

## Resolution No. 2020-21

### Exhibit A

Below represent the changes made to Resolution No. 2020-17, Mission Springs Water District Personnel Rules and Regulations:

Table of Contents – Updated page numbers

Footer – Revised “July 2020” to “January 2021”

Rule 1. General Provisions: added Rule 1. A General Manager

#### A. General Manager

1. General Manager to manage the day-to-day operations of the District. The Board holds the General Manager accountable for the effective operational management of the District.

2 General Manager has been delegated management authority over District employees[BM1] and has the authority to reasonably exercise his/her discretion to override any rule stated herein in order to protect the health or[OH2] safety of the District’s employees or customers or in response to exigent circumstances.

Rule 1.B. Non-Discrimination; Fair and Equal Employment – Revised “The District maintains a policy of non-discrimination and equal employment opportunities with respect to all current employees as well as applicants for employment. The recruitment process, and the terms and conditions of employment will be governed on the basis of merit, competence and qualification, and will not be influenced in any manner by race (including traits historically associated with race, such as hair texture and protective hairstyles including, but not limited to braids, locks and twists)[VBS3], religion, sex, sexual orientation, age, national origin, ethnicity, disability, veteran status, marital status, political belief or opinion, political affiliation or any other legally protected status. The District is an Equal Opportunity Employer and fully complies with applicable laws, rules and regulations including but not limited to Title VII, Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991; the Americans with Disabilities Act (42 U.S.C. Section 12101, et seq.); and the California Fair Employment and Housing Act (Government Code Section 12920, et seq.).”

Rule 2.B.3. Gratuities and Gifts – Revised “Seasonal gifts may be received by employees and/or District departments; but all such gifts shall be contributed by the receiving employee or department to a pool, ~~or~~ drawing, or made available to all employees of the District.”

Rule 3.B.1.a Confidential Information – Revised “Home addresses and telephone numbers of employees and/or customers.”

Rule 4.A. Definition – Revised “As used in this Rule, “property” means all hard and digital files, supplies, equipment, tools, offices, desks and furniture of any kind, closets, lockers, file cabinets, storage facilities, rooms, facilities, buildings, structures, and vehicles, including any such property owned, leased or otherwise provided by the District to any employee.[BM4]”

Rule 9 Dress and Grooming Standards – Revised “Employees whose jobs require them to come in contact with customers, suppliers, or the public are expected to wear apparel the District considers appropriate for dealing with the public. District management, in its reasonably exercised discretion, determines whether employees are appropriately dressed and groomed for work.”

Rule 9.A.2. Non-Uniformed Office and Field Personnel – Revised “Footwear such as sandals [OH5] [VBS6] that would not ordinarily be worn with professional clothing (e.g., gladiator sandals), thongs, and slippers are considered unacceptable.

Rule 9.A.3. Non-Uniformed Office and Field Personnel – Revised “All inappropriate dress shall be brought to the attention of supervisor, Department Head, and/or Human Resources immediately. If, in the opinion of the Department Head Human Resources, an employee is not adhering to the intent of this policy, the person will be informed that he/she must dress in accordance with the policy.”

Rule 9.B.6. Uniforms – Revised “Human Resources Management maintains sole discretion to determine whether an employee's outfit violates dress code and may send an employee home to change.”

Rule 11.A. Introductory Period – Revised “All new employees must complete to the District's satisfaction a 1-year introductory period beginning with the date of initial employment or promotion.”

Rule 12 - Promotion: added subsection B.

B. An employee who has been promoted to a higher classification (or voluntarily demoted to a lower classification in which they have not completed the required probationary period), shall serve a twelve (12) month probation for the classification. At the Department Head's discretion, an employee may have their probationary period extended by up to six additional months. An employee who fails probation in a classification to which he/she has promoted into will be entitled to be returned to their former class if there is a vacant and budgeted position available in the classification. The employee does not have the right to bump out a current employee who has filled his/her previous position.

Rule 13.A. Statement of Intent – Revised “Statement of Intent. Except as otherwise determined by the Board of Directors in accordance with Paragraph I of this Rule 13, the General Manager may layoff, transfer or demote any employee without disciplinary action and without any right of appeal, on the grounds and according to Paragraphs B through H of this Rule 13 and as otherwise provided in these Rules.”

Rule 13.D. Employee Rights – Revised “Employee Rights. A regular employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class in the same class series or in a lower classification in which the affected employee once had regular status and for which the affected employee meets the minimum qualifications for the position. For the purpose of this Paragraph and Paragraph E herein below, seniority means seniority as defined in Rule 13, Paragraph E, for all periods of full-time service at or above the classification level where the layoff is to occur. Probationary employees, emergency employees, temporary employees, provisional employees and/or seasonal employees affected by layoff shall not have any displacement or bumping rights.

Rule 13.E. Seniority – Revised “Seniority and Order of Layoff. Layoffs shall be by classification. Seniority, for purposes of layoffs, shall be determined first by time in the classification and, if time in the classification is equal, then by time in the Department. Before any full-time, permanent employees are laid off, the District shall first lay off all temporary and part-time employees within the affected employee classification.”

Rule 13.F. Employment Status – Revised “Employees within the same class shall be ranked for layoff according to performance based on the evaluations on file at least thirty (30) days and no more than twelve (12) months prior to layoff, as follows:

- a. First, all employees whose performance is “unsatisfactory”
- b. Second, all employees whose performance “needs improvement”
- c. Third, all employees whose performance is “satisfactory”
- d. Fourth, all employees whose performance is “very good”, and
- e. Fifth, all employees whose performance is “outstanding”

Rule 21.D.3. Driver Responsibility – Revised “An employee who receives a traffic or parking citation while operating a District vehicle for official District business, or while operating a private vehicle on official District business, must report such citation to his/her supervisor by the end of the employee’s work shift or upon the employee’s actual return to the District, whichever occurs first. A copy of the citation must be submitted to the HR department/supervisor within 24 hours. Payment of any fees, penalties, or fines for such citation is the responsibility of the driver.”

Rule 21.F.5. Citations – Added “[OH7]Citations - A copy of the citation and/or a report of an accident must be submitted to the HR department/supervisor within 24 hours unless doing so is impossible or impracticable. Failure to comply with this requirement will subject the employee to discipline.”

Rule 26.E.6. Sick Leave Use = General Rules and Procedure – Added:

- f. An employee on sick leave must exhaust all other paid leaves, including, but not limited to, vacation leave and administrative leave, before sick leave may be taken without pay. This provision shall not apply to accrued compensatory time off.
- g. Sick leave shall run concurrently with all other health-related but non-sick leave benefits, including, but not limited to, leave for work related injuries.
- h. Sick leave shall be limited to one (1) of the following:
  - i. Sick leave which does not qualify for benefits under the FMLA or CFRA, or other State or Federal law, shall be limited to the paid time accrued or authorized to be used pursuant to these Rules; or,
  - ii. Sick leave which qualifies for benefits under the FMLA, CFRA, or other State or Federal law, shall be limited to a period of twelve (12) weeks during the twelve (12) month period starting from the date the employee’s qualifying leave began, except that a longer period may be authorized for employees who establish a medical disability related to pregnancy, as provided in these Rules. The “date qualifying leave began” shall mean the date notice is given by the District that the leave is qualifying, or may be made retroactive to the date of the onset of the qualifying condition if the qualifying leave is later confirmed within fifteen (15) days after a request is made by the District that certification of qualifying leave be provided by a health care provider.
- i. Leave qualifying under the FMLA, CFRA or other State or Federal law for the employee’s own serious health condition shall be exhausted concurrently

with accrued paid sick leave or other sick leave qualifying under this sick leave policy. Such leave shall be confirmed by the employee in advance, where possible, or within fifteen (15) days after a request is made by the District that certification of qualifying leave be provided by a health care provider, on a form provided by the District.

- j. The District coordinates benefits with State Disability, therefore an employee utilizing State Disability to supplement their income while away from work can never earn more, or not exceed the amount they would have regularly been paid by the District. If this occurs, the employee must reimburse the District all monies in excess of their regular pay from the first paycheck they receive from the District upon their return to work.
- o. If an employee on sick leave has been absent from work for four (4) days or more, the District reserves the right to designate the employee's absence as Family Care Leave.

Rule 27.B.2. Permissible Uses – Revised ““**Family care and medical leave**” may be requested for (1) the birth or adoption of an employee's child; (2) the placement of a foster child with the employee; or (3) the serious health condition of an employee's child, registered domestic partner, spouse, parent, grandparent, grandchildren, or sibling[VBS8]; or (4) an employee's own serious health condition.”

Rule 27.B.6. Leave's Effect on Benefits – Added “Employee will be placed on COBRA if employee fails to return to work after exhausting his/her 12 weeks of FMLA leave.”

Rule 27.B.8. Designation of Protected Leave – Added “If an employee on sick leave has been absent from work for four (4) days or more, the District reserves the right to designate the employee's absence as Family Care Leave.”

Rule 27.E. Other Leaves of Absence – Revised:

Bereavement Leave - “When a full-time regular **or probationary** employee is compelled to be absent from work because of the death of the employee's parent, step-parent, grandparent, sibling, sister-or brother-in-law, spouse, domestic partner, child or legal dependent, grandchild, or a parent or child of a spouse or domestic partner, the employee may upon approval of the Appointing Authority, take up to five (5) days paid leave during a fiscal year, provided the employee has accrued at least eighteen (18) hours unused sick leave, to attend the funeral or memorial services.”

Leave for Organ and Bone Marrow Donation – “The District will grant an employee the following **paid** leaves of absence for the purpose of organ or bone marrow donation:

1. • A leave of absence of up to five **calendar** days **of paid leave** in any one-year period for the purpose of donating the employee's bone marrow to another person.
2. • A leave of absence of up to 30 **calendar** days **of paid leave plus an additional 30 business days of unpaid leave** in any one-year period for the purpose of the employee donating his or her organ to another person”

Rule 30.A.4. Application – Revised “Application. Reductions in pay or benefits which are part of a general plan to reduce salaries, wages or benefits, or to a general plan to eliminate positions or reduce services as determined by the Board of Directors of the District, shall not constitute disciplinary action, and as such, shall not be subject to this Rule ~~40 or Rule 41~~ or Rule - Appeal Procedure. Non-disciplinary

demotions and placing an employee on administrative leave is not disciplinary action and this Rule 30 and Rule 31 do not apply.”

Rule 30.B. Cause for Disciplinary Action:

30. – Revised “Failure to follow or ~~enforce~~[OH9] safe working practices and/or failure to report an injury promptly”

40 - Physical abuse or threats directed at supervisors, coworkers or members of the public; any act or threat of workplace violence or fighting on the job; or any violation of the District’s ~~Workplace Violence Policy (Rule 34)~~”

Rule 30.C.1.b. Verbal Reprimand – Revised “For repeated minor infractions or more serious infractions in the first instance, the employee ~~will~~ ~~may~~[OH10] be issued a verbal reprimand.”

Rule 30.C.1.c. Written Reprimand – Revised “For more substantial infractions or repeated minor infractions, the employee ~~will~~ ~~may~~[OH11] be issued a written reprimand.”

Rule 30.C.5. Discipline of Management Employees – Deleted “~~Discipline of Management Employees. Except for a violation of a major safety rule, employees exempt from payment of overtime compensation under the FLSA may not be subject to suspensions, temporary demotions (with a beginning and ending date), or temporary reductions in pay, other than in full [OH12] workweek increments, except as otherwise authorized by the FLSA.~~”

Rule 30.E.2. Exclusions – Revised “In addition to suspensions under ~~Paragraph C.3. (Major Discipline)~~9 ~~a~~ of this Rule, an employee may be suspended without prior written notice for more than ten working days in a pay period,”

Rule 33.A. Purpose of Policy – Revised “The District is committed to providing a workplace free of unlawful harassment, ~~regardless of whether the workplace consists of the District’s offices or some remote work location that is away from the District’s premises.~~ This includes sexual harassment (which includes harassment based on pregnancy, perceived pregnancy, childbirth, breastfeeding, or related medical conditions) and harassment based on gender, gender identity, and gender expression, as well as harassment based on such factors as race (~~including traits historically associated with race, such as hair texture and protective hairstyles including, but not limited to braids, locks and twists~~) , color, religion, religious creed (including religious dress and religious grooming), national origin, ancestry, citizenship, age, physical or mental disability, legally-protected medical condition or information (including genetic information), family care or medical leave status, military caregiver status, military status, veteran status, marital status, domestic partner status, sexual orientation, status as a victim of domestic violence, sexual assault or stalking, enrollment in a public assistance program, or any other basis protected by federal, state, or local laws.

Rule 35.A. Reasonable Suspicion – Revised “When a supervisor or manager has a reasonable suspicion that any employee is working in an impaired condition or otherwise engaging in conduct that violates this Guideline, the employee will ~~be relieved of duty and~~ asked to submit to a blood, urine or other testing or examination designed to detect drugs or alcohol. If the employee refuses to cooperate with the administration of the drug/alcohol tests, the refusal will be handled in the same manner as a positive test result. ~~While results are expected back, employee will be placed on paid administrative leave~~[OH13].[VBS14].[VBS15]”

Rule 36.4. Reasonable Suspicion Testing - Revised “When a supervisor or manager has a reasonable suspicion that an employee is using or is under the influence of drugs or alcohol, ~~the employee will be immediately relieved of duty and be~~ required to submit to drug and alcohol testing. ~~The employee will~~

be placed on paid administrative leave while awaiting test results. The observation must be based on short-term indicators, such as blurry eyes, slurring, or alcohol on the breath. The reasonable suspicion alcohol test will be administered within two hours of the observation. No test may be administered after eight hours following the observation. ~~Employee will be placed on paid leave while awaiting the results of drug test.~~

Rule 36.5 Drug Test - Added "In the case of a reported negative dilute result, the district will accept this result as a verified negative. No second collection will be required unless specifically requested by the Medical Review Officer."

Rule 36.5. Return to Duty Testing - Added "The employee agrees to execute a second chance agreement which outlines the conditions of employee's return to work." And "cost[OH16] associated with return to duty, such as SAP services, education, or treatment are the sole responsibility of the employee."

### Rule 38 Lactation Policy – Added Lactation Policy

An employee has a right to request a lactation accommodation. A reasonable amount of break time will be provided for any employee that needs to express breast milk for the employee's infant child each time the employee has a need to express milk.

#### A. Procedure for Requesting Lactation Accommodation

An employee may request a lactation accommodation by submitting a lactation accommodation request to the employee's department supervisor. The department supervisor must respond to the employee's accommodation request in writing on the same lactation accommodation request form submitted by the employee indicating the approval or denial of the break request. The completed request form must be returned to the employee and a copy sent to the human resources department.

The District reserves the right to deny, in writing, an employee's request for a lactation break if the additional break time will seriously disrupt operations.

#### B. Accommodations Provided

If approved, the employee will be provided a reasonable break time that, if possible, runs concurrently with any break time already provided to the employee. Additional unpaid break time will be provided if needed. Nonexempt employees must clock out for any lactation breaks that do not run concurrently with normally scheduled rest periods. Any such breaks will be unpaid.

The employee will also be provided a safe, clean, and private place to express milk that includes a surface to place a breast pump and other personal items, seating, and access to electricity or other charging device needed to operate an electric or battery-powered breast pump. The lactation room shall not be a bathroom and will be in close proximity to the employee's work area. The employee will also have access to a sink with running water and a refrigerator or other cooling system suitable for storing milk in close proximity to the employee's work area.

An employee may file a complaint with the Labor Commissioner if a reasonable lactation accommodation, including all the standards listed above, is not provided by the District.