bed rest, severe "morning sickness," gestational diabetes, pregnancy-induced hypertension, preeclampsia, recovery from childbirth or loss or end of pregnancy, and/or post-partum depression.
- PDL does not need to be taken all at once but can be taken on an as-needed basis as required by your health care provider, including intermittent leave or a reduced work schedule, all of which counts against your four-month entitlement to leave.
- Your leave will be paid or unpaid depending on the Company policy for other medical leaves.

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- You may also be eligible for state disability insurance or Paid Family Leave (PFL), administered by the California Employment Development Department.
- At your discretion, you can use any vacation during your PDL.
- The Company requires you to use any available sick leave during your PDL.
- The Company is required to continue your group health coverage during your PDL at the same level and under the same conditions that coverage would have been provided if you had continued in employment continuously for the duration of your leave.
- Taking PDL may impact certain of your benefits and your seniority date; please contact Human Resources for details.
- If possible, you must provide at least 30 days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for yourself.) For events that are unforeseeable, we need you to notify us, at least verbally, as soon as you learn of the need for the leave. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until you comply with this notice policy.

2450.4 Notice Obligations of Employees.

- 2450.4.1 Give the Company reasonable notice: To receive reasonable accommodation, obtain a transfer, or take PDL, you must give the Company sufficient notice for it to make appropriate plans. Sufficient notice means 30 days' advance notice if the need for the reasonable accommodation, transfer or PDL is foreseeable, otherwise as soon as practicable if the need is an emergency or unforeseeable.
- 2450.4.2 Provide a Written Medical Certification from Your Health Care Provider. Except in a medical emergency where there is no time to obtain it, the Company may require you to supply a written medical certification from your health care provider of the medical need for your reasonable accommodation, transfer or PDL. If the need is an emergency or unforeseeable, you must provide this certification within the time frame the Company requests, unless it is not practicable for you to do so under the circumstances despite your diligent, good faith efforts. The Company must provide at least 15 calendar days for you to submit the certification. See Human Resources for a copy of a medical certification form to give to your health care provider to complete.

PLEASE NOTE that if you fail to give the Company reasonable advance notice or written medical certification of your medical need, the Company may be justified in delaying your reasonable accommodation, transfer, or PDL.

2450.5 You also may be entitled to additional rights under the California Family Rights Act of 1993 (CFRA) if you have more than 12 months of service with us and have worked at least 1,250 hours in the 12-month period before the date of you want to begin your leave and work. For further information on the availability of CFRA leave, please review your employer's policy regarding the availability of CFRA leave.

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This notice is a summary of your rights and obligations under the Fair Employment and Housing Act (FEHA). For more information about your rights and obligations as a pregnant employee, contact Human Resources, visit the Department of Fair Employment and Housing's website at www.dfeh.ca.gov, or contact the Department at 800-884-1684. The text of the FEHA and the regulations interpreting it are available on the Fair Employment and Housing Commission's website at www.dfeh.ca.gov.

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POLICY TITLE: Meal Periods and Breaks

POLICY NUMBER: 2455

2455.1 All employees shall be permitted to take an unpaid meal period for one-half (1/2) to one (1) hour, depending on the employee's work schedule (i.e. 4/10 or 9/8/80), and designated by the department at or near the middle of the workday, with such time not being considered hours worked. Only under extreme emergency conditions will the meal period be modified. When an employee is directed by the District to work through their meal period, they shall be granted a one (1) hour paid meal period. When an employee is required to work more than two (2) hours additional continuance of their full normal shift, they shall be granted an additional meal period. If both meal periods are missed, the employee shall be granted a one (1) hour paid meal period.

2455.2 Each employee is allowed rest periods not to exceed fifteen (15) minutes during each four (4) consecutive hours of work. Rest periods shall be scheduled in accordance with the requirements of the department, but in no case shall rest periods be scheduled within one (1) hour of the beginning or ending of a work shift or lunch period. Rest periods shall be considered time worked. Please keep in mind that when employees are not on a break, they are expected to devote their full efforts to their duties.

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POLICY TITLE: Sick Leave

POLICY NUMBER: 2460

2460.1 This policy shall apply to probationary and regular employees in all classifications.

2460.2 Sick leave is defined as absence from work due to illness, non-industrial injury, or quarantine due to exposure to a contagious disease. In addition, dentist and doctor appointments and prescribed sickness prevention measures shall be allowed sick leave provided prior notice is provided to the supervisor. Sick leave may be utilized to care for -family members (kin care). 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. Family members covered include parents, children, siblings, grandparents, grandchildren, designated persons and spouses and are defined as follows:

- 2460.2.1 A "child" means a biological, adopted or foster child, a stepchild, a legal ward or a child for whom an employee stands in loco parentis. This definition of "child" is applicable regardless of age or dependency status.
- 2460.2.2 A "parent" means a biological, foster or adoptive parent, a stepparent, legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child.
- 2460.2.3 The term "spouse" applies only to an individual to whom the employee is legally married and registered domestic partners.
- 2460.2.4 The term "designated persons" means a person identified by the employee at the time the employee requests paid sick days. The District limits an employee to one (1) designated person per twelve (12) month period for paid sick days.

Sick leave may also be used for purposes related to domestic violence, sexual assault or stalking suffered by the employee and as otherwise required by applicable law.

2460.3 Employees shall earn sick leave as follows:

- 2460.3.1 Employees hired prior to July 1, 1991, shall be entitled to sick leave accrual of one and one-half (1 1/2) days per month or eighteen (18) days per year (144 hours per year).
- 2460.3.2 Employees hired after July 1, 1991, shall be entitled to sick leave accrual of one and one-twelfth (1 1/12) days per month or thirteen (13) days per year (104 hours per year).
- 2460.3.3 On the 90th calendar day of employment, the employee shall be entitled to use accrued sick leave. Sick leave credits shall not accrue during a medical leave, a workers' compensation

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leave, or a leave of absence without pay of more than twenty (20) consecutive workdays. The employee must actively return to work for at least fourteen (14) calendar days in order for sick leave credit to commence.

2460.4 If an employee does not take the full amount of sick leave allowed in any calendar year, the amount not taken shall be accumulated from year to year to a maximum credit of seventy-five (75) working days. In February of each year the District shall buy back from each employee those days accumulated in excess of seventy-five (75) days at their current salary.

Sick leave may be utilized for other purposes, but only as approved by the General Manager.

2460.5 All employee absences, regardless of the reason, shall be reported to their designated District Supervisor or the Director of Finance and Administration no later than the beginning of the shift from which the employee will be absent. If the need for sick leave is foreseeable, the employee must provide the Operations/Facilities Manager reasonable advance notification. Failure to report an absence in accordance with this Section may be grounds for disciplinary action and may result in denial of paid leave benefits.

2460.6 It shall be the responsibility and duty of each Supervisor to investigate each claim for sick leave and to approve sick leave with pay where it is determined to be proper. If sick leave for illness or injury exceeds three (3) workdays, the employee, prior to return to work, the District may require the employee to submit a statement of such disability from a physician, surgeon, or other person practicing a recognized healing art certified by the State of California. The statement shall certify that the employee's illness or injury prevented him/her from performing the duties of his/her position during the period of absence, and that the employee is released to return to work, with or without reasonable accommodation. As allowed by applicable law, the district reserves the right to require, at any time, a medical examination of any employee by a physician chosen and compensated by the District to determine the employee's fitness for duty.

2460.7 Evidence substantiating the unwarranted use of sick leave, instances of misrepresentation, or violation of the rules defined herein, shall be construed as grounds for dismissal or such other action as may be deemed proper and necessary by the General Manager or designee.

2460.8 Temporary employees shall accrue sick leave at the rate of one (1) hour of sick leave for every thirty (30) hours worked.

2460.9 Unauthorized and unexcused absence from duty shall be without pay and will constitute grounds for disciplinary action.

2460.10 Compensation for accrued sick leave.

2460.10.1 Upon retirement or death, the employee or his beneficiary shall be paid at the rate of 100% of the accumulated sick leave, but not to exceed seventy-five (75) days' pay (600 hours). Upon resignation or termination without prejudice after ten (10) years of service, an

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employee shall be paid 50% of their accumulated sick leave, but not to exceed seventy-five (75) days' pay.

- 2460.10.2 Or, provided that the retiree has reached the age of 60 and worked for the District for ten (10) or more years as of the date of retirement election, s/he may elect to have accumulated sick leave, holidays and vacation placed in an insurance benefit account by the District for purposes of its extant valuation allocated to payment of health insurance premiums (medical, dental, vision) until such time as the retiree's insurance benefit account is exhausted or s/he enrolls in Medicare, whichever occurs first.
- 2460.10.3 Upon the untimely death of the retiree while receiving benefits, eligible spouse and/or dependents shall receive the balance of the insurance benefit account, if any, subject to all applicable federal and state taxes. Pursuant to COBRA, the District shall notify eligible spouse and/or dependents of possible continuation of coverage.
- 2460.10.4 Industrial illness or injury leave shall be converted into cash time with the District paying sick leave and/or when the employee becomes eligible for Workers' Compensation benefits, the District shall pay the difference between the amount received by the employee for Workers' Compensation and the amount the employee would have received had been fully employed. Such payments shall be continued by the District until all sick leave money accumulated and due the eligible employee has been paid to the employee.
- 2460.10.5 If an employee is rehired within one year from the date of separation, any previously accrued and unused sick leave which has not been paid out by the District shall be reinstated upon rehire, as required by applicable law. However, if the employee has been compensated for accrued unused sick leave at separation, the employee will not have their sick leave reinstated upon rehire.

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POLICY TITLE: Time Keeping/Time Records
POLICY NUMBER: 2465

2465.1 It is the responsibility of every non-exempt employee to accurately record time worked. Federal laws require Rubidoux Community Services District to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is the time actually spent on the job performing assigned duties.

2465.2 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, Rubidoux Community Services District rounds this time to the nearest one-quarter hour/fifteen minutes.

2465.3 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.

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POLICY TITLE: Time Off for Children - School Activities

POLICY NUMBER: 2470

2470.1 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 child care provider. The absence is subject to all of the following conditions:

- 2470.1.1 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;
- 2470.1.2 If both parents are employed by Rubidoux 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;
- 2470.1.3 Employees must use accrued vacation or compensating time off in order to receive compensation for this time off;
- 2470.1.4 Employees who do not have accrued vacation time or compensatory time off available will take the time off without pay.

2470.2 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.

- 2470.2.1 Employees must use accrued vacation or compensating time off in order to receive compensation for this time off;
- 2470.2.2 Employees who do not have accrued vacation time or compensatory time off available will take the time off without pay.

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POLICY TITLE: Time Off to Vote
POLICY NUMBER: 2475

2475.1 Rubidoux 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 Rubidoux Community Services District will grant its employees advance arranged and approved time off to vote and for periods of service as an election official.

2475.2 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 two (2) 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.

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POLICY TITLE: Unauthorized Voluntary Absence
POLICY NUMBER: 2480

2480.1 Voluntary absence from work without permission for three (3) consecutive working days shall be considered an automatic resignation.

2480.1.1 After two consecutive days of voluntary absence from work without permission, the District will attempt to notify the employee that the absence will be considered as resignation if it continues consecutively through the third working day.

2480.1.1.1 Constructive resignation may be appealed by the employee, if requested in writing. If appealed, the employee will have an opportunity to present his/her version of the "facts" at an informal fact-finding hearing with the General Manager.

2480.1.1.2 The fact-finding hearing shall be held within ten (10) days after the end of the three (3) consecutive days of unauthorized voluntary absence.

2480.2 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.

2480.3 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's resignation shall be considered to be effective at the end of the third consecutive day of his/her unauthorized voluntary absence.

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POLICY TITLE: Vacations
POLICY NUMBER: 2490

2490.1 This policy shall apply to regular and probationary employees in all classifications.

2490.2 Paid vacations shall be accrued according to the following schedule on an annual basis:

- (a) Years one (1) through four (4), 10 days;
- (b) Years five (5) through nine (9), 15 days;
- (c) Years ten (10) through fourteen (14), 20 days;
- (d) Additional vacation days will be granted on the following basis:
 - Year fifteen (15), 21 days
 - Year sixteen (16), 22 days
 - Year seventeen (17), 23 days
 - Year eighteen (18), 24 days
 - Year nineteen (19) and thereafter, 25 days

Employees who have completed twelve (12) months of continuous service 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 twelve (12) months in regular employee status, unless approved by the General Manager in writing.

Any employee who has served two thousand (2,000) straight time hours or more in paid status during the preceding twelve (12) months annual period computed from the hiring date or anniversary or hiring date, shall be considered to have been employed continuously and shall be granted his or her vacation in accordance with the provisions of this section.

Vacation time shall not accrue during a medical leave, workers' compensation leave, or leave of absence without pay of more than twenty (20) consecutive work days. The employee must actively return to work for at least fourteen (14) calendar days in order for vacation credit to commence.

2490.3 Approval. Vacation periods shall be taken with the approval of the Director of Finance and Administration or Director of Operations at such time as will not impair the work schedule or efficiency of the area assigned to work. Vacation/Holiday Time Earned requests must be submitted at the minimum of two weeks prior to the requested vacation period.

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Any employee deprived of approved vacation by order of the General Manager or designee to meet the convenience of the District, shall be paid for such loss of vacation time, in addition to the compensation earned for such time actually worked.

Unauthorized and unexcused absence from duty shall be without pay and will constitute grounds for disciplinary action.

2490.4 Terminations. After an employee has qualified for vacation, if s/he is laid off or is discharged before his/her next vacation anniversary date, he/she shall receive accrued vacation pay for which he/she is entitled prorated according to the number of full months employed. Prorated vacation shall be based upon one-twelfth (1/12) of the employee's respective vacation accrual at the time of termination consistent with 2490.2. 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

In the event an employee receives prorated vacation pay and is rehired within one (1) year, his anniversary date for computation of vacation pay shall be his date of rehire, provided, however, that his seniority status for the purpose of determining the vacation pay rate shall be retained. This section does not apply to voluntary quits.

2490.5 Vacation Base. All vacations will be based on the anniversary date of employment.

2490.6 Vacation time may be accumulated or postponed.

2490.7 The District will not require an employee to take vacation time in lieu of sick leave available 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. A leave of absence for medical reasons will not be granted until all accumulated sick leave and vacation time have been used.

2490.8 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.

2490.9 Vacations may be scheduled at any time during the year upon approval of the Supervisor. Vacation/Holiday Time Earned requests must be submitted at the minimum of two weeks prior to the requested vacation period.

2490.10 Probationary employees shall accrue vacation time during the probationary period. However, a probationary employee may not use vacation time until they have completed twelve (12) months of continuous service.

2490.11 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, unless authorized by the General Manager under certain circumstances and at his/her discretion.

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POLICY TITLE: Workers' Compensation Leave
POLICY NUMBER: 2495

2495.1 Purpose. When an employee sustains an injury or disability arising while in the course of District employment, the employee shall obtain treatment according to the provisions of the California Labor Code, Section 4600 et. seq. and shall receive compensation for the hours not worked while obtaining such medical care. **The employee must report the illness or injury, no matter how minor, to his/her supervisor immediately.** Accidents, illnesses or recurrences not properly reported may jeopardize the employee's legal right to recover worker compensation benefits.

2495.2 The District has prearranged a qualified medical facility to provide quality and prompt medical care to injured employees. However, the employee has the right to designate his/her physician of choice. Whenever an employee is compelled by direction of his/her physician to be absent from duty because of such injury or disability, such employee shall be placed on Workers' Compensation Leave and 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 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 District's business needs.

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.

2495.3 The District is not liable for injuries which occur during voluntary participation in any off-duty recreational, athletic or social activities, including District or employee social events where participation is voluntary and not part of the job.

2495.4 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. Rubidoux 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 Rubidoux Community Services District can operate safely and efficiently or the employment relationship has otherwise been terminated.

2495.5 Workers' compensation leave will run concurrently with any family and medical leave. During the period of leave, Rubidoux Community Services District will continue payment of all premiums for employee benefit plans in place at the time the leave begins.

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POLICY TITLE: Health and Welfare Benefits
POLICY NUMBER: 2505

2505.1 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.

While on leave, health benefits shall be maintained, and the premiums paid by the District for the first thirty (30) days of unpaid leave of absence.

2505.2 Continuation Coverage. Medical, dental and other insurance coverage for employees and/or dependents whose coverage would otherwise terminate due to qualifying events defined by the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) may be eligible to continue coverage for a limited time at their own expense, depending on the nature of the termination.

2505.3 Workers' Compensation Insurance. All District employees will be insured against injuries received while on the job as required by State law.

2505.4 State Disability. Temporary disability, for other than on-the-job injury or illness, is covered by the California State Disability Insurance Program administered through the Employment Development Department. A payroll deduction is taken each pay period from the employees' wages, listed as SDI, based on a percentage up to a maximum annual allowance as established by the State of California.

2505.5 Retirement Plan. All District employees shall be enrolled in the District's CalPERS employee retirement plan.

2505.6 Vision Care Benefit. The District shall provide a vision-care insurance plan to all full-time employees and eligible dependents.

2505.7 Long Term Disability. The District shall provide a long-term disability plan to all full-time employees.

2505.8 Non-vesting. All benefits provided by the District are subject to change in keeping with market conditions, State and Federal laws/regulations, negotiations with unions, and/or scope of coverages offered by carriers.

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POLICY TITLE: Illness and Injury Prevention Program

POLICY NUMBER: 2510

2510.1 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:

- 2510.1.1 Providing mechanical and physical safeguards to the maximum extent possible.
- 2510.1.2 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.
- 2510.1.3 Training all employees in good safety and health practices.
- 2510.1.4 Providing necessary personal protective equipment, and instructions for use and care.
- 2510.1.5 Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment.
- 2510.1.6 Investigating promptly and thoroughly, every accident to determine its cause and correct the problem so it will not happen again.

2510.2 Program Responsibility.

Although the District recognizes that the responsibility for safety and health is shared, the General Manager, or designee, shall be responsible and have full authority for implementing this policy and the District's Injury and Illness Prevention Program.

- 2510.2.1 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.
- 2510.2.2 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.

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- 2510.2.3 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.

2510.3 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.

- 2510.3.1 A report shall be obtained on every injury or illness requiring medical treatment. (See also Section 2510.8.)
- 2510.3.2 Each injury or illness shall be recorded on the "Cal/OSHA Log and Summary of Occupational Injuries and Illnesses," Cal/OSHA Form 300, according to its instructions.
- 2510.3.3 A supplementary record of the occupational injuries and illnesses shall be prepared on OSHA Form 5020, "Employer's Report of Occupational Injury or Illness," with the same information as in 2510.3.2, above.
- 2510.3.4 Annually, the summary Cal/OSHA Form 300 shall be prepared and posted no later than February 1 in a place easily observable by employees. Said form shall remain posted until April 30.
- 2510.3.5 All records specified in this section shall be maintained in the District's files for a minimum of five years after their preparation.

2510.4 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:

- 2510.4.1 Records of scheduled and periodic inspections as required by Cal/OSHA 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.
- 2510.4.2 Documentation of safety and health training required by Cal/OSHA 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 (3) years.

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2510.5 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.

- 2510.5.1 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.
- 2510.5.2 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.
- 2510.5.3 Periodic meetings (at least one per quarter) of supervisory employees shall be held under the direction of the General Manager, or designee, for the discussion of safety problems and accidents that have occurred. Documentation of these meetings shall be maintained for three years.
- 2510.5.4 Supervisory employees shall conduct "toolbox" or "tailgate" safety meetings, or equivalent, with their crew(s) at least once every month to emphasize safety. Documentation of these meetings shall be maintained for three (3) years.
- 2510.5.5 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 (3) years. Discussions at these meetings should concentrate on:
 - 2510.5.5.1 Occupational accident and injury history within the District, with possible comparisons to other similar agencies.
 - 2510.5.5.2 Feedback from employees.
 - 2510.5.5.3 Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.
 - 2510.5.5.4 Brief audio-visual materials that relate to the District's operations.
- 2510.5.6 Training programs shall be conducted when new equipment, machinery or tools are purchased and whenever new substances, processes or procedures are introduced to the

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workplace and represent a new hazard. Employees shall be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs shall be maintained for three years.

2510.5.6.1 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.

2510.5.6.2 Training and instruction shall also be provided whenever the District is made aware of a new or previously unrecognized hazard.

2510.5.6.3 Training and instruction will be provided for supervisors to familiarize themselves with safety and health hazards to which employees under their immediate direction and control may be exposed.

2510.5.7 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.

2510.5.8 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.

2510.5.9 A safety suggestion box shall be maintained where employees, anonymously if desired, can communicate their concerns to the District's General Manager.

2510.5.10 All employees and their designated representative shall have access to the District's Injury and Illness Prevention Program. These individuals may obtain a copy of the Program by submitting a written request to the Director of Operations.

2510.6 Hazard Assessment and Control.

Monthly 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.

2510.6.1 Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

2510.6.2 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.

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2510.6.3 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.

2510.6.4 The General Manager, or designee, 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.

2510.7 Accident Investigation.

All accidents shall be thoroughly and properly investigated by the Director of Operations, 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.

2510.7.1 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.

2510.7.2 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).

2510.7.3 Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed.

2510.7.4 Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

2510.7.5 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.

2510.8 Code of Safe Practices.

General:

2510.8.1 All employees shall follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to the Crew Leader, Supervisor, Director of Operations, or General Manager.

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- 2510.8.2 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.
- 2510.8.3 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 #2104.
- 2510.8.4 Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees shall be prohibited.
- 2510.8.5 Work shall be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.
- 2510.8.6 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.
- 2510.8.7 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.
- 2510.8.8 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 Crew Leader, Supervisor or Director of Operations.
- 2510.8.9 Crowding or pushing when boarding or leaving any vehicle or other conveyance shall be prohibited.
- 2510.8.10 Workers shall not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties, unless they have received instructions from the Crew Leader, Supervisor or Director of Operations.
- 2510.8.11 All injuries shall be reported promptly to the Crew Leader, Supervisor or Director of Operations so that arrangements can be made for medical or first aid treatment.
- 2510.8.12 When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back shall be used.
- 2510.8.13 Materials, tools, or other objects shall not be thrown from buildings or structures until proper precautions are taken to protect others from the falling objects.
- 2510.8.14 Employees shall cleanse thoroughly after handling hazardous or unhealthy substances, and follow special instructions from authorized sources.

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- 2510.8.15 Work shall be so arranged that employees are able to face a ladder and use both hands while climbing.
- 2510.8.16 Gasoline shall not be used for cleaning purposes.
- 2510.8.17 No burning, welding, or other source of ignition shall be applied to any enclosed tank or vessel, even if there are some openings, until it has first been determined that no possibility of explosion exists, and authority for the work is obtained from the Director of Operations.
- 2510.8.18 Any damage to scaffolds, falsework, shoring or other supporting structures shall be immediately reported to the Crew Leader, Supervisor or Director of Operations.

Use of Tools and Equipment:

- 2510.8.19 All tools and equipment shall be maintained in good condition.
- 2510.8.20 Damaged tools or equipment shall be removed from service and tagged "DEFECTIVE".
- 2510.8.21 Pipe or Stillson wrenches shall not be used as substitute for other wrenches.
- 2510.8.22 Only appropriate tools shall be used for the job.
- 2510.8.23 Wrenches shall not be altered by the addition of handle-extensions or "cheaters".
- 2510.8.24 Files shall be equipped with handles and not used to punch or pry.
- 2510.8.25 Screwdrivers shall not be used as chisels.
- 2510.8.26 Wheelbarrows shall not be used with handles in an upright position.
- 2510.8.27 Portable electric tools shall not be lifted or lowered by means of the power cord. Ropes shall be used for this purpose.
- 2510.8.28 In locations where the use of a portable power tool is difficult, the tool shall be supported by means of a rope or similar support of adequate strength.

Machinery and Vehicles:

- 2510.8.29 Only authorized persons shall operate machinery or equipment.
- 2510.8.30 Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., shall not be worn around moving machinery or other sources of entanglement.

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- 2510.8.31 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.
- 2510.8.32 Where appropriate, lock-out and/or tag out procedures shall be used.
- 2510.8.33 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.
- 2510.8.34 Air hoses shall not be disconnected at compressors until hose line has been bled.
- 2510.8.35 All excavations shall be visually inspected before backfilling, to ensure that it is safe to backfill.
- 2510.8.36 Excavating equipment shall not be operated near tops of cuts, banks, and cliffs if employees are working below.
- 2510.8.37 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.

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POLICY TITLE: Smoke-free Workplace
POLICY NUMBER: 2515

2515.1 Smoking is prohibited within the buildings, facilities and vehicles of Rubidoux Community Services District. Those who smoke must do so outdoors away from entrances or windows of buildings and covered parking lots in designated areas.

2515.2 Extra care should be taken when working around combustible materials, or out in the field near equipment or supplies.

2515.2.1 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.

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POLICY TITLE: Drug and Alcohol Testing for Safety Sensitive Employees
POLICY NUMBER: 2520

2520.1 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 CFR Part 40 that sets standards for the collection and testing of urine and breath specimens. In addition, the Department of Transportation has enacted "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 for safety-sensitive employees and others when so noted. This policy should be interpreted consistently with the regulations set forth above.

Rubidoux 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.

2520.1.1 Applicability. This policy applies to all safety sensitive employees when they are on District property or when performing any District related business. 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 C;
- 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 C. 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.

2520.1.2 Prohibited Substances. "Prohibited substances" addressed by this policy include the following:

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- a) Drugs: marijuana, amphetamines/methamphetamines, opiates, phencyclidine (PCP), cocaine and any other substances set forth in applicable DOT regulations.
- b) Alcohol. The use of beverages or substances, including any medication, containing alcohol such that it is present in the body at a level in excess of that stated in DOT guidelines while actually performing, ready to perform, or immediately available to perform any District business is prohibited. "Alcohol" is defined as: the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol, including methyl or isopropyl alcohol.
- c) Legal Medications. Using or being under the influence of any legally prescribed medication(s), or non-prescription medication(s) while performing district business or while on District property is prohibited to the extent that such use or influence affects job safety or effective and efficient job performance. This prohibition includes the use of medically prescribed marijuana. An employee who feels his/her performance of work-related duties may be impaired by use of any legal substance which carries a warning label that indicates that mental functioning, motor skills and/or judgment may be adversely affected should report it to his/her supervisor, and medical advice should be sought before performing work-related duties. In the above instance, an employee using legal prescribed medication or non-prescription medication may continue to work if the supervisor determines that the employee does not pose a safety threat and that job performance is not affected by such use.

2520.1.3 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. Safety sensitive 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.

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- 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 breath 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:
 - (1) 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.
- f) 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 prior to policy violation. 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.

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2520.1.4 Proper Application of the Policy. The District is dedicated to assuring fair and equitable application of this Policy. Therefore, 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.

2520.1.5 Testing for Prohibited Substances. Analytical urine-controlled substance testing and breathe testing for alcohol will be conducted as required under DOT guidelines. All safety-sensitive employees shall be subject to testing, based on reasonable suspicion, 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.

An initial controlled substance screen will be conducted on each specimen. For those specimens that are positive, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the controlled substance levels present are above the minimum thresholds established 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.

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Circumstances under Which Employees May be Tested:

- a) Pre-Employment Testing. All job applicants 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 consistent with substance abuse.
 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 consistent with substance abuse.
 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, as set forth in applicable regulations. 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 there is a human fatality; or where one or more vehicles incurs disabling damage that requires towing from the site; and the

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safety-sensitive employee receives a citation under State or local law for a moving traffic violation arising from the accident; or there is a human fatality.

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 lay-offs, 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 Rubidoux Community Services 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

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(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 generally confidential but, will be available to the DOT or any state or local officials with regulatory authority over the District or any of its drivers only and prospective employers as set forth in applicable law. 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; calibration documentation; 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: records of negative and cancelled controlled substance test results (as defined in Part 40 of federal regulations) and alcohol test with a concentration of less than 0.02. 29 CFR 382.401.

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers shall be maintained by the District while the individual performs the functions which require the training for two (2) years after ceasing to perform those functions.

- 2520.1.6 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 DOT guidelines will be assessed by an SAP. An SAP is a District selected licensed physician, psychologist, social worker, employee assistance professional, or addiction counselor with knowledge of and clinically experienced in the diagnosis and treatment of drug and alcohol related disorders. The SAP will evaluate each employee to determine what assistance, if any, the employee needs in resolving problems associated with prohibited substance or alcohol abuse or misuse.

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.

- 2520.1.7 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.,

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vacation, sick leave, administrative leave, personnel necessity leave 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.

2520.1.8 Contact Person: Any questions regarding this policy should be directed to the following District representative:
Name: Brian Laddusaw
Title: Director of Finance and Administration
Address: 3590 Rubidoux Blvd., Jurupa Valley, CA 92509
Telephone: (951) 684-7580

2520.1.9 Definitions.

- a) Accident - An incident involving a commercial motor vehicle in which there is a fatality or a citation was issued, and either an injury is treated away from the scene, or a vehicle is required to be towed from the scene.
- 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-testing device.
- d) Alcohol Use – The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication), containing alcohol.
- e) Breath Alcohol Technician (BAT) - A person who instructs and assists employees in the alcohol testing process and operates an evidential breath-testing device.
- f) Chain of Custody - The procedures used to document the handling of the urine specimen, from the time the employee gives the specimen to the collector, until the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF). The CCF also ensures the integrity of each urine specimen by tracking its handling and storage from the point of specimen collection to its 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.

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- 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, means a subsequent test using an EBT, following a screening test with a result of 0.02 grams or greater of alcohol per 210 liters of breath, that provides quantitative data about the alcohol concentration. For controlled substances testing, mean a second analytical procedure performed on a urine specimen to identify and quantify a specific drug or drug metabolite, which is independent of the screen test and uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.
- 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 or Employer – Rubidoux 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. This includes, but is not limited to, full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors. For pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle.

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- 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) - A device approved by the National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "conforming products list of evidential breath."
- r) Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the employer's drug testing program, who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with their medical history and any other relevant biomedical information. The MRO also must be knowledgeable about DOT Rule 49 C.F.R., Part 40 Section 40.121, the DOT MRO guideline, and the DOT agency regulation applicable to the District. Additional requirements are set forth in 49 C.F.R. Part 40 Section 40.121.
- s) 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.
- t) 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."
- u) 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.
- v) Prohibited Drugs (Controlled Substances) – Include: Marijuana Metabolites, Cocaine Metabolites, Codeine/Morphine, Oxycodone/Oxymorphone, Hydrocodone/Hydromorphone, 6-Acetylmorphone/6-AM (Heroin), Amphetamine/Methamphetamine, MDMA/MDA, and Phencyclidine (PCP) and any others set forth in applicable DDOT regulations.
- w) Prohibited Substances - Synonymous with drug abuse and/or alcohol misuse or abuse.
- x) 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.

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- y) 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.

- z) Refusal to Submit (to an Alcohol and/or Controlled Substance Test) - A refusal to submit to alcohol or controlled substances test means that a driver:
 - 1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee (including an owner/operator) to appear for a test when by C/TPA (see 29 CFR Section 40.61(a);
 - 2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see 29 CFR Section 40.63 a pre-employment test is not deemed to have refused to test;
 - 3) Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see 29 CFR Section 40.63(c)) for a pre-employment test is not deemed to have refused a test;
 - 4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see 29 CFR Section 40.69(g));
 - 5) Fails to provide a sufficient amount of urine when directed, and it has been determined through a required medical evaluation, that there was no adequate medical explanation for the failure (see 29 CFR Section 40.193(d)(2));
 - 6) Fails or declines to take a second test the employer or collector has directed the driver to take;
 - 7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under 29 CFR Section 40.193(d). In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
 - 8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
 - 9) Is reported by the MRO as having verified adulterated or substituted test result.
 - 10) Any employee who has been determined to have "refused to test" will face the same consequences as testing positive and will be immediately removed from performing safety-sensitive functions until all return-to-duty requirements are met.

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aa) 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.

bb) 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.

cc) 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.

dd) Safety-Sensitive Function - On duty time for safety sensitive functions means all time from the time a driver begins work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety sensitive function shall include:

- (i) All time at the employer plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
- (ii) All time inspecting equipment as required by the FMCSA's subchapters § 392.7 and 392.8, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- (iii) All time spent at the driving controls of a commercial motor vehicle in operation.
- (iv) All time, other than driving time, in or upon any commercial motor vehicle (except for time spent resting in the sleeper berth).
- (v) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded and unloaded. Remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
- (vi) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

ee) 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.

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ff) Substance Abuse Professional (SAP) - A licensed physician (Medical Doctor or Doctor of Osteopathy), or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NAADAC)) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

gg) Supervisor - Foreman, Superintendent, Division Manager or General Manager who has had one hour of training on the signs and symptoms of alcohol abuse and an additional hour training on the signs and symptoms of controlled substance abuse.

hh) Vehicle - Bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel used for mass transportation.

2520.2 Procedures.

2520.2.1 Reasonable Suspicion Testing.

- a) An employee who may possibly be under the influence of alcohol and/or controlled substances is observed by a supervisor is subject to this testing. 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 or other evidence of being under the influence.
- 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 reasonable privacy without compromising the integrity of the sample.

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- 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.

2520.2.2 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 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 (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

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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 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.

2520.2.3 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 reasonable 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

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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.

2520.2.4 Return-To-Duty and Follow Up.

- a) 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.
- b) 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.
- c) 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.

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2520.2.5 Chain of Custody for Controlled Substance Specimens.

- a) At the time a specimen is collected, the employee will be given a copy of the specimen collection procedures.
- b) Urine will be in a wide-mouthed clinic specimen container which will remain in full view of the employee until split, transferred to, sealed and initialed in two tamper-resistant urine bottles.
- c) Immediately after the specimens are collected, the urine bottles will, in the presence of the employee, be labeled and then initialed by the employee. If the sample must be collected at the site other than the controlled substance and/or alcohol testing laboratory, the specimens will then be placed in the transportation container. The container will be sealed in the employee's presence and the employee will be asked to initial or sign the container. The container will be sent to the designated testing laboratory on that day or the earliest business day by the fastest available method.
- d) A chain of custody form will be completed by the on-duty technician during the specimen collection process and attached to and mailed with the specimen.

2520.2.6 Specimen Collection of Strange and/or Unrecognizable Substances.

- a) An employee is observed with a strange and/or unrecognizable substance.
- b) The supervisor, in the presence of a witness, places the strange and/or unrecognizable substance into a clear plastic bag. The bag is sealed, labeled and signed by both the supervisor and the witness.
- c) An incident report is written by the supervisor and signed by both the supervisor and the witness.
- d) The plastic bag containing the specimen and a copy of the incident report is taken to the collection site for transportation to the laboratory for analysis.

2520.2.7 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.

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- 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.

2520.2.8 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 Medical Review Officer.

APPENDIX "C"

Safety-Sensitive Classifications and Functions:

Utility Maintenance I, II
Systems Operators I, II and III
Cross Connection Pretreatment Inspector
Meter Reader

Safety-Sensitive Function:

Operating any vehicle where a Class A or Class B driver's license would be required.

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POLICY TITLE: Workplace Violence Prevention Policy

POLICY NUMBER: 2525

2525.1 Purpose. The purpose of this policy is to maintain a zero-tolerance standard of violence in the workplace. 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.

2525.2 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.

2525.3 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.

2525.4 Prohibited Behavior.

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- 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 (including, but not limited to, firearms, knives and explosives) 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.

- 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;

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- 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 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 Man-

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ager 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:
 - i. Visiting the scene of an incident as soon as possible.
 - ii. Interviewing injured and threatened employees and witnesses.
 - iii. Examining the workplace for security risk factors associated with the incident, including any reports of inappropriate behavior by the perpetrator.
 - iv. Determining the cause of the incident.
 - v. Taking mitigating action to prevent the incident from recurring.
 - vi. 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.

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- 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:
 - i. To all current employees when the policy is first implemented. Employees will be required to sign a written acknowledgment that the policy has been received and read.
 - ii. 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.
 - iii. 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:
 - i. Preventive measures to reduce the threat of workplace violence, including procedures for reporting workplace security hazards.
 - ii. Methods to diffuse hostile or threatening situations.
 - iii. Escape routes.
 - iv. 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.

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POLICY TITLE: Vehicle Usage

POLICY NUMBER: 2530

2530.1 District Vehicles. This policy applies to employees who drive District vehicles assigned to them.

2530.1.1 During working hours, trips for personal purposes will be avoided. Occasionally, stopping briefly at a store en route to a business destination, or going to a restaurant (within close proximity of your work location) for a designated meal period is permitted.

2530.1.2 Other than the foregoing uses, District vehicles will not be used for any other personal purposes. This means that weekend or after-hours trips to the store (regardless of how close to home), trips back to the office to retrieve forgotten personal items, or any other non-business usage is not permitted.

2530.1.3 Those involved in an accident while driving a District vehicle must call the Sheriff/Police Department to make a report, regardless of the seriousness of the accident. Proof of insurance is maintained in each vehicle. A separate report must be filed with the Main Office for notification to the District's insurance company.

2530.1.4 District vehicle use is for District business only.

2530.2 Personal Vehicles. If a personal vehicle is driven on official District business, the employee will be reimbursed according to the number of District business miles driven. A detailed mileage log must accompany the request for mileage reimbursement. The employee must carry his/her own auto liability insurance as required by the California Vehicle Code. The employee's insurance will be primary to that of the District. The District will make every attempt to have a District vehicle available for business purposes.