



Agenda

San Miguel Community Services District

Organization & Personnel Committee Meeting

FRIDAY, March 11, 2016, 11:00 A.M.

SMCSD Boardroom 1150 Mission St. San Miguel, CA 93451

Cell Phones: As a courtesy to others, please silence your cell phone or pager during the meeting and engage in conversations outside the Boardroom.

Americans with Disabilities Act: If you need special assistance to participate in this meeting, please contact the CSD Clerk at (805) 467-3388. Notification 48 hours in advance will enable the CSD to make reasonable arrangements to ensure accessibility to this meeting. Assisted listening devices are available for the hearing impaired.

Public Comment: When public attendance is over ten (10) persons, the following policies will go into effect: Any person wishing to address the Board or Standing Committee, please complete a "Request to Speak" form located at the podium in the boardroom in order to address the Board of Directors on any agenda item. Comments are limited to three minutes, unless you have registered your organization with CSD Clerk prior to the meeting.

If you wish to speak on an item not on the agenda, you may do so under "Oral Communications." Any member of the public may address the Board of Directors on items on the Consent Calendar. Please complete a "Request to Speak" form as noted above and indicate which item number you wish to address.

Meeting Schedule: Regular Board of Director meetings are generally held on the fourth Thursday of each month at 7:00 P.M in the CSD boardroom. The Agenda's are posted on the CSD's website at: www.sanmiguelcsd.org

Agendas: Agenda packets are available for the public inspection 72 hours prior to the scheduled meeting at the Counter/ San Miguel CSD, Fire Station located at 1150 Mission St., San Miguel, during normal business hours. Any agenda-related writings or documents provided to a majority of the Board of Directors after distribution of the agenda packet are available for public inspection at the same time at the counter/ San Miguel CSD, Fire Station located at 1150 Mission St., San Miguel, during normal business hours.

I. Call to Order- 11:00 AM

II. Pledge of Allegiance Director Kalvans

III. Roll Call: Members Present

Chair Green_____

Director Kalvans_____

IV. Oral and Written Communications: Persons wishing to speak on a matter not on the agenda may be heard at this time; however, no action will be taken until placed on a future agenda. Speakers are limited to three minutes. Please complete a “Request to Speak” form and place in basket provided.

V. AGENDA

- 1. 4th Review and Discussion of Comprehensive Revision to District Personnel Guidelines and Policy Manual**

Staff Recommendation: Review and Discuss a Comprehensive Revision to District Personnel Guidelines and Policy Manual

M _____ S _____

- 2. Review and Discussion of adopted Uniform Fire Code requirements and standards**

Staff Recommendation: Review and Discuss of adopted Uniform Fire Code

M _____ S _____

VI. COMMITTEE COMMENT

This section is intended as an opportunity for Committee members to make brief announcements, request information from staff, request future agenda item(s) and/or report on their own activities related to District business. No action is to be taken until an item is placed on a future agenda.

VII. ADJOURNMENT

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss.
COMMUNITY OF SAN MIGUEL)

I, Tamara Parent, Account Clerk of San Miguel Community Services District, hereby certify that I caused the posting of this agenda at the SMCS D district office on March 7, 2016.

Date: March 7, 2016

Tamara Parent

Tamara Parent, Account Clerk



San Miguel Community Services District

Staff Report For Organization & Personnel Committee

March 11, 2016

AGENDA ITEM: V-1

SUBJECT: Comprehensive Revision to District Personnel Guidelines & Policy Manual

STAFF RECOMMENDATION:

Discuss and Make a recommendation to Board of Directors to approve and adopt a comprehensive revision to District Personnel Guidelines & Policy Manual.

BACKGROUND:

Attached to this staff report is a copy of the 4th comprehensive revision to existing District Personnel Guidelines and Policy Manual. Proposed revisions have been made to include Committee and District General Counsel comments and input. .

The attached Draft Policy document would replace the existing Guidelines and Policy Manual with a working document that would govern hiring, termination, workplace performance and basic employment practices.

ACTION DISCUSSION:

Staff recommends that the Committee discuss and make a recommendation to the Board to approve and adopt this comprehensive revision to the District's Personnel Policy.

PREPARED BY:

Darrell W. Gentry

General Manager

Attachment: 1. Comprehensive Revision to Draft District Personnel Guidelines and Policy Manual

2. Employee Performance Improvement Plan form



**SAN MIGUEL COMMUNITY
SERVICES DISTRICT
(4th Revision)**

**PERSONNEL GUIDELINES
AND POLICIES**

Adopted: _____

Resolution:

TABLE OF CONTENTS

Page

Chapter 1: Introduction	5
1.1 Disclaimer.....	5
1.2 Purpose and Scope of Guidelines	5
1.3 Equal Employment Opportunity Policy.....	5
1.4 Conflict with Other Policies.....	5
1.5 Severability.....	6
1.6 Amendment of Policies	6
1.7 Employment Constitutes Acceptance of Rules	6
Chapter 2: Employment Practices	7
2.1 Classification of Employees.....	7
2.2 Recruitment	8
2.3 Hiring.....	<u>1140</u>
2.4 Promotion	<u>1244</u>
2.5 Nepotism.....	12
2.6 Employee Evaluations	13
2.7 Training, Certification and Education	14
2.8 Outside Employment	14
Chapter 3: Working Conditions.....	<u>1615</u>
3.1 Regular Work Week	<u>1645</u>
3.2 Overtime Policy.....	<u>1645</u>
3.3 Hours of Work.....	<u>1746</u>
3.4 On-Call.....	<u>1746</u>
3.5 Meal/Break Time.....	<u>1847</u>
3.6 Attendance.....	<u>1948</u>
3.7 Pay Period	<u>1948</u>
3.8 Safety	<u>1948</u>
3.9 Accidents; Reporting.....	<u>1948</u>
3.10 Maintenance – Housekeeping	<u>2048</u>
3.11 Dress Code	<u>2049</u>
3.12 Tattoo and Piercing Policy.....	<u>2049</u>

Chapter 4: Compensation	<u>2221</u>
4.1 Benefits	<u>2221</u>
4.2 Holidays	<u>2322</u>
4.3 Vacation	<u>2423</u>
4.4 Sick Leave	<u>2524</u>
4.5 Military Leave.....	<u>2726</u>
4.6 Bereavement Leave	<u>2726</u>
4.7 Medical Leave	<u>2827</u>
4.8 Pregnancy Disability Leave.....	<u>2827</u>
4.9 FMLA/CFRA Leave	<u>2827</u>
4.10 Educational Training Time.....	<u>2928</u>
4.11 Jury Duty	<u>2928</u>
4.12 Voting	<u>3028</u>
4.13 Administrative Leave.....	<u>3029</u>
4.14 Leave of Absence Without Pay	<u>3029</u>
4.15 Unauthorized Leave of Absence	<u>3129</u>
4.16 School Activities Leave	<u>3129</u>
Chapter 5: General Conduct.....	<u>3231</u>
5.1 Purpose	<u>3231</u>
5.2 Scope	<u>3231</u>
5.3 Employee Duty to Report Dishonesty	<u>3231</u>
5.4 Investigation.....	<u>3231</u>
5.5 No Reprisals.....	<u>3231</u>
5.6 Policy Prohibiting Harassment and Discrimination.....	<u>3332</u>
5.7 Complaint Procedure	<u>3433</u>
5.8 Retaliation	<u>3534</u>
Chapter 6: No Smoking/Tobacco Policy	<u>3635</u>
6.1 Smoking.....	<u>3635</u>
Chapter 7: Drug and Alcohol-Free Workplace.....	<u>3635</u>
7.1 Scope and Purpose.....	<u>3635</u>
7.2 Definitions	<u>Error! Bookmark not defined.35</u>
7.3 Alcohol and Drug-Free Workplace Requirements	<u>Error! Bookmark not defined.36</u>
7.4 Drug and Alcohol Testing	36
7.5 Conviction of Alcohol or Drug-Related Crime	37
7.6 Discipline	37

7.7 Rehabilitation.....	37
Chapter 8: Conflict of Interest.....	38
Chapter 9: District Property.....	39
9.1 Use of the District Property	39
9.2 Use of the District Vehicles	39
9.3 Cellular Telephone Usage	39
Chapter 10: Disciplinary Action.....	41
10.1 General Rules of Conduct	41
10.2 Examples of Unacceptable Conduct.	41
10.3 Types of Disciplinary Action	41
10.4 Disciplinary Notice/Appeal Procedure	42
Chapter 11: Grievance Procedure.....	47
11.1 Grievance Procedure Steps.....	47
11.2 General Rules for Grievances.....	48
11.3 Expungement of Written Reprimands	48
Chapter 12: Employee Records	49
12.1 Personnel Records and Information	49
12.2 Release of Information.....	49
Chapter 13: Personnel Actions	50
13.1 Separation Procedures.....	50
13.2 Disciplinary Termination	50
13.3 Layoff Policy and Procedure:	50
13.4 Voluntary Resignations in Good Standing	51
13.5 Exit Interview	51
Chapter 14: Internet, E-mail and Electronic Communications	53
14.1 Rules Regarding Prohibited Use.....	53
14.2 Additional Guidelines	53
Chapter 15: Miscellaneous Policies	55
15.1 Political Activity.....	55
15.2 Desks/Lockers/Storage/Personal Inspections.....	55
15.3 District Visitors.....	55
15.4 Media Contact Policy	55
15.5 Phone Policy.....	55

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San Miguel Community Services District

Personnel Guidelines and Policy Manual

Chapter 1.0: —Introduction

The San Miguel Community Services District (“District”) expects every District employee to be thoroughly familiar with, and to comply with these Personnel Guidelines and Policy Manual (“Guidelines”).

1.1 Disclaimer

The Guidelines do not represent a contract, nor should they be relied upon as binding, ~~inflexible~~ promises made by the District. The District reserves the right to change, add to, or rescind any of the guidelines or policies at any time, as well as the right to determine their meaning, purposes, and effect.

~~**Guidance to Reader:** Use this manual as a guideline of what you may expect from the District and what the District expects of you.~~

1.2 Purpose and Scope of Guidelines

These Guidelines are intended to inform employees of the District’s position on basic employment-related subjects. They are not all-inclusive, but address those general topics most likely to be of interest to employees in the course of ordinary, day-to-day operations of the District. The Guidelines are to be used as a reference by employees and supervisors.

Guidance to Reader: These Guidelines apply to all employees of the District. An employee who fails to comply with one or more Guidelines may be subjected to disciplinary procedures as specified herein, up to and including termination.

1.3 Equal Employment Opportunity Policy

~~¶~~The District’s employment decisions are based on merit, qualifications, and the legitimate business-related needs of the District. ~~¶~~The District does not discriminate against its employees or applicants because of race, color, religion, sex, pregnancy, national origin or citizenship, ancestry, age, marital status, registered domestic partner status, mental or physical disability, political affiliation, medical condition, sexual orientation, gender identity or gender expression, veteran status, genetic information, or any other basis protected by law. Equal employment opportunity is extended by the District to all persons in all aspects of the employer-employee relationship, including recruitment, hiring, training, promotion, discipline, layoff, and termination.

1.4 Conflict with Other Policies

If a provision of these Guidelines conflicts with any provision of an applicable collective bargaining agreement entered into by the District and a recognized employee

organization, to the extent of such conflict, the provision of the collective bargaining agreement shall prevail.

1.5 Severability

If any section, subsection, sentence, clause, or phrase of these Guidelines is for any reason held illegal, invalid, or unconstitutional by decisions of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions.

1.6 Amendment of Policies

The General Manager or his or her designee may, at any time, make recommendations for the amendment and revision of these Guidelines to the Board of Directors (“Board”). However, amendments and revisions shall not be made until after consultation in good faith with representatives of recognized employee organizations representing employees of the District. Where the District is required to meet and confer under the law due to the nature of the issue, the District shall meet and confer with recognized employee organizations representing employees of the District.

1.7 Employment Constitutes Acceptance of Rules

In accepting employment with the District, each employee agrees to be governed by and to comply with the Guidelines and rules established by the General ~~M~~anager pursuant thereto, and rules, regulations, and directives of the department in which employee is employed. Each employee will receive a copy of these Guidelines and are expected to read and be familiar with its contents and provisions and shall sign the “Acknowledgement of Receipt” form acknowledging acceptance.

All employees holding a position with the District on the effective date of these Guidelines shall thereafter be subject in all respect to the provisions herein except where excluded from coverage.

Chapter 2: -0—Employment Practices

2.1 Classification of Employees

2.1.1 Probationary Employees – All District employees are considered probationary employees from their date of hire until they complete twelve (12) months of service with the District and entitled to accrue vacation, sick leave, comp time off and health benefits from date of hire and entitled to use sick leave time-off with General Manager approval from date of hire. Vacation leave time off is accrued from date of hire but may be only used after 6 months of employment from date of hire. Temporary employees who are later hired as regular District employees shall begin their probationary period starting from their first day of regular, non-temporary employment. The General Manager, in conjunction with the employee’s supervisor, using their sole discretion, may elect to extend the probationary period for any employee up to an additional three (3) months.

2.1.2 Regular Part-time Employees – Employees who have served the required probationary period satisfactorily, are not temporary employees, and are regularly scheduled to work fewer than forty twenty one (4025) hours per week in an established position on a year-round basis are part-time employees. Regular part time employees are also those who were employed as of November 27, 2012, and who are regularly scheduled to work at least twenty one (21) hours per week.

2.1.3 Regular Full-time Employees — Regular full-time employees are those who are regularly scheduled to work at least forty (40) hours per week, are not temporary employees, and who have successfully completed the probationary period.

2.1.4 Temporary Employees — Employees serving in a position in which the requirements of their services are temporary in nature are temporary employees. A temporary employee shall not work more than 1,000 hours in a fiscal year. This classification includes, but is not limited to, personnel employed for the following: seasonal workloads and emergency extra workloads. Temporary employees are not eligible for any employee benefits, except as required by law. A temporary employee may take time off without pay with the approval of the Supervisor-supervisor or General Manager and shall be permitted to take time off for the District-recognized holidays without pay.

2.1.5 Seasonal Employee — An employee assigned to work on less than a year round basis to cover seasonal peak workloads, emergency workloads of limited duration, necessary vacation and sick leave relief and other situations involving a fluctuating staff or fluctuating workload.

2.1.5 Exempt Employee — An employee who is exempt from the minimum wage and overtime requirements of the Federal Fair Labor 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.

2.1.6 Non-Exempt Employee — An employee who is not a bona fide Executive, Administrative, or Professional employee as defined by the FLSA. Non-exempt employees earn overtime pay in accordance with the overtime requirements of the FLSA.

2.2 Recruitment

2.2.1 Announcement

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

2.2.2 Applications

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

2.2.3 Examinations

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

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

The General Manager shall designate the procedure, time, place, and type of examination, the conditions under which it may be conducted, and the individual or competent agency who will conduct the examination. The District will make every reasonable effort to accommodate disabled applicants in the administration

of employment tests in accordance with applicable law. Examinations may be promotional, open, or continuous as directed by the General Manager. In making a decision regarding the type of examination, the General Manager will consider the availability of qualified interested personnel in the District workforce, the possible Affirmative Action implications, and the need for expediency in filling the position.

2.2.3.1 Open/Promotional Examinations

Any person who meets the requirements set forth in the open/promotional examination announcement may compete in open/promotional examinations. The General Manager may adopt and implement objective standards to initially screen applications in order to reduce the number of applicants to a manageable size.

2.2.3.2 Promotional Examinations

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

2.2.3.3 Continuous Examinations

Continuous examinations may be administered periodically for a single classification. Names shall be placed on eligibility lists and shall remain on such lists as prescribed in Section 2.2.4.

2.2.4 Eligibility Lists

2.2.4.1 Establishment

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

Applicants on the eligibility list for a particular classification may be certified by the General Manager for consideration to hire for a classification in an equal or lower salary range in the event that an eligibility list for that classification does not exist, provided that the applicant is qualified. This may be done only with the approval of the General Manager. Applicants will not be removed from the eligibility list pursuant to Section 2.2.4.3 if they refuse to accept employment in the lower classification.

2.2.4.2 Duration of Lists

All eligibility lists shall remain in effect until exhausted or abolished by the General Manager for due cause. As a general policy, eligibility lists shall remain in effect for not more than one (1) year. Eligibility lists may remain in effect for more than one (1) year at the General Manager's discretion and upon the recommendation of the Human Resources Director. The General Manager or Human Resources Director may abolish eligibility lists with three (3) names or less.

2.2.4.3 Removal of Names from Eligibility Lists

The name of any eligible candidate appearing on an eligibility list may be removed by the Human Resources Director if:

- The eligible candidate requests that his/her name be removed;
- The eligible candidate fails to provide notification of a change in address;
- The eligible candidate fails to attend a scheduled interview;
- The eligible candidate declined an interview on two (2) occasions;
- The eligible candidate declined an offer of employment;
- The eligible candidate was on an eligibility list as a result of a promotional examination and has subsequently left District employment; or
- The eligible candidate was on a list for a specialized classification within one department of the District and was determined to be unsuitable by the ~~Department Head~~Department head.

2.2.4.4 Disqualification

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

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

2.3 Hiring

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

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

If a vacancy is awarded to a current regular employee, that employee shall serve a twelve (12) ~~six (6)~~-month probationary period in that position with continued benefits for health care, sick leave, vacation and comp time-off. Within thirty (30) days of the move to the vacant position, the employee may return to their previous position with written notice to and approval by the General Manager.

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

2.3.2.1 Citizenship Verification — All employees must provide necessary documentation to prove identity and their right to work in the United States in accordance with Federal and State Immigration and Naturalization laws. Failure to provide such documentation will result in disqualification from selection and/ or immediate termination.

2.3.3 Probationary Period — The purpose of the probationary period is to give the District and the new employee the opportunity to determine whether employment relationship suits both parties. New employees may be eligible for health benefits under the Affordable Care Act after 90 days of employment if not enrolled in the District's health care coverage. During the probationary period, the District evaluates the employee's job performance, and it is expected that the employee will use this time period to determine whether the District employment is satisfactory to him or her. Generally, employee evaluations should be performed at 3 months and 6 months after date of hire and near the end of the 12 month probationary period, ~~near the completion of the 612-month introductory period,~~ the supervisor conducts a written performance evaluation to ascertain the advisability of continued employment on a regular basis. However, written evaluations may be done at any time during the probationary period if determined to be necessary by the Supervisor or the General Manager. Regardless of whether the supervisor completes a written performance evaluation, probationary employees are at-will and the District retains the right to terminate employment for any reason, or no reason, during the probationary period. Similarly, the probationary employee can end his or her employment at any time with at least two (2) weeks' notice.

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

2.4 Promotion

All regular employees of the District are eligible to apply and be considered for promotions for which they are qualified. An employee who is promoted shall serve a twelve (12) month probationary period in his or her new position.

2.5 Nepotism

2.5.1 Definitions:

2.5.1.1 "Relative" means spouse, registered domestic partner, child, step-child, step-sibling, parent, step-parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, cousin, niece, nephew, or in-laws of those enumerated by marriage or domestic partnership.

2.5.1.2 "Spouse" means two persons who have a valid marriage or two people who are registered domestic partners.

2.5.1.3 "Supervisory relationship" means one in which one employee exercises the right to control, direct, reward, or punish another by virtue of the duties and responsibilities assigned to his or her District appointment.

2.5.2 Policy as to Relatives

The General Manager has discretion not to appoint, promote or transfer a person to a position within the same department in which the person's relative already holds a position, when such employment would result in any of the following:

- Create a direct or indirect supervisory relationship;
- The two employees having job duties which require performance of shared duties on the same or related work assignment;
- Both employees having the same immediate supervisor; or
- A potential for creating an adverse impact on supervision, safety, security, morale, or efficiency that is greater for relatives than for unrelated persons.

2.5.3 Policy as to Employees Who Become Spouses or Domestic Partners

- If two District employees, who work in the same department, become spouses or become domestic partners, the ~~department head~~Department head has discretion to transfer one of the employees to a similar position in another

department with General Manager approval. Although the wishes of the employees in question will be given consideration, the ~~Department Head~~^{Department Head} retains sole discretion to determine which employee is to be transferred based upon District needs, operations, or efficiency. Notwithstanding any provision in these ~~Policies~~^{Guidelines}, any such transfer that results in a salary reduction is not disciplinary and is not subject to any grievance or appeal.

- If continuing employment of both employees cannot be accommodated in a manner that ~~department head~~^{Department head} finds to be consistent with the District's interest in the promotion of safety, security, morale, and efficiency, then the ~~department head~~^{Department head} retains sole discretion to separate one employee from District employment. Absent the voluntary resignation of one employee, the less senior employee will be separated. Notwithstanding any provision in these Policies, any such separation is not considered to be disciplinary and is not subject to any grievance or appeal.

2.6 Employee Evaluations

In order to provide employees with information concerning their employment progress and to identify areas to improve job performance, the employee's supervisor and General Manager will conduct formal written employee evaluations at least once per year. In the event that an employee's supervisor or the General Manager determines that a regular part-time or regular full-time employee's job performance has not improved after receiving a written evaluation, the superior or the General Manager may elect to establish a performance improvement plan (PIP), also known as a performance action plan to provide an employee the opportunity to succeed while still being held accountable for past performance. A PIP shall be used to address either failures to meet specific job performance-related or behavior-related issues. A PIP format and content shall conform to the guidelines provided in Exhibit "A" attached to this Policy Manual.

2.6.1 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.

2.6.2 Evaluation Procedure

The performance evaluation must be signed by the evaluator 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 as outlined in the Grievance Procedure in Section 7 Chapter 11 of these Guidelines. Employee evaluation grievances ~~stop at~~ will only be considered by the General Manager; they will not be heard by the Board. The General Manager may only modify employee evaluations if there is a compelling reason to do so.

2.7 Training, Certification and Education

It is the employee's responsibility to maintain all appropriate or required licenses and certificates for their positions. District will not pay for courses, credentials, licenses or certificates not required for their duty position. If an employee loses a required license or certificate, he or she may be subject to discipline that may include demotion or termination.

The District supports education and training programs that improve the skills, qualifications, performance, and proficiency of the District employees. In addition, some of the positions within the District require employees to possess certifications. It is each employee's responsibility to maintain state-mandated certificates or credentials necessary to the employee's job assignment. The District generally covers or reimburses class costs of required education and tests after successful completion of course or class and cost receipts are submitted for reimbursement and submitting receipts for course costs. before the class begins or before the administration of the required exam. If an employee fails a test required for certification then they will generally be responsible for all costs to re-take the tests.

Where the District requires the employee to take training or where the employee is required by his or her position to maintain certification, employees shall submit a written request for training or certification request to the General Manager or his or her direct supervisor.

2.8 Outside Employment

Any regular employee desiring to engage in outside employment shall first obtain a non-District conflict job approval from his or her supervisor or General Manager. The

employee shall submit a statement to his or her supervisor or General Manager naming the prospective employer, his address and telephone number, and outlining the proposed duties and hours of work. Approval may be denied if, in the opinion of the supervisor or General Manager, such outside employment is incompatible with the proper discharge of the employee's official duties. All such approvals shall be subject to renewal by the General Manager, and shall be re-submitted prior to January 10th each year to maintain a valid, continuous authorization.

Any violations of this section shall constitute sufficient grounds for disciplinary action, up to and including dismissal.

2.9 Job Descriptions and Duty Statements

It is the District's responsibility to develop and maintain job descriptions for each position within a table of organization established by the Board of Directors.

Exhibit "B" is incorporated herein by reference shall provide a listing of said descriptions by position and also provides a compensation schedule by position.

Specific contract employees, such as District Fire Chief and District Assistant Fire Chief shall be subject to annual work performance evaluations per individual agreements and subject to Section 2.6 provisions.

Chapter 3.0: Working Conditions

3.1 Regular Work Week

The regular workweek is forty (40) hours for all non-exempt full-time employees, ordinarily to be worked in five (5) eight-hour shifts, unless otherwise directed by General Manager or his or her designee. The workweek is defined as 12:01 A.M. Saturday through Friday 12:00 P.M. except for those personnel working an alternative work week schedule. Utility crew staff normal work schedule will be scheduled to meet District operational needs.

Safety/Personnel may be assigned alternate work schedules and an alternative workweek.

Operations and administrative staff may be assigned other work hours from time to time as determined by the department head or General Manager to best cover operational needs of the District. Employees shall report ready to begin work at the start of their shift and work until the shift ends.

3.2 Overtime Policy

Due to the nature of the service ~~we the District~~ provides the public, non-exempt personnel may be required to work overtime, which may include weekend duty along with days which are longer than eight hours in length.

All overtime hours worked shall be authorized in advance by the ~~department head~~ General Manager, or his or her designee specifically vested with this authority. Employees working overtime without prior approval by the appropriate individual may be subject to discipline.

3.2.1 Overtime Computation

All non-exempt employees who work in excess of his or her regular work schedule, normally eight (8) hours in a workday, or forty (40) hours in a workweek, shall be entitled to overtime compensation at the rate of time and one-half of their regular rate of pay, except as otherwise provided for in these Guidelines or in the applicable ~~Memorandum of Understanding~~ collective bargaining agreement.

Overtime provisions shall not apply to contract employees.

3.2.2 Overtime Compensation/Compensatory Leave Time

All overtime shall be compensated by compensatory time or by cash payment at the rate of one and one-half of the employee's regular hourly rate of pay. Overtime shall be compensated by cash payment only after the employee has accumulated ~~forty one hundred~~ (40) hours of compensatory time.

Non-exempt employees may earn compensatory time to a maximum of ~~forty~~ (40) ~~one hundred~~ (100) hours. Compensatory time may be "cashed in" once a year for a total of forty (40) hours only if the employee has at least forty (40) hours of compensatory time on record. Employees who leave his or her employment with

the District shall be allowed to use compensatory time earned prior to the effective ~~separation~~ ~~separating on~~ date.

Compensatory leave time shall be used before using vacation or sick leave time off. Employees may accrue up to a maximum per calendar year of sixty (60) hours of compensatory leave at any time. Compensatory time is not cashed out except upon the employee's separation from employment with the District, unless separated by the District.

Compensatory time earned by an employee, who is required to work in excess of the normal workweek, shall be recorded by the immediate supervisor of the employee on the time card.

3.2.3 Fire Protection Employees

Section 7(k) of the FLSA provides that employees engaged in fire protection may be paid overtime on a "work period" basis. A "work period" may be from seven (7) consecutive days to twenty-eight (28) consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bears the same relationship to 212 (fire) as the number of days in the work period bears to 28. For example, fire protection personnel are due overtime under such a plan after 106 hours worked during a 14-day work period.

<u>Work Period (days)</u>	<u>Maximum Non-Overtime Hours</u>
14.....	106

3.3 Hours of Work

Normal ~~o~~Office hours of the District, and the normal work schedule for administrative office staff, are 8:00 am until 4:30 pm, Monday through Friday. The normal schedule for the utility staff is Monday through Friday from 7:00 am until 3:30 pm.

Operations employees and office staff may be assigned other work hours from time to time as determined by the ~~department head~~ Department head or the General Manager to best cover the operational needs of the District and its customers. Employees shall report "ready" to work at the start of their shift, and work until the shift ends.

3.4 On-Call

A schedule is maintained by the Utilities ~~Department Head~~ Department head and approved by General Manager whereby Operations employees may be assigned, on a rotational basis, to be "on-call" on weekends, holidays and other times not considered regular hours of work for the District employees or assigned to work alternative workweek schedules.

3.4.1 Weekdays

On-Call/~~Week~~ ~~day~~ ~~end~~ Duty employees are paid \$1.50 per hour rate for each weekday they are on call. ~~one (1) hour at their Over Time ("OT") rate for each weekday they are on call.~~

If these employees are called into work during this time, they will be paid for any on-call hours worked at the OT rate.

3.4.2 Holidays and Weekends

On-Call employees receive \$2.00 per hour rate per day ~~three (3) hours pay per day at their OT rate~~ for each holiday or weekend day they are assigned to on-call duty, ~~during the winter months and four (4) hours pay per day at the OT rate during the summer (from April 1 to September 30th).~~

~~If an employee works more than these minimum hours they shall be paid for their time worked over the minimum at the OT rate. If an employee works less than the minimum of hours they shall still be paid for the minimum number of hours at the OT rate.~~

3.4.3 When an employee is on-call, he or she shall be provided a District cell phone. ~~The cell phone will be used which will provide to notification to the notification to~~ the employee on-call in the event of work immediately needed. The on-call employee is required to keep the cell phone in his or her possession during the entire on-call period of time. Notification of immediate work need may also be given orally, in person or telephonically, by the General Manager or Utilities Supervisor.

When an employee is assigned on-call duty, he or she shall be free to utilize his or her time as desired, but must remain within the ~~general~~ San Miguel Community Services District boundary area and be able to respond within twenty (20) minutes to any District facility. This will enable the on-call employee time to return to work in the event of an emergency call. On-Call employees need to remain unimpaired and able to perform all duties when on-call.

3.4.4 Call Backs

If an employee is not on call and he or she is called back to work, the employee will receive one (1) hour of Call Back Pay which is 1 hour of regular pay at straight time plus pay for his or her hours worked (at straight pay or OT rate depending on whether they have worked over 40 hours in the week).

3.5 Meal/Break Time

All employees working between four (4) hours and six (6) hours shall receive one fifteen (15) minute paid break. All employees working more than six (6) hours in a day shall receive two (2) paid fifteen (15) minute breaks (rest periods) in each day. The first shall occur approximately midway between their starting time and their meal time. The second shall occur approximately midway between their meal time and the end of their workday.

All employees working more than four (4) hours in a day shall receive an unpaid, off-duty meal period of not less than thirty (30) minutes and not more than one (1) hour. This meal must be taken no later than the end of the fifth (5th) hour of work. Employees working more than ten (10) hours receives a second meal period of not less than thirty (30) minutes and not more than one (1) hour. The second meal must be taken no later

than the end of the tenth (10th) hour of work. An employee working six (6) hours or less may waive the first meal break by written mutual consent between the employee and City. The second meal period may be waived by written mutual consent if the total shift is twelve (12) hours or less and the employee takes the first meal break. Employees may take on-duty meal periods in certain limited circumstances and must be agreed to in writing by the employee and City.

3.6 Attendance

Regular attendance by all employees is important to the successful operation of the District. Employees are expected to maintain a good attendance record and to report promptly for work in accordance with assigned work schedules.

3.6.1 Notice of Absence

Employees who must be absent from work are expected to notify their supervisor or General Manager, either directly or by a recorded message, as soon as possible but not later than the beginning of their assigned shift. The employee shall provide the general reason for, and the probable duration, of the absence. If the employee has a prolonged absence due to illness, he or she may be required to provide medical documentation upon request from the General Manager or his or her designee.

3.6.2 Tardiness/Absence

Employees are expected to report for their work shifts on time. Excessive or repeated tardiness may result in discipline up to and including termination.

If an employee is absent more than three (3) working days for any reason without notifying the employer, the employee may be considered to have voluntarily resigned.

3.7 Pay Period

The District's payday is generally every other Friday for the two-week pay period ending the previous Friday.

3.8 Safety

The District has [adopted Injury and Illness Prevention policies and](#) safety rules with which employees are expected to comply. [These policies are hereby incorporated by reference to the Personnel Guidelines and Policy Manual.](#) It is the responsibility of each employee to learn and observe all applicable safety practices, policies, directives, or procedures. In addition, each employee is responsible for maintaining a safe work environment. Safety-related questions, or reports of any unsafe working conditions, real or potential, should be directed to the General Manager.

3.9 Accidents; Reporting

Any work-related accident, or other accident occurring on the worksite, involving employees or other persons shall be reported to the General Manager, or his designee. Such reports must be made [in writing and submitted to General Manager](#) immediately following the accident, and in no event more than twenty-four (24) hours following the

accident on forms provided by the District. Employees are covered for employment-related injury or illness by the California Worker's Compensation Act. Under [California law the Act](#), failure to report or delays in reporting a work-related injury or illness may result in a loss of benefits.

3.10 Maintenance – Housekeeping

Each employee is responsible for the condition and maintenance of the equipment he or she uses on the job. The employee should report to the department supervisor or the General Manager any equipment which is damaged, worn, or in need of maintenance. Employees should direct any safety concerns regarding the use of equipment to his or her supervisor.

Cleanliness and orderliness are important to the operation and safety of the District. Employees are responsible for keeping their work areas clean and orderly. [Employees shall conduct pre-operation inspections of vehicles and equipment as well as report any repairs made and perform any minor repairs, or initiate a work or service order request to repair said vehicle or equipment. Employees shall maintain their work areas and equipment or initiate a service work order request for repairs.](#)

3.11 Dress Code

All Utility and Fire employees that are required to wear uniforms shall wear the appropriate uniform for their work area. If an employee is governed by an MOU, the employee should follow the rules pertaining to his or her dress code as outlined in the 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.

Utility employees may be reimbursed up to \$150 per fiscal year to cover the cost of ~~uniforms, protective clothing and~~ footwear that employees are required to wear to perform the District work. [Employees that acquire footwear and uniforms with District logos or identifications may not wear these items while off-duty. Off duty firefighters may wear their District provided t-shirts, if on-call or stand-by duty.](#)

Neatness, cleanliness, and good personal hygiene are expected of all the District employees while working. Employees should dress appropriately, in good taste, and according to the requirements of her or his position.

~~Employee uniforms remain the property of the District and must be returned at the termination of employment with the District, or otherwise when requested.~~

3.12 Tattoo and Piercing Policy

Employees of the District are expected to project a professional appearance while at work. Towards that end, employees are expected to comply with the following rules:

Tattoos:

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 association.
2. Any visible tattoos cannot be obscene, sexually explicit, or otherwise violate the District's policy against unlawful harassment or discrimination. Extremist, ~~and~~/or gang-related tattoos are also not permitted.
- ~~2.3.~~ Visible tattoos for religious purposes or reasons shall be allowed for religious reasons or purposes that the employee provides information of religious affiliation or association related to said tattoo(s).
- ~~3.4.~~ Visible tattoos may not be larger than 4 to 6 inches.
- ~~4.5.~~ Any non-conforming tattoos must be covered with clothing or a bandage while at work, or must be removed.
- ~~5.6.~~ If an employee has a question about the tattoo policy, he or she should raise it with their supervisor.

Piercing:

1. 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 lobes.
- ~~1.2.~~ Piercings, as described herein, shall be allowed if the employee provides information of religious affiliation or association related to said piercing(s).
- ~~2.3.~~ Any non-conforming piercing shall be removed, covered with a bandage, or replaced with a clear, plastic spacer while the employee is working.
- ~~3.4.~~ If an employee has a question about the piercing policy, the matter should be raised with his or her supervisor.

Chapter 4.0: — Compensation

4.1 Benefits

4.1.1 Health – Medical Insurance Benefits

The District provides paid group medical insurance benefits, through CalPERS, for eligible employees and one dependent per employee. Eligible employees include all employees regularly scheduled to work at least 25 hours per week and CalPERS members. Employees may elect to cover costs associated with additional dependents through a payroll deduction. Employees are encouraged to consult with Human Resources regarding eligibility, costs and enrollment procedures.

Eligible employees may enroll in group health benefits on their hire date.

4.1.2 Retirement Health Benefits – Current Employees and Annuitants Hired before May 1, 2013

The District currently provides retirement health benefits to eligible employees through CalPERS. These benefits are governed by the District's contract with CalPERS (including the plan documents), California state law, and applicable regulations. Should you want to review the plan or have further questions regarding this benefit, please call the District representative, who is currently the Finance Officer, and set up an appointment to go over the plan. The District reserves the right to change or discontinue this plan, consistent with any legal obligations it may have.

4.1.3 Retirement Health Benefits - Employees hired after May 1, 2013

The District currently provides retirement health benefits to eligible employees through CalPERS. These benefits are governed by the District's contract with CalPERS (including the plan documents), California state law, and applicable regulations. Should you want to review the plan or have further questions regarding this benefit, please call the District representative, who is currently the Finance Officer, and set up an appointment to go over the plan. The District reserves the right to change or discontinue this plan, consistent with any legal obligations it may have.

The following is the Vesting Schedule for Employees hired as of May 1, 2013:

Credited Years Of Service	Percentage of Employer Contribution
10	50%
11	55%
12	60%
13	65%

14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20 or more	100%

The credited service for purposes of determining the percentage of employer contributions shall mean service as defined in Government Code Section 20069 except that not less than five years of that service shall be performed entirely with ~~the San Miguel Community Services~~ District.

The percentage of employer contribution payable for post-retirement health benefits for each annuitant shall be based on the employee's completed years of credited service based upon Government Code Section 22893.

4.2 Holidays

Full-time ~~the~~ District employees, both regular and probationary, are paid for the following the District Holidays whether or not they are scheduled to actually work on that holiday. Full-time employees receive eight (8) hours of holiday pay at straight time on the observed holiday. Temporary and part-time employees are not eligible for holiday pay.

The District generally recognizes the following ~~twelve~~~~thirteen~~ (12) days as paid holidays:

New Year's Day	Thanksgiving Day
Martin Luther King Jr. Day	Friday Following Thanksgiving
Presidents' Day	Veterans' Day
Memorial Day	½ Day Christmas Eve
Independence Day	Christmas Day
Labor Day	½ Day New Year's Eve

If a District-paid holiday falls on a Saturday, eligible employees are generally given the preceding Friday off. If a District-paid holiday falls on a Sunday, employees are generally given the following Monday off. If the day of holiday observance falls during an employee's vacation period, and falls on a day the employee is regularly scheduled to work (but for his or her vacation), that day shall be considered as a paid holiday and not vacation time.

4.3 Vacation

Full-time ~~the~~ District employees, both regular and probationary, are eligible for vacation benefits. Employees are encouraged to use their accrued paid vacation time. Employees who are normally scheduled to work fewer than 40 hours per week, and temporary employees, are not eligible for vacation accrual.

4.3.1 Accrual

Employees must complete six (6) months of employment with the District prior to using any accrued vacation benefits. Employees shall not accrue vacation time during any period of unpaid absence from work.

Employees accrue vacation benefits beginning the first pay period of employment in accordance with the following schedule, which is based on bi-weekly pay periods of eighty (80) hours (i.e., based on a full-time schedule):

<u>YEARS OF SERVICE</u>	<u>VACATION BENEFIT PER PAY PERIOD</u>	<u>WEEKS PER YEAR</u>	<u>ACCRUAL CAP</u>
00 – 04 Years	3.08 Hours	2 Weeks	160 Hours
05 – 14 Years	4.62 Hours	3 Weeks	240 Hours
15, plus Years	6.15 Hours	4 Weeks	320 Hours

Upon separation of employment for any reason, the District shall compensate the employee for his or her unused, accrued vacation time at the employee's then-current straight time rate of pay.

The District does not require an employee to take vacation time during periods of illness. However, the employee may elect to take vacation time in case of extended illness where paid sick leave, if any, has been exhausted.

Vacations may be taken at any time during the year upon advance approval of the employee's supervisor and the General Manager.

4.3.2 Vacation Benefit Cap

Employees are encouraged to use their vacation benefits. No employee shall be eligible to accrue more than a maximum of two times her or his annual entitlement to vacation pay at one time. Once an employee reaches this cap, the employee will cease accruing any additional vacation pay. When the employee uses enough vacation pay to fall below the cap, the employee will start accruing vacation pay again.

4.3.3 Vacation cash-out

An employee may cash-out up to two (2) weeks of vacation each fiscal year provided that the employee has at least two weeks of vacation available after any cash-out.

4.4 Sick Leave

In accordance with the Healthy Workplaces/Healthy Families Act of 2014, the District recognizes that employees will need days off from work from time to time to address their medical needs.

4.4.1 Applicability

This policy applies to non-regular (seasonal, limited term, ~~and~~/or temporary) employees (exempt and non-exempt) who, on or after June 28, 2015, work for the City for ~~thirty (30)~~ or more days within twelve (12) months from the beginning of employment and who are not eligible for any form of “comprehensive leave” benefit provided by the District to other employee groups.

Employees not covered by this policy are those who are eligible for the more generous “comprehensive leave” benefit provided by the District pursuant to a ~~memorandum of understanding~~ collective bargaining agreement (represented employees), employee benefits resolution (non-represented employees) or an employment agreement.

4.4.2 Entitlement

An employee working for the District, on or after July 1, 2015, for thirty (30) or more calendar days within a year is entitled to paid sick leave.

Non-regular (seasonal, limited term, ~~and~~/or temporary) employees covered by this policy (~~“Employees”~~) are entitled to 3 days or 24 hours of paid sick time annually which may be used per fiscal year or after the ninetieth (90th) day after the first date of employment, whichever comes first. Twenty-four (24) hours shall be the maximum benefit except in situations where a day in an Employee’s regular work schedule is longer than an 8-hour day (e.g. an Employee who works four, 10-hour days per week.) In such cases, a “day” shall be the equivalent of the hours in the Employee’s regularly-scheduled work day.

Public sector employees, who are a recipient of a retirement allowance and employed without reinstatement into his or her respective retirement system, are not entitled to Paid Sick Leave under this policy.

Paid sick leave made available under this policy has no cash value, and the [District](#) does not pay Employees for available sick leave at separation.

The amount of paid sick leave available to an employee will be reflected on his or her pay stub every pay period.

4.4.3 Usage

An Employee may use available paid sick days beginning on the 90th day of employment. However, at its sole discretion, the District may allow the use of paid sick leave to an Employee in advance of the 90th day of employment with proper documentation.

The District shall allow the use of paid sick days upon the oral or written request of an Employee for themselves or a family member for the diagnosis, care or treatment of an existing health condition or preventative care, or specified purposes for an Employee who is a victim of domestic violence, sexual assault, or stalking, the purposes described in Labor Code section 230(c) and Labor Code section 230.1(a).

“Family member” for purposes of this paid sick leave policy means:

- A child (biological, adopted, or foster child, stepchild, legal ward, or child to whom the Employee stands in loco parentis, regardless of the age or dependency status);
- A biological, adoptive, or foster parent, stepparent, or 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;
- A spouse;
- A registered domestic partner;
- A grandparent;
- A grandchild;
- A sibling.

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The Employee must provide reasonable advance notification, orally or in writing, of the need to use sick leave, if foreseeable. If the need to use sick leave is not foreseeable, the Employee must provide notice as soon as practicable. The District will not condition the use of sick leave on the Employee finding someone to cover his or her work.

Employees must use sick leave in at least one (1.0) hour increments.

Employees will only receive paid sick time for the number of hours they would have worked during their scheduled shift. For example, if the Employee was scheduled for a four hour shift, they will be compensated with four hours of paid sick time only.

Employees will be provided the total amount of sick leave that may be used per fiscal year (24 hours or 3 days) at the beginning of each fiscal year beginning in July, or the first date of employment, whichever comes first, therefore no accrual or carry-over is permitted.

The District will limit the use of paid sick days to 24 hours or three days in each fiscal year of employment.

For returning non-regular employees who have completed 90 days of employment and have a break in service of less than one year, paid sick time will be earned as outlined above. However, these returning non-regular employees are not required to wait for a subsequent 90th day of employment to use their paid sick leave. They will have access to their available sick leave for that year immediately upon re-employment with the City; provided their returning start date is within 12 months of their previous departure date.

For returning non-regular employees who have not completed their 90 days of employment and have a break in service, paid sick time will also be earned as outlined above. However, these returning non-regular employees will need to wait for a subsequent 90th day of employment to use their paid sick leave.

4.4.4 Retaliation Prohibited

Paid Sick Leave law protects employees who use sick leave, request to use sick leave, file a complaint with the Labor Commissioner's Office, allege a violation of these rights, cooperates in an investigation or prosecution, or oppose a policy or practice prohibited by the Paid Sick Leave law.

Retaliation prohibits the District from denying an employee the right to use paid sick leave, discharging or threatening to discharge an employee for using or requesting to use paid sick leave, demoting or suspending an employee for using or requesting to use paid sick leave, or in any manner discriminating against an employee because he or she uses paid sick leave or requests paid sick leave.

If an employee feels that he or she has been discriminated against for using paid sick leave or attempting to use paid sick leave, please inform Human Resources as soon as possible.

4.5 Military Leave

Employees are provided military leave in accordance with State and Federal laws. An employee requiring this type of leave shall provide the General Manager or his or her designee, whenever possible, with a copy of the military orders specifying the dates of leave, site, and purpose of activity or mission.

An employee who interrupts his District service because of extended military leave shall be compensated for accrued vacation at the time the leave becomes effective.

4.6 Bereavement Leave

Bereavement leave may be taken to make arrangements necessitated by the death of a family member or to attend the funeral or memorial service for a family member.

Employee ~~is granted~~ ~~may use up to a maximum of~~ three (3) days of paid leave to take time off on the account of the death of a member of his or her immediate family or up to five (5) days if the employee is required to travel more than two hundred fifty (25) miles from his/her residence.

For purposes of this policy, "immediate family" is employee's spouse, domestic partner, child, step-child, parent, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, cousin, niece, nephew, or in-laws (or analogous relationship of those enumerated above in connection with a domestic partnership). Under special circumstances the General Manager may grant additional time beyond three (3) days when approved in advance.

Usage of this leave shall not be charged against employee's accrued sick leave or vacation leave.

4.6 — Medical Leave

~~Employees who are temporarily unable to work because of a medical condition may request a medical leave of absence. Employees granted a medical leave are required to exhaust any accrued paid sick leave during the absence. Employees may, but are not required, to exhaust any accrued unused vacation during an otherwise unpaid medical leave.~~

~~A request for medical leave must be accompanied by medical certification from the employee's health care provider that the employee is unable to work, and a statement of the anticipated duration of the need for medical leave. An employee who plans to take a medical leave must provide reasonable notice of the date the leave will commence, the estimated duration of the leave, and the date on which it is expected that the employee will be able to return to work. When an unplanned medical situation or emergency occurs that does not allow the employee to provide advance notification of the need for a medical leave, the employee must notify the General Manager of the situation within three (3) working days of an absence.~~

~~Employees who must be absent from the workplace for an extended period due to an injury or illness, must maintain regular communication with their supervisor. The purpose of this communication is to keep the District informed of the employee's return-to-work status.~~

4.6 Pregnancy Disability Leave

An employee is entitled to a leave of absence for the period of time that she is required to be absent from work due to pregnancy-related disability, including childbirth, for up to a maximum of four (4) months. The employee must exhaust her accrued paid sick leave time, during the pregnancy disability leave, and ~~prior to electing may elect to use using~~ her accumulated paid time off benefits (e.g., vacation, comp time), during any such period of leave.

4.7 FMLA/CFRA Leave

Under the Family Care and Medical Leave Act ("FMLA") and California Family Rights Act ("CFRA"), employees who have at least twelve (12) months of service with the District, and have worked at least 1,250 hours in the preceding 12-month period, may request an unpaid leave for family care or medical reasons. This leave may be up to 12 workweeks in a 12-month period for the birth, adoption, or foster care placement of a child with the employee, or for the employee's own serious health condition or the serious health condition of the employee's child, parent, spouse or registered domestic partner, or in connection with the call to active duty of a family member. In addition, eligible employees may request up to twenty-six (26) weeks in a 12-month period to care for a family member (including a "next of kin") with a serious health condition incurred while on active military duty.

In order to be eligible for leave under the FMLA/CFRA, employees must work at a District facility employing at least fifty (50) employees in a seventy-five (75) mile radius.

If the District employs fewer than 50 individuals at the time an employee requests an FMLA/CFRA leave, the employee will not be eligible to take such a leave.

Employees, who are eligible to, and do, take a leave under this policy will be reinstated at the conclusion of the leave to the same or to a comparable position, in accordance with state and federal law.

If possible, employees must provide at least thirty (30) days' advance notice for foreseeable events (such as the expected birth of a child or a planned medical treatment for the employee or for a family member). For events, which are unforeseeable, employees must notify their immediate supervisor, at least verbally, as soon as the employee learns 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 the employee complies with this notice policy.

The District requires certification from the employee's health care provider before allowing an eligible employee a leave for his or her own serious health condition. In addition, the District requires certification from the health care provider of the employee's child, parent, spouse or registered domestic partner with has a serious health condition before allowing a leave to take care of that family member. When medically necessary, leave may be taken on an intermittent or reduced work schedule.

For eligible employees taking a leave for the birth, adoption, or foster care placement of a child, the basic minimum duration of such leave is two weeks, and must be concluded within one (1) year of the birth or placement for adoption or foster care.

Taking an FMLA/CFRA leave may affect certain employee benefits or seniority date. Employees who want more information regarding eligibility for a leave or the impact of the leave on seniority and benefits should contact the [General Manager/Finance Officer](#).

4.8 Educational Training Time

In support of the District's overall belief in the continuing education and development of staff, employees may request educational leave for time spent attending classes, training, seminars, or other training specified or approved in advance by the General Manager, [if mandated by new regulatory requirements for an individual position or there is a demonstrative value to the District as determined by the General Manager or Board](#). The amount of the educational time granted, if any, and whether or not some or all of the time will be paid, will be determined in advance of attendance and at the sole discretion of the General Manager.

Employees will be paid their regular wages, [if job requires certification or recertification for their position or work duties](#) when required to attend classes or courses [during normal work hours](#) for the benefit of the District, or [only](#) when needed for the employee's continuing education for required licenses or certification.

4.9 Jury Duty

Any employee who is summoned for jury duty will be allowed time off as necessary to fulfill jury duty responsibilities. A copy of the subpoena or order requiring such duty

must be submitted to his or her supervisor within three (3) working days of receipt in conjunction with a leave request.

Employees will receive paid time while serving on jury duty if it occurs during their normal work days. Employees who are normally scheduled to work twenty-one (21) hours or more per week qualify for pay. Upon release from jury duty employees shall provide a receipt from the Court Clerk verifying times away from work.

4.10 Voting

Any employee whose work schedule effectively prevents him or her from voting in a federal, state, or municipal election before or after work hours, or during break time, shall be permitted paid leave for this purpose not to exceed two (2) hours.

4.11 Administrative Leave

The District shall have the right to place an employee on administrative leave at any time with full pay when in the District's discretionary opinion the continuing presence at the job site during an administrative investigation into the employee's fitness for duty or misconduct would create or may tend to create a disruption to the working environment or may possibly impact the efficient operations of the department.

4.12 Leave of Absence Without Pay

Upon written request by the employee and the recommendation of the ~~Department Head~~Department head, a leave of absence without pay may be granted by the General Manager or his or her designee to an employee for a period of time not to exceed a total of six (6) months for personal reasons where other leave provisions are not available. If other leave provisions are available this leave will run concurrently with such other leave.

Request for leave of absence without pay shall state specifically the reason for the request, the date when the employee desires to begin leave, and the probable date of return.

Employees shall not accrue vacation leave, sick leave, increases in salary except ~~(Cost of Living Adjustments)~~; or all other paid leaves while on unpaid leave. The District is not required to maintain contributions toward group health, dental and vision insurance or other fringe benefits while on unpaid leave of absence, unless otherwise provided by law. Said employee shall be entitled to maintain such benefits in effect; provided, that the employee pays the insurance monthly premiums.

Employees returning to work following a leave of absence shall retain their accumulated leave, if otherwise not used. Upon the return from authorized leave of absence the employee shall be reinstated to his/her former position or to a comparable one if the former position is abolished during the period of leave.

Failure of the employee to return to his or her employment upon the termination of any authorized leave of absence shall, except under extraordinary circumstances, constitute a separation from service of that employee.

4.13 Unauthorized Leave of Absence

Unauthorized leave of absence shall be considered to be without pay and reductions in the employee's pay shall be made accordingly. An employee is deemed to have resigned if the employee is absent for more than three (3) consecutive working days without prior authorization and may result in termination of employment. Such termination shall not be subject to appeal.

4.14 School Activities Leave

Any ~~agency~~ employee who is a parent, guardian or grandparent having custody of one or more children in kindergarten or grades 1 through 12 or attending a licensed day care facility shall be allowed up to forty (40) hours each school year, not to exceed eight (8) hours in any calendar month of the school year, without pay, to participate in activities of the school of their child. Such employee must provide reasonable advance notice of the planned absence. The employee may use accrued vacation ~~and~~ or compensatory time off to cover the absence. The District may require the employee to provide documentation from the school as verification that the employee participated in school activities on a specific date and at a particular time. If both parents, guardians or grandparents having custody, work for the agency at the same work site, only the first parent requesting shall be entitled to leave under this provision.

Chapter 5.0: — General Conduct

5.1 Purpose

The District is a public entity whose mission involves the public trust. This policy requires that each and every employee, vendor, contractor or other party that works for or with the District is required to act honestly and truthfully with respect to the District business at all times. The District will not tolerate any form of dishonesty or fraud.

5.2 Scope

The term dishonesty includes dishonest speech (for example, lying) and dishonest acts (for example, theft), as well as fraud, and misappropriation of funds or property. Dishonesty also shall include, but is not limited to:

- A. Any dishonest, fraudulent, or otherwise unlawful act;
- B. Misappropriation or misapplication of funds, property or other assets;
- C. Profiting on insider knowledge;
- D. Destroying or taking without authorization any the District records, property or other assets;
- E. Forgery or altering the District documents or the documents of third parties submitted to the District;
- F. Unauthorized disclosure of the District's confidential information, including but not limited to information discussed in Closed Sessions of the Board.
- G. Falsely reporting transactions, events, work schedules or other the District events;
- H. Receiving kickbacks, gifts from valued over \$10 from any single source per year, or other favors.

5.3 Employee Duty to Report Dishonesty

Any employee who believes that an act of dishonesty in violation of this Policy has occurred shall immediately contact either their supervisor or the General Manager. In the event that the employee is unable, for any reason, to report the conduct to their supervisor or to the General Manager, or in the event that the General Manager is the person accused, the employee shall report the conduct to the District Board President or Board Clerk in absence of Board President. This report may be made in writing or orally.

5.4 Investigation

The General Manager or other person appointed by the —District Board of Directors shall investigate any report of dishonesty promptly and thoroughly. Furthermore, to the extent possible and compatible with an investigation, a report of dishonesty shall be kept confidential. Following the investigation, the General Manager or the District Board of Directors, as necessary and appropriate, shall take appropriate corrective action, including discipline or termination. In all events, the investigation and corrective action shall be accomplished as soon as possible.

5.5 No Reprisals

The District prohibits retaliation of any kind against a reporting employee or any other employee who has assisted in any way in the investigation of a report of dishonesty.

5.6 Policy Prohibiting Harassment and Discrimination

Harassment and discrimination in employment on the basis of sex, race, color, national origin, ancestry, citizenship, religion, age, physical or mental disability, medical condition, sexual orientation, gender identity or gender expression, veteran status, marital status, registered domestic partner status, genetic information, or any other protected basis is prohibited by federal ~~and/or~~ state law. The District does not tolerate unlawful discrimination or harassment in the workplace or in a work-related situation. Unlawful discrimination and harassment is a violation of these ~~Guidelines-District's rules-of conduct~~. Section 5.6 through 5.8 shall also include and shall be applied to members of the District Board of Directors including the use of complaint procedures described herein.

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

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

5.6.2 Sexual harassment under ~~S~~state and ~~F~~Federal laws includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the employee's performance, appraisal, assigned duties, or any other condition of employment or career development; or
- such conduct is offered in order to receive special treatment or in exchange for or in consideration of any personal action

Sexual harassment also includes any act of retaliation against an employee for reports of violation of this policy or participating in the investigation of a sexual harassment complaint.

Other examples of sexual harassment includes unwelcome sexual flirtations or propositions; verbal abuse of a sexual nature; graphic verbal comments about an individual's body; sexually degrading words used to describe an individual; e-mails that may be inappropriate, offensive, harassing, or creating a hostile work environment; and the display in the work environment of sexually suggestive objects or pictures, posters, jokes, cartoon, or calendar illustrations. Sexual harassment conduct need not be motivated by sexual desire.

5.6.3 Abusive Conduct/Workplace Bullying

Abusive conduct or workplace Bullying of the District's employees, by any person in or from the work environment, is strictly prohibited. Abusive conduct or workplace bullying is the conduct of any employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interest. Abusive conduct or workplace bullying includes, but is not limited to:

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

5.7 Complaint Procedure

5.7.1 Internal Complaint Procedure

Any individual who believes that he or she is the object of harassment or discrimination on any prohibited basis, or who has observed such harassment or discrimination, or who believes he or she has been subjected to retaliation, should first notify his or her supervisor, the District's General Manager or his or her designee either in writing or verbally. The District will investigate the matter and take such action as is warranted under the circumstances, which may include discipline up to and including termination. If a complaint is made against the General Manager, then the employee should report the issue to the San Miguel CSD Board President.

The District will maintain strict confidentiality ensuring the privacy of all parties concerned.

5.7.2 Agency Complaint Procedure

Both the state and federal governments have agencies whose purpose is to address unlawful discrimination in the workplace. If an individual who provides services to the District believes he or she has been harmed by unlawful workplace

discrimination or harassment, and is not satisfied with the District's response to the problem, he or she may file a written complaint with these agencies. For the State of California, the agency is called the Department of Fair Employment and Housing ("DFEH"). The local address for the DFEH is 1277 East Alluvial Avenue, Suite 101, Fresno, California 93720 (559) 244-4760. For the federal government, the agency is called the Equal Opportunity Commission ("EEOC"). The local address for the EEOC is 2300 Tulare Street, Suite 215, Fresno, California 93712.

5.8 Retaliation

Retaliation against any individual for making a report, or for participating in an investigation, under this policy is strictly prohibited. Individuals are protected by law and by District policy from retaliation for opposing unlawful discriminatory practices, for filing an internal complaint under this policy or for filing a complaint with the DFEH or EEOC, or for otherwise participating in any proceedings conducted by the District under this policy ~~and~~/or by either of these agencies.

Chapter 6-0: No Smoking/Tobacco Policy

6.1 Smoking

The District is committed to a philosophy of good health and a safe workplace. In keeping with this philosophy, smoking is not permitted inside the District offices, vehicles or enclosed work areas or anywhere else prohibited by law.

Chapter 7: Drug and Alcohol-Free Workplace

7.1 Scope and Purpose

The District recognizes the problem of substance abuse, ~~which we perceive~~ as a serious threat to the welfare of ~~our District~~ employees and the public. To address this problem, the District has implemented a “Drug and Alcohol-Free Workplace Policy” ~~(the “Policy”).~~ The ultimate goal of this Policy is to maintain a safe, productive, drug- and alcohol-free working environment.

Towards that end, the use, possession, distribution, or sale of alcohol or illegal drugs at the workplace, or elsewhere while conducting the District business, is prohibited and is considered a violation of District policy without the prior consent of the General Manager. The District also prohibits intoxication or impairment on the job because of alcohol or drugs. All employees must report to work in a condition fit to perform their jobs safely and efficiently.

All employees or prospective employees shall be required to read and acknowledge receipt and explanation of the District’s adopted Drug & Alcohol Free Workplace Guidelines and Policy Manual. These adopted Guidelines ~~shall be incorporated are;~~ by reference ~~and~~ included as a part of these Personnel Guidelines & Policy Manual.

7.1 Drug and Alcohol Testing

~~Drug or Alcohol tests of Employees and Prospective Employees are required as outlined below.~~

- ~~1. Prospective Employees. All Prospective Employees that are being considered for employment in safety sensitive positions must undergo a test for Drugs after they have been given a conditional offer of employment, but before their hiring is final and before commencement of work. A Prospective Employee who tests positive may not be eligible for hire.~~
- ~~2. Current Employees. Drug and Alcohol testing of Employees may be conducted under the following circumstances:~~
 - ~~• Reasonable Suspicion. When an Employee's supervisor or the General Manager has Reasonable Suspicion to believe that an Employee has used or misused Drugs or Alcohol or has otherwise acted in violation of this Policy.~~

- ~~• **Safety Violation.** An Employee may be tested following a safety violation if there is Reasonable Suspicion to believe the safety violation was caused, in whole or in part, because of Drugs or Alcohol.~~
- ~~• **Follow-up.** As part of a follow-up to the District approved rehabilitation or counseling program.~~

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~~7.2 — Conviction of Alcohol or Drug-Related Crime~~

~~Any Employee who is convicted of any Drug or Alcohol related crime, statute or offense, including any Alcohol related driving offense, must notify the General Manager within five (5) days after such conviction.~~

~~7.3 — Discipline~~

~~Any Employee or Prospective Employee who tests positive for Alcohol or drugs, or who otherwise violates this policy, will be subject to discipline, up to and including termination, in the sole discretion of the District as it deems appropriate on a case-by-case basis and may, at the District's option, include a requirement that the Employee participate in a treatment or rehabilitation program under terms acceptable to the District.~~

~~Upon request, the Employee or Prospective Employee will be given an opportunity to explain, in a confidential setting, a Positive Test Result, and the presence of any Drug (including Prescription Drugs or non-prescription drugs) or Alcohol in his or her system, and to substantiate the explanation with medical evidence.~~

~~In keeping with the District philosophy, reasonable efforts will be made to help the Employee deal with a drug or alcohol problem.~~

~~7.4 — Rehabilitation~~

~~Rehabilitation is the responsibility of the individual Employee. An Employee with a drug or alcohol abuse problem is encouraged to use any resources to resolve the problem, including but not limited to treatment or rehabilitative services available under the District's group health plan.~~

Chapter 8:0 — Conflict of Interest

District employees shall not place their personal business interest above the best interest of the District or Board's constituents. Accordingly, employees of the District shall not:

- Engage in a substantial financial transaction for private business purposes with another employee whom he or she supervises;
- Take any official action directly and substantially affecting his/her economic benefit with any business, undertaking, or enterprise doing business with the District;
- Disclose or use confidential information acquired in the course of his or her official duties without authorization from the District; or
- Employees may not receive gifts valued over \$10 from any single source per year.

Chapter 9.0: ~~—~~ District Property

9.1 Use of the District Property

District property is to be used only for official district business, in an appropriate manner, and in accordance with all applicable rules, operating procedures, or directives. No employee shall remove, misuse, damage, or destroy ~~the~~ District property, or the property of other employees, from the District premises or work site.

Removal of District property may only be permitted with the prior approval of employee's supervisor or General Manager.

9.2 Use of the District Vehicles

District vehicles may be used only for the purpose and in the manner authorized by the General Manager. Only authorized and state licensed ~~qualified the~~ District employees may operate the District vehicles, in accordance with all applicable traffic laws, and designated proper use. Use of the District vehicles outside the District boundaries is permitted only with prior approval. District vehicles may not be used for travel during employees' paid 15-minute break times. The District encourages employees to carpool when on official business. District employees may not have family members or friends in District vehicles without prior approval of the General Manager. Employees are expected to leave vehicles in clean and working order.

Employees are required to be in possession of a valid California Driver's license for the class of vehicle being operated. The revoking of that license for any reason by the State of California, or a driving record deemed unacceptable by the District for any reason, may be sufficient cause for termination of employment. [Use of personal vehicles for District business is not allowed, unless said use is pursuant to an executed contract agreement, i.e.: General Manager, or is allowed by the District's Purchasing Policies and Procedures sections applicable to mileage reimbursement and use of personal vehicles for District business allows said use. The District's adopted Purchasing Policies and Procedures are incorporated herein by reference as a part of this Policy Manual.](#)

Traffic citations, with the exception of faulty equipment are the employee/driver's responsibility. If an employee is involved in an accident, the employee must immediately notify his or her immediate supervisor [or General Manager.](#) and should not make any statement concerning the responsibility for the accident to anyone but a District representative. This applies to accidents while operating personal vehicles on District business as well as District-owned vehicles. Cooperation should be extended to law enforcement officers. Failure to comply shall be subject to disciplinary action up to and including termination.

9.3 Cellular Telephone Usage

Employees may be provided with a business cell phone or camera for conducting official business. All uses of cell phones or cameras shall be done in conformance with District policies and federal and State law.

Personal cellular telephones may be used by employees during work time hours only for essential personal calls, or for an occasional personal business call. Essential personal calls are defined as calls of minimal duration and frequency that are urgent in nature and cannot be made at another time. 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.

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.

9.3.1 Cellular Phone Safety

For safety reasons personal and District-owned cellular telephone usage is not be permitted while employees are engaged in a continuous operation, such as a member on a utility crew engaged in the construction or repair of District facilities.

Employees are expected to operate District vehicles and equipment in a safe and prudent manner. Accordingly, employees may not use cell phones while driving unless the phone is specifically designed and configured to allow hands-free listening and talking. Similarly, employees are not permitted to text while driving.

Chapter 100.0:- Disciplinary Action

10.1 General Rules of Conduct

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

10.2 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:

- A. Inadequate job performance;
- B. Violence or threat violence;
- C. Conviction of a felony or misdemeanor involving a crime of moral turpitude;
- E. Falsification of, or material omission from any employment application, payroll records, time reports, or other the District documents;
- F. Violation of any of the District's Policies, Procedures, Administrative or Operational Directives, including any policies in these Personnel Guidelines, or inducing other employees to violate any such rules;
- G. Violation of safety rules or practices;
- H. Unauthorized or excessive absence without leave or tardiness;
- I. Possession of firearms or dangerous weapons on District property;
- J. Unauthorized disclosure of or other failure to properly protect trade secrets of the District;
- K. Violation of the District's policy prohibiting harassment or discrimination;
- L. Violation of the District's Drug and Alcohol Free Workplace Policy;
- M. Sleeping during work hours is prohibited unless separate authorization has been given;
- N. Soliciting coworkers when either employee is on working time being paid for by the District is prohibited, including the use of e-mail. Distribution or posting of pamphlet, leaflets, or any other literature in the District offices is prohibited during working time of any employee involved.

10.3 Types of Disciplinary Action

Disciplinary action includes oral reprimand, written reprimand, disciplinary probation, suspension, reduction in salary, demotion, reduction in salary, or termination of employment.

- A. Oral Reprimand: communication to an employee that his or her performance or behavior must be improved and failure to do so may result in more serious discipline. An employee's supervisor or the General Manager may note the date, time, and content of oral reprimand, but no record of oral reprimand shall be placed in the employee's personnel file unless subsequent action is necessary.
- B. Written Reprimand: a formal 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.
- C. Disciplinary Probation: this form a disciplinary action lasts for a specified period of time, not to exceed six (6) months. Employees on disciplinary probation may be terminated for failure to meet performance or behavior standards as provided by in the employee's job classification.
- D. 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.
- E. Reduction in Salary: a decrease in salary paid to an employee for a specified period of time for disciplinary purposes.
- F. Demotion: the voluntary removal of an employee from a position to another position carrying a lower maximum rate of pay, as a result of a disciplinary action.
- G. Discharge: the permanent removal of an employee from District services, as provided for in these ~~police~~[Guidelines](#).

10.4 Disciplinary Notice/Appeal Procedure

This Section 10.6 does not apply to probationary or temporary employees.

10.4.1 Written Notice of Proposed Action

In the event the District imposes disciplinary action consisting of a written reprimand or a suspension without pay of five (5) days or fewer, the employee will be given a ~~n~~Notice of the disciplinary action.

- A. 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, and shall contain the following information:
 1. A statement of the disciplinary action to be taken.
 2. The effective date of the disciplinary action.
 3. The reason or cause of the disciplinary action.
 4. A summary of the facts upon which the charges are based.

5. Notice that the employee may inspect copies of all materials upon which the disciplinary action is based.
6. A statement notifying the employee that he ~~or~~ she has five (5) working days in which to respond orally or in writing regarding the proposed disciplinary action.
7. Notice that failure to respond at the time specified shall constitute a waiver of the right to respond prior to final discipline being imposed.

~~B.~~ Notice of Suspension

~~C.B.~~

Prior to the imposition of discipline consisting of suspension without pay for three (3) or more days, reduction in pay, demotion, or termination, a regular employee shall be provided a written notice or "Skelly letter" by the employee's supervisor or General Manager proposing to implement discipline which contains:

1. Notice of the proposed action;
2. The reasons for the proposed action;
3. A copy of the charges and any materials upon which the proposed action is based;
4. Notice that the employee is entitled to an opportunity to respond within five (5) working days after the notice has been served upon employee to the charges orally or in writing, or both, personally or with a representative who may be an attorney;
5. The date and time of the response or "Skelly" meeting, which shall be held in no less than seven (7) calendar days from receipt of notice, during which the employee and his/her representative shall have an opportunity to refute the charges or present facts that may not be known;
6. Notice that if the employee fails to attend the response meeting the employee shall be deemed to have waived all rights to said meeting and from appeal to any action taken.

10.4.2 Response Meeting/Skelly Hearing

No less than seven (7) calendar days during 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 the time and place set for the response or at a "Skelly" meeting giving the employee an opportunity to respond. ~~At~~ The employee may respond orally or in writing, personally or with a representative.

Neither party shall be entitled to call witnesses or take testimony.

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

At the conclusion of the response meeting or within seven (7) days, the General Manager or his or her designee shall issue an order, implementing or determining not to implement the proposed disciplinary action. The General Manager may implement an action that is of lesser severity than what was initially proposed.

10.4.3 Final Notice

After the response or the expiration of the employee's time to respond to the notice of intent, the appropriate authority shall: 1) dismiss the notice of intent 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.
6. The employee's right to appeal.

Disciplinary action other than a suspension, demotion or termination (i.e., written or oral reprimands) shall not be subject to appeal. Disciplinary action consisting of a suspension, demotion or termination may be appealed by regular employees pursuant to Section 10.6.4.

10.4.4 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) working 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 in this Chapter. 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.

In the event the General Manager institutes the disciplinary action against an employee, he or she shall be disqualified. Should the City-General Manager be disqualified, or should he disqualify himself as hearing office, the City Council/Board of Directors shall appoint a hearing officer/hearing officer who shall

have the same power, authority, and responsibility as the General City Manager would have as a ~~hearing officer~~ hearing officer.

10.4.5 Selection of ~~Hearing Officer~~ Hearing officer

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

10.4.6 Hearing

The General Manager shall conduct ~~an appeal within thirty (30) days of receipt of employee's request for appeal. hearing on an appeal filed within thirty (30) days after receipt thereof.~~ The General Manager may continue the hearing either for the convenience of the District or upon written application of the appellant, for a period not to exceed an additional thirty (30) days from the receipt of the appeal. Written notice of the time and place of the hearing shall be conducted in accordance with the provisions of § Section 11513 of the Government Code of the State of California, except that the appellant and other persons may be examined as provided in §Section 19580 of said Government Code, and the parties may submit all proper and competent evidence against, or in support of the causes.

10.4.7 Representation

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

10.4.8 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.

10.4.9 Failure of Employee to Appear at Hearing

Failure of the appellant to appear at the hearing shall be deemed a withdrawal of his appeal and the action of the General Manager or supervisor shall be final.

10.4.10 Decisions

The General Manager shall render a written decision within thirty (30) days after concluding the hearing. The General Manager's decision shall be final and conclusive, except when an employee is suspended for more than three (3) days or discharged. 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, the employee may be compensated, in whole or in part, for the time lost as determined by the General Manager.

In cases involving suspending an employee for more than three (3) days or discharging an employee, a copy of such decision shall be forwarded to the employee ~~and the association~~. The employee may, within ten (10) working days after receipt of written notice of the General Manager's decision, give notice to the General Manager that the association representing the grieved employee may submit the matter to binding arbitration. The arbitration board shall consist of one retired superior court judge and the cost of arbitration shall be borne equally between the ~~General Manager~~District and the employee. The arbitration hearing shall be held within thirty (30) days from the date of the request by employee to submit to arbitration. The parties may agree to continue the date of the arbitration hearing by mutual agreement.

Chapter 11.0: Grievance Procedure

With the exceptions below, a grievance is defined as a complaint by an employee that the District has violated a written policy contained in these ~~policies~~ Guidelines or an applicable MOU between the District and a recognized employee organization. Specifically excluded from the grievance procedures are claims or complaints of alleged discrimination or harassment, performance evaluations, and all disciplinary actions. Specific procedures for concerns regarding those items are addressed in separate sections of these Guidelines~~policies~~.

11.1 Grievance Procedure Steps

Level I, Preliminary Informal Resolution. An employee who believes she or he has a grievance shall present it orally to her or his immediate supervisor within seven (7) calendar days after the employee knew, or reasonably should have known, of the circumstances that form the basis for the grievance. The immediate supervisor will discuss the grievance with the employee and respond to the employee in writing within five (5) calendar days after their discussion. If the grievance is against the employee's supervisor, ~~the grievant~~ the employee may skip Level I and advance to Level II, provided he or she complies with all applicable time limits and other requirements for Level I.

Level II, Designee of General Manager. If the grievance is not resolved at Level I, the ~~grievant~~ employee may present her or his grievance in writing to his or her supervisor or to the General Manager within seven (7) calendar days of the date of the Level I response.

The Level II grievance shall include the following:

- A. A concise statement of the grievance, including specific reference to the policy allegedly violated;
- B. The circumstances involved;
- C. The decision rendered at Level I, if any;
- D. The dates when: (i) the grievance was first discussed with the immediate supervisor; (ii) the Level I response was issued; and (iii) the employee submitted the grievance to Level II;
- E. The specific remedy sought.

Within ten (10) calendar days of receipt of the employee's Level II grievance, the employee's supervisor or the General Manager shall meet with the ~~grievant~~ employee and try to resolve the dispute. He or she shall issue a written response to the ~~employee~~ grievant within ten (10) calendar days of the meeting with the ~~grievant~~ employee. If no response is issued within the time limit, the grievance will be deemed denied at that level and the ~~grievant~~ employee may appeal to the next level.

Level III, General Manager. In the event the grievance is not resolved at Level II, the ~~grievant~~ employee may, within seven (7) calendar days of the date of the Level II response, appeal the decision in writing to the General Manager. If the decision being applied was made by the General Manager then the employee may skip Level II and proceed to Level IV. The Level III appeal shall include a copy of the original grievance;

a copy of the written Level II decision; and a clear, concise statement of the reasons for the appeal to Level III.

Within ten (10) calendar days from the date of General Manager's receipt of the Level III grievance, the General Manager will issue a written determination to the ~~grievant~~ employee.

Level IV, Hearing. If the grievance is not resolved at Level III, ~~or if the grievance is against the General Manager,~~ the ~~grievant~~ employee may, within seven (7) calendar days of the date of the Level III written response, appeal the decision by submitting to the General Manager a written request for appeal by a designated ~~H~~ hearing officer. The General Manager will designate a ~~H~~ hearing officer, who will then schedule and hear the appeal. Both the parties to the appeal and their respective representatives may be present and submit testimony and/or evidence at the hearing before the ~~Hearing Officer~~ hearing officer. The costs, if any, for the services of the ~~Hearing Officer~~ hearing officer will be split equally between the ~~grievant~~ employee and the District, except the ~~grievant~~ employee will not, in any event, be required to spend more than five hundred dollars (\$500) on this cost. After the hearing, the ~~Hearing Officer~~ hearing officer will submit an advisory written recommendation on the matter to the Board of Directors, who will consider the recommendation in closed session. The Board of Directors will then issue a final and binding decision on the appeal.

11.2 General Rules for Grievances

All employee grievances must follow the steps outlined above. Except as expressly stated in this policy, at no time may an employee bypass a step. ~~At no time may an e~~ Employees shall not approach the General Manager directly with a grievance as an initial matter. Time limits set forth above may be extended upon the written consent of both parties. Employees will not be retaliated against for filing or pursuing a grievance in good faith under this procedure.

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 withdrawn.

A copy of all formal grievance decisions shall be placed in a grievance file belonging to the District. A copy of the grievance decision will be provided to the ~~grievant~~ employee.

11.3 Expungement of Written Reprimands

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

The General Manager will consider the following factors in making his or her decision:

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

Chapter 12.0: Employee Records

12.1 Personnel Records and Information

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

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

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

12.2 Release of Information

Personnel records are considered confidential. Employees may examine their own personnel records, except for letters of reference, by contacting 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 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.

Chapter 1313.0 – Personnel Actions

13.1 Separation Procedures

Employees who separate from the District for any reason will be paid for any comp time ~~and~~ or vacation time that is accrued but unused at the time of their termination. Employees do not receive any pay out for accrued but unused sick leave at termination, or at any other time.

Terminating employees may be eligible to continue coverage under the District's group health insurance at their own expense pursuant to COBRA.

13.2 Disciplinary Termination

Employees who are terminated for disciplinary reasons or for "good cause" as defined in Chapter 10 of these Guidelines are not eligible for rehire.

13.3 Layoff Policy and Procedure:

1. **Statement of Intent:** Whenever ~~the Board of Directors,~~ determines necessary to abolish any District position, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.
2. **Notification:** Employees to be laid off will be given, whenever possible, at least 14 calendar days prior notice, if possible.
3. **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 or more employees in the classification in the department from which the layoff is to be made who have the same seniority date, such employees will be laid off on the basis of the last evaluation rating in the class, providing such rating has been on file at least 30 days and no more than 12 months prior to lay off, as follows:

First, all employees having ratings of "improvement needed;" second, all employees having ratings of "competent;" third, all employees having rating of "outstanding."

4. **Transfer in Lieu of Layoff:** ~~An~~ employee affected by layoff may be transferred to a vacant position within the same or comparable classification, or a vacant position in any former classification, first within the affected department and then District-wide, which the employee once held as a regular

employee, provided that the employee meets the minimum qualifications of said positions and the compensation is at the same or lower rate of pay.

5. **Re-employment Rights for Laid Off Employees:** Regular employees who have been laid off shall be automatically placed on a re-employment list for 2 years from the date of layoff for the classification from which they were laid off.
6. **Mass Layoff:** ~~If~~ the District finds it necessary to enforce a mass layoff, it must provide at least a sixty (60) day notice prior to the mass layoff. A mass layoff is defined as job loss for at least fifty (50) employees in a thirty (30) day period. California's WARN Act, [codified in Labor Code Sections 1400-1408](#) also applies to the closing of an industrial or commercial facility with at least seventy-five (75) employees, or the relocation of an industrial or commercial facility with at least 75 employees to a location at least one hundred (100) miles away.

13.4 Voluntary Resignations in Good Standing

An employee who resigns in good standing is eligible to seek for re-employment with the District. Good standing shall mean providing at least a two (2) week notice and the completion of all necessary exit forms and exit interview.

13.5 Exit Interview

For the purpose of ascertaining potential eligibility for ~~U~~employment ~~i~~nsurance 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 or Human Resources Department 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 ~~Human Resources Department 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 ~~to the Human Resources Department~~ for retention in the employee's personnel file.

13.5.1 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.

13.5.2 Employment Reference Checks

All inquiries regarding a current or former District employee must be referred to the General Manager. Should an employee receive a written request for a reference, he or

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

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

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

If, however, an employee is contacted to give a personal reference regarding a current or former City employee, he or she is permitted to do so and should emphasize to the inquirer that the reference is personal only and not on behalf of the District.

Failure to follow these directions may be cause for corrective action up to and including termination.

Chapter 14.0: Internet, E-mail and Electronic Communications

The 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 e-mails or internet usage while using District computers.

The District has established this policy to ensure that the District employees use the District-provided computer resources, such as the internet and e-mail, in an appropriate manner.

14.1 Rules Regarding Prohibited Use

Employees shall not use the District internet and e-mail in an inappropriate manner. Prohibited use of the internet and e-mail systems includes, but is not limited to:

1. Accessing internet sites that are generally be 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).
2. Engaging in any profane, defamatory, harassing, illegal, discriminatory, or offensive conduct or in any conduct that is otherwise inconsistent in any way with the District policies.
3. Distributing copyrighted materials.
4. As computer viruses can become attached to executable files and program files, receiving or downloading executable files and programs via electronic mail 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 e-mail or documents received via e-mail and the internet.
5. Use of another person's name or account, without express permission of the System Administrator, is strictly prohibited.
6. Using the District's computer resources for personal [social media, online shopping, and other similar online](#) commercial activity.
7. 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.

14.2 Additional Guidelines

~~The District e~~Employees are expected to understand and comply with the following additional guidelines regarding use of the internet and District computer systems.

1. 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 e-mail is not a benefit of

employment with the District. Limited personal use of the District's systems to access internet, e-mail, and other electronic communications may be permitted only during the employee's authorized break time.

2. Employees do not have any right or expectation to privacy in any the District computer resources, including e-mail messages produced, sent, or received on the District computers or transmitted via the District's servers and network. The District may monitor the contents of all computer files and e-mail messages to promote the administration of the District operations and policies.
3. Employees' access to and use of the internet, e-mail, 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 therefore, there is~~ no expectation of privacy.
4. Deleting an e-mail message does not necessarily mean the message cannot be retrieved from the District's computer system. Backup copies of all documents, including e-mail messages, that are produced, sent, and received on the District's computer system, can be made.
5. E-mail and any attachments are subject to the same ethical standards, and standards of good conduct, as are memos, letters, and other paper-based documents.
6. Currently all District e-mail sent is not encrypted. Unencrypted electronic mail is not a secure way of exchanging information or files. Accordingly, employees are cautioned against transmitting information in an electronic mail message that should not be written in a letter, memorandum, or document available to the public.
7. E-mail, 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.
8. Virus scanning software shall be used where provided.
9. It is advisable for all employees of the District to remind customers, clients, and contractors of security issues when sending confidential electronic mail or documents to the District via electronic mail. 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 electronic mail.
10. Employees must scan all downloadable materials before using or opening them on their computers to prevent the introduction of any computer virus.

Chapter 15.0: Miscellaneous Policies

15.1 Political Activity

Every ~~the District~~ employee has the right as a citizen to participate fully in the political process. Employees are encouraged to participate by attending public meetings, running for elected office, voting, and otherwise participating in the community as a good citizen. No ~~the District~~ employee, however, shall campaign for himself or herself or any other candidate or cause during District business hours, or during employee ~~on the District~~ work time or using the District resources. No ~~the District~~ employee shall publicly campaign for any candidate or cause while wearing a ~~District~~ uniform, insignia, or otherwise while representing the District.

15.2 Desks/Lockers/Storage/Personal Inspections

The District reserves the right to open and enter, upon reasonable suspicion and with or without the employee's permission any office, desk, locker, file cabinet, or other storage location on the District premises or work sites (including the District parking areas) and to inspect vehicles or any containers brought into the workplace or work site.

Although an employee may be assigned an office, desk, vehicle, locker, file cabinet, or other storage area or device by the District, such assignment shall not create an expectation of privacy in the use of such items or areas. These items remain the property of the District and may be searched at any time.

15.3 District Visitors

Access to the District facilities, except for public areas, is restricted for safety reasons. Employees shall not receive visitors at non-public areas of District facilities office except with the express permission of the General Manager. All visitors must check in at the business office and wait until the District personnel are available to meet with them at the business office.

15.4 Media Contact Policy

The General Manager is the designated point of contact for the District for all media contact, as the General Manager is the official spokesperson for the District. Any contact by the media to an employee of the District regarding the District shall be immediately reported to the General Manager. Unless approved by the General Manager, no employee shall issue a statement or communicate with the media on behalf of the District.

15.5 Phone Policy

The personal use of ~~the the~~ District phones should be limited to break and lunch times unless it is an emergency. Long distance use of any the District landline for personal use is prohibited unless specifically authorized by the employee's supervisor or General Manager.

###

EXHIBIT “A”

PERFORMANCE IMPROVEMENT PLAN

A performance improvement plan (PIP) also known as a performance action plan is a means to give a struggling employee the opportunity to succeed while still holding them accountable for past performance.

It is not always clear why an employee has poor performance. Therefore, the open dialog and feedback from the employee to help determine if tools and resources necessary for success have been provided to him or her. PIPs can be used to address either failure to meet specific job performance-related issues or behavior-related concerns that are not related to injury, illness, drugs and/or alcohol issues. PIPs may lead to different outcomes, including improvement in overall performance, communication of performance expectations, the recognition of a skills or training gap, possible employment actions such as transfer, emotion or termination.

A PIP process shall include the following:

1) Document performance issues

Employee’s supervisor must objectively document the areas of employee’s performance that need improvement. In said documentation, specific facts and examples should be provided to further clarify the severity or pattern of performance concerns. When developing a performance improvement plan, an employee’s supervisor should include: employee information, relevant dates, performance discrepancy or gap description, expected performance description, actual performance description, description of consequences, an action plan and signatures of employee and employee’s supervisor. (See PIP format attached to this document.)

2) Develop an Action Plan

Employee’s supervisor should establish a provisional action plan for improvement, which may be adjusted based on employee feedback given at a meeting between supervisor and employee. Action plan should include **specific and measurable objectives, SMART GOALS) that are relevant, time-bound and precise**. PIP must set performance expectations and include a statement about the consequences for not meeting those objectives. If termination is a possibility, it should be clearly stated in the plan document. Developing a PIP should also be based on a supervisor’s review of the job description and relevant policies to clearly identify the performance or behavioral issues and expectations.

SMART Goal Examples:

In May, June and July, Jane Doe must have less than 3 percent quality errors per month and produce at least 150 units per month.

During this 90-day performance evaluation, John Doe must have perfect attendance, with the exception of approved medical or family absences. This means that he must clock in and be ready for work by the start of each scheduled shift, return from all scheduled breaks on time and remain at work for entire shift.

- 3) **Review the PIP**
Prior to meeting with the employee, the supervisor should review the PIP with General Manager and/or District General Counsel. Reviewing party should ensure that the PIP is stated clearly, contain specific, measurable, relevant and attainable actions within the PIP timeline (commonly 60-90 days in length).
- 4) **Meet with Employee**
During this scheduled meeting with employee, the supervisor must clearly lay out the areas for improvement and the plan of action. The PIP may be modified slightly after receiving employee's input and feedback. After any such changes, the supervisor and the employee should sign the PIP document.
- 5) **Follow Up**
The employee and supervisor should set up follow-up a meeting(s) which can be detailed in the PIP. These meetings should discuss and document progress toward stated objectives. An employee should be encouraged, in these meetings, to ask questions and seek guidance or clarification on performance expectations. Supervisor should ensure that potential roadblocks are discussed and employee is provided necessary tools and training as may be needed.
- 6) **PIP Conclusion**
When the employee has responded positively by meeting the PIP objectives, the District should formally close the PIP and allow continued employment. This conclusion action may occur prior to the deadline established and detailed in the PIP document.

If an employee is unable to improve or refuses to commit to the PIP, or his or her performance actually worsens, then the employer should close the PIP and consider a possible reassignment, transfer, demotion or termination of employment based on specific circumstances.

When the employee shows some improvement but is unable to achieve some of the action plan objectives within the PIP timeline, then the supervisor should consider a possible option, such as:

If the employee has not meet one or more objectives, but has made progress that has been measured, then supervisor may extend a PIP for a 2-3 week period with General Manager approval.

If the employer determines in retrospect that the objectives were too hard or not completely within the employee's control, the employer may elect to either extend the PIP or end the PIP due to the progress that has been or was observed.

If the employer determines the employee is not a good fit or is not really trying to improve even after all this effort, then the employer should consider job reassignment, transfer or demotion or termination of employment based on specific circumstances.

Two examples of PIP closure situations are provided below:

Scenario: An employee has perpetual problems with attendance.

Actions: 1) Documentation of problem or concern in writing. 2) A PIP is developed with SMART Goals, measurable objectives and stated consequences for a review with employee.

Possible PIP resolution—employee is on time for all shifts, except for one instance when employee had an already scheduled student-teacher conference. The PIP can be determined to be successfully completed. The employee is expected to continue having good attendance, and is made aware that future attendance issues may result in termination without another warning or PIP.

Scenario: An employee has quality performance errors (late payments for healthcare).

Actions: 1) Documentation of problem or concern in writing. 2) A PIP is developed with SMART Goals, measurable objectives and stated consequences for a review with employee, such as a review of work procedures and process or supervisor observations.

Possible PP resolution—Quality errors must drop after quality spot checks are performed within the PIP period for improvement. Regular reporting must show that the employee is achieving expectations as detailed in PIP. PIP can be concluded in this scenario situation by having met all PIP requirements or the PIP can be extended if the employee's attitude, hard work and ability to achieve stated expectations in part or most of the PIP period but may need added training to continue to provide consistent performance at or above expectations. Additional performance issues may result in discipline up to and including termination of employment.

PIP format template is attached.

PIP

Performance Review Meeting with employee Preparation Checklist

- () Be Prepared—know the objectives and goals of the meeting.**
- () Choose Time and Place—choose a quiet location with no or as few interruptions as possible.**
- () Conducting the Interview:**
 - a) create a quiet environment and help the employee feel at ease.**
 - b) give a balanced feedback, both positive and negative but start with the positive.**
 - c) focus on the job, not the person.**
 - d) ask questions and allow the employee to provide feedback.**
 - e) discuss areas for improvement but discuss methods and objectives for improving.**
 - f) listen to employee feedback and input.**
- () Concluding the Interview:**
 - a) summarize and review the important points of discussion**
 - b) restate action steps that are detailed in PIP and review time frame for completion**
 - c) make sure employee reviews the appraisal and has an opportunity to give comments**
 - d) both persons sign the PIP document to acknowledge that he or she has read it (reading does not signify agreement with the content)**
- () Follow-Up**

Exhibit “B”

JOB DESCRIPTIONS

Class Title: *Fire Chief* (Part Time)
Reports to: District General Manager
Department: Fire
FLSA: Non-exempt
CONFIDENTIAL: Yes

SUPERVISORY RESPONSIBILITIES

DIRECT: Yes
INDIRECT: None

GENERAL PURPOSE

Performs a variety of technical, administrative, and supervisory work in planning, organizing, directing and implementing fire prevention, suppression and emergency medical services to prevent or minimize the loss of life and property by fire and emergency medical conditions for the San Miguel Community Services District Volunteer Fire Department.

SUPERVISION RECEIVED

The Fire Chief is accountable to the General Manager and shall be held responsible for the general condition and efficient operation of the San Miguel Fire Department.

SUPERVISION EXERCISED

Directly Supervises the Assistant Fire Chief, Fire Captains, and other department staff through these subordinate officers.

ESSENTIAL DUTIES AND RESPONSIBILITIES

Plans, coordinates, supervises and evaluates Fire operations.

Establishes policies and procedures for Fire Department in order to implement directives from the General Manager and Board of Directors.

Plans and implements Fire programs for the San Miguel District in order to better carry out the policies and goals including those set forth in the Standard Operating Procedures document;

Reviews Departmental performance and effectiveness; formulates programs or policies to alleviate deficiencies.

Supervises and coordinates the preparation and presentation of an annual budget for Fire Department;

Directs the implementation of the Departments' budgets;

Plans for and reviews specifications for new or replaced equipment.

Responds to alarms and may direct activities at the scene of major emergencies.

(continued on next page)

Supervises inspection of buildings and other properties for fire hazards and enforces fire prevention ordinances, local and state fire codes, while also following UBC, UFC, and The Life and Safety code.

Directs the operation of departmental in-service training activities

Controls the expenditure of departmental appropriations

Handles grievances as directed by the General Manager, maintains Departmental discipline and the conduct and general behavior of assigned personnel

Attends monthly Board of Director meetings and other Community meetings, as directed by General Manager

Prepares and submits monthly reports to the General Manager regarding Department activities

Prepares other reports as appropriate, including annual report of activities

Plans departmental operations for equipment, apparatus, and personnel

Supervises the implementation of such plans

Assigns personnel and equipment to such duties and uses as the service requires

Evaluates the need for and recommends the purchase of new equipment and supplies

PERIPHERAL DUTIES

Meet with elected or appointed officials, other Fire officials, community and business representatives and the public on all aspects of the Departments' activities.

Attend conferences and meetings to keep abreast of current trends in the field; represents the San Miguel Fire Department in a variety of local, county, state and other meetings.

Perform the duties of command personnel as needed and fulfills obligations during duty days or duty weeks.

DESIRED MINIMUM QUALIFICATIONS

Education and Experience:

(A) Graduation from high school or GED equivalent

(B) Ten (10) years prior work experience of a progressively responsible nature in fire fighting and prevention and emergency medical services, including supervisory duties which must have been equivalent to Fire Captain or higher

Necessary Knowledge, Skills and Abilities

(A) Thorough knowledge of modern fire suppression and prevention and emergency medical services principles, procedures, techniques, and equipment; Working knowledge of first aid and resuscitation techniques and their application as demonstrated through State E.M.T Certification; Considerable knowledge of applicable laws, ordinances, departmental standard operating procedures and regulations

(B) Skill in the operation of listed tools and equipment.

(C) Ability to train and supervise subordinate personnel; Ability to perform work requiring good physical condition; Ability to communicate effectively orally and in writing; Ability to exercise sound judgment in evaluating situations and in making decisions; Ability to effectively give and receive verbal and written instructions; Ability to establish and maintain effective working relationships with other employees, supervisors and the public; and Ability to meet the special requirements listed below.

SPECIAL REQUIREMENTS

(A) Must possess, or be able to obtain by time of hire, a valid State Driver's License with Commercial Driver's License endorsement and participate in the Employer Pull Notice Program EPN without record of suspension or revocation in any state;

(B) No criminal convictions or disqualifying criminal histories within the past ten years;

(C) Ability to read, write and communicate the English language, and

(D) Ability to meet Departmental physical standards

TOOLS AND EQUIPMENT USED

Emergency medical aid unit, fire apparatus, fire pumps, hoses, and other standard firefighting equipment, ladders, first aid equipment, radio, pager, personal computer, phone.

PHYSICAL DEMANDS

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit; talk or hear; stand; walk; use hands to finger, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell.

The employee must frequently lift and/or move up to 10 pounds and occasionally lift and/or move up to 50 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus. 6

WORK ENVIRONMENT

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in office, vehicles, and outdoor settings, in all weather conditions, including temperature extremes, during day and night shifts. Work is often performed in emergency and stressful situations. Individual is exposed to hearing alarms and hazards associated with fighting fires and rendering emergency medical assistance, including smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils.

The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually quiet in office settings, and loud at an emergency scene.

SELECTION GUIDELINES

The San Miguel Community Services District Personnel Policy on Recruitment will be followed.

This may include a formal application; review of education and experience; appropriate testing and interviews; oral interview; background check; physical agility; drug screening; final selection and pre-employment medical examination.

NOTE: Appointees will be subject to completion of a probationary period of 6 months

The examples of duties are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

DETAILED DUTIES AND RESPONSIBILITIES - ESSENTIAL FUNCTIONS

The following tasks are typical for this classification. Incumbents may not regularly perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business or staffing needs and changing business practices as defined by the General Manager.

% TIME TASKS

70%

Develops, coordinates, and maintains fire protection management database and related activities, such as:

Communicates District policies and procedures to customers, safety rules and regulations and is active participant in the District's safety programs is necessary.

Uses computer, computer software, data and applications, copy machine, and other office equipment; proof read documents for details and accuracy; and composes reports or correspondence as required

Coordinates with and works with other staff to resolve issues; may work with outside contractors to solve specific technical issues, maintains the database for fire vehicle and equipment records, and operational preventative maintenance logs, reports and records as directed.

Develops consistent, effective strategies of tracking preventative maintenance schedules. Reviews, evaluates, develops and implements programs, policies and procedures, as directed by General Manager, for training and fire prevention.

Supervises subordinate volunteer officers in their assigned duties.

Assist in the planning and implementation of Fire programs for the San Miguel District in order to better carry out the policies and goals of the District.

Responds to multiple alarm fire as needed; assumes command in the absence of Fire Chief. Performs the duties of command personnel as needed and fulfills obligations during duty days or duty weeks.

25%

Prepare and submit periodic reports to the General Manager and/or Board of Directors regarding the Department activities.

Assigns personnel and equipment as required to such duties and uses based on service needs

Handles grievances from volunteer officers and firefighters,

Maintain departmental discipline and the conduct and general behavior of volunteer personnel.

Directs and supervises departmental in-service training activities

Provides general administrative support:

Proofreads the Operations section of the District web site and recommends corrections.

Provides administrative and project support to General Manager and/or staff; including the preparation of agreements, request for purchase orders, contracts, and other documentation.

Assists General Manager in providing suggestions policy changes in order to streamline department operations.

Answer inquiries involving department procedures, activities, and functions.

Generate original, clear, and concise department business correspondence, forms, and notices, which may require posting and/or publication.

Edits and proofreads department memos, reports, agendas, policies, and Board related correspondence.

Perform copying, faxing, filing, and other administrative tasks.

Maintain department files and records in accordance with approved records retention schedules.

DETAILED DUTIES AND RESPONSIBILITIES - NON-ESSENTIAL FUNCTIONS

5%

Performs all related duties as assigned by General Manager and/or Board of Directors.

Meet with elected or appointed officials, other Fire officials, community and business representatives and the public on all aspects of the Departments' activities, as directed by Fire Chief and/or General Manager.

Attends conferences and meetings to keep abreast of current trends in the field; represents the Fire Departments in a variety of local, county, state and other meetings.

SELECTION GUIDELINES

The San Miguel Community Services District Personnel Policy on recruitment will be followed. This may include: a formal application, review of education and experience, appropriate testing and interviews, oral interview, background check, physical agility, drug screening, final selection and pre-employment medical examination.

NOTE:

Appointees will be subject to completion of a 9 month probationary period.

The example of duties are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and the employee that is subject to change by the employer as the needs of the employer and requirements of the job change.

TITLE: Assistant Fire Chief (Contract)
REPORTS TO: Fire Chief and General Manager
FLSA: Non-exempt
CONFIDENTIAL: Yes

SUPERVISORY RESPONSIBILITIES

DIRECT: Yes
INDIRECT: None

MINIMUM QUALIFICATION REQUIREMENTS

Unless required by law, experience and education may be substituted for each other upon approval by the General Manager or his/her designee. Valid California driver's license are required. Standard First Aid and CPR certifications are required as well as working knowledge of first aid and resuscitation techniques and their application as demonstrated through State E.M.T Certification

This at will position performs administrative and operational fire protection functions. The position is expected to support the District Strategic Plan and Mission Statement by remaining informed, involved and exhibit a willingness to assure successful interactions. Must possess the ability to effectively organize and manage competing priorities, represent the District Fire Department professionally, and work together with other administrative and customer service staff to cross train and provide back-up support as needed. Must maintain strict confidentiality of privileged information and effectively utilize District resources. Reliable, stable attendance is required.

EDUCATION:

- (A) Graduation from high school or GED equivalent
- (B) Five (5) years prior work experience as a volunteer firefighter, including certification as an E.M.T., and two (2) years of supervisory duties which must have been equivalent to Fire Captain or higher.

EXPERIENCE:

Minimum of three years experience performing a variety of administrative support functions and working with computer applications or databases; ability to effectively utilize a personal computer and various computer applications; proven ability to organize and manage competing tasks and priorities. Performs a variety of technical, administrative, and supervisory work in assisting the planning, organizing, directing and implementing fire prevention, suppression and emergency medical services to prevent or minimize the loss of life and property by fire and emergency medical conditions. Performs fire and emergency medical services and is the head of training, fire prevention and suppression services.

- (A) Knowledge of modern fire suppression and prevention and emergency medical services principles, procedures, techniques, equipment, first aid and resuscitation techniques and their application as demonstrated through State E.M.T Certification; knowledge of applicable laws, ordinances, departmental standard operating procedures and regulations;
- (B) Skill in the operation of listed tools and equipment.
- (C) Ability to train and supervise subordinate personnel; Ability to perform work requiring good physical condition; Ability to communicate effectively orally and in writing; Ability to exercise sound judgment in evaluating situations and in making decisions; Ability to effectively give and receive verbal and written instructions; Ability to establish and maintain effective working relationships with other employees, supervisors and the public; and Ability to meet the special requirements listed below.

(D) SPECIAL REQUIREMENTS

- (1) Must be eighteen (18) years of age or older at time of hire
- (2) Must possess, or be able to obtain by time of hire, a valid State Driver's License with Commercial Driver's License endorsement and participate in the Employer Pull Notice Program EPN without record of suspension or revocation in any state
- (3) No criminal convictions or disqualifying criminal histories
- (4) Ability to read, write and communicate the English language; and
- (5) Ability to meet Departmental physical fitness standards.

(E) TOOLS AND EQUIPMENT USED

Emergency medical aid unit, fire apparatus, fire pumps, hoses, and other standard firefighting equipment, ladders, first aid equipment, radio, pager, personal computer, phone.

CONTACT RESPONSIBILITY

INTERNAL: Works under the general guidance and direction of the Fire Chief or the General Manager. Interaction with Fire Chief and General Manager to receive specific work assignments, general direction, and have results reviewed; District management to provide a variety of administrative support functions, all other District personnel as required.

EXTERNAL: Supervises all volunteer officers and firefighter, either directly or through other subordinate officers. Interact with consultants, contractors, customers, vendors, government agencies and officials.

PHYSICAL REQUIREMENTS

Good hearing, eyesight and speech; excellent ability to communicate, both verbally and in writing; ability to operate and utilize a personal computer; able to tolerate periods of continuous sitting; may on an infrequent basis assist with lifting up to 100 pounds.

ENVIRONMENTAL CONDITIONS

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in office, vehicles, and outdoor settings, in all weather conditions, including temperature extremes, during day and night shifts. Subject to conversational noise from other personnel within the facility, along with background noise found in an office environment. Subject to long periods of sitting and exposure to computer screen. Work is often performed in emergency and stressful situations. Individual is exposed to hearing alarms and hazards associated with fighting fires and rendering emergency medical assistance, including smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils.

The employee occasionally works near moving mechanical parts and in high, precarious places and is occasionally exposed to wet and/or humid conditions, fumes or airborne particles, toxic or caustic chemicals, risk of electrical shock, and vibration.

The noise level in the work environment is usually quiet in office settings, and loud at an emergency scene.

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DETAILED DUTIES AND RESPONSIBILITIES - ESSENTIAL FUNCTIONS

The following tasks are typical for this classification. Incumbents may not regularly perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business or staffing needs and changing business practices as defined by the General Manager.

% TIME TASKS

70%

Develops, coordinates, and maintains fire protection management database and related activities, such as:

Communicates District policies and procedures to customers, safety rules and regulations and is active participant in the District's safety programs as necessary.

Uses computer, computer software, data and applications, copy machine, and other office equipment; proof read documents for details and accuracy; and composes reports or correspondence as required

Coordinates with and works with other staff to resolve issues; may work with outside contractors to solve specific technical issues, maintains the database for fire vehicle and equipment records, and operational preventative maintenance logs, reports and records as directed.

Assists Fire Chief with developing consistent, effective strategies of tracking preventative maintenance schedules. Reviews, evaluates, develops and implements programs, policies and procedures, as directed by Fire Chief and/or General Manager, for training and fire prevention.

Acts as Fire Chief during absence, as assigned and also supervises subordinate volunteer officers in their assigned duties.

Assist in the planning and implementation of Fire programs for the San Miguel District in order to better carry out the policies and goals of the District.

Responds to multiple alarm fire as needed; assumes command in the absence of Fire Chief. Performs the duties of command personnel as needed and fulfills obligations during duty days or duty weeks.

25%

Prepare and submit periodic reports to the Fire Chief regarding the Department activities.

Assigns personnel and equipment as required to such duties and uses based on service needs

Assists with or handles grievances from volunteer officers and firefighters,

Maintain departmental discipline and the conduct and general behavior of volunteer personnel.

Assists with departmental in-service training activities

Provides general administrative support:

Proofreads the Operations section of the District web site and recommends corrections.

Provides administrative and project support to General Manager and/or staff; including the preparation of agreements, request for purchase orders, contracts, and other documentation.

Assist Fire Chief in providing suggestions policy changes in order to streamline department operations.

Answer inquiries involving department procedures, activities, and functions.

Generate original, clear, and concise department business correspondence, forms, and notices, which may require posting and/or publication.

Edits and proofreads department memos, reports, agendas, policies, and Board related correspondence.

Perform copying, faxing, filing, and other administrative tasks.

Maintain department files and records in accordance with approved records retention schedules.

DETAILED DUTIES AND RESPONSIBILITIES - NON-ESSENTIAL FUNCTIONS

5%

Performs all related duties as assigned by Fire Chief and/or General Manager.

Meet with elected or appointed officials, other Fire officials, community and business representatives and the public on all aspects of the Departments' activities, as directed by Fire Chief and/or General Manager.

Attends conferences and meetings to keep abreast of current trends in the field; represents the Fire Departments in a variety of local, county, state and other meetings.

SELECTION GUIDELINES

The San Miguel Community Services District Personnel Policy on recruitment will be followed.

This may include: a formal application, review of education and experience, appropriate testing and interviews, oral interview, background check, physical agility, drug screening, final selection and pre-employment medical examination.

NOTE:

Appointees will be subject to completion of a 9 month probationary period.

The example of duties are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position if the work is similar related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and the employee that is subject to change by the employer as the needs of the employer and requirements of the job change.

TITLE: ACCOUNT CLERK/OPERATIONS COORDINATOR
REPORTS TO: General Manager

PAY GRADE: 4
FLSA: Non-exempt
CONFIDENTIAL: Yes

SUPERVISORY RESPONSIBILITIES

DIRECT: None
INDIRECT: None

MINIMUM QUALIFICATION REQUIREMENTS

Unless required by law, experience and education may be substituted for each other upon approval by the General Manager or their designee. Certifications required by law for the position must be obtained within first year in the position.

EDUCATION: Education equivalent to graduation from high school. Valid California driver's license and proof of insurability are required. Standard First Aid and CPR certifications are required.

EXPERIENCE: Minimum of three years experience performing a variety of administrative support functions and working with computer applications or databases; ability to effectively utilize a personal computer and various computer applications; proven ability to organize and manage competing tasks and priorities.

CONTACT RESPONSIBILITY

INTERNAL: Interaction with Supervisor to receive specific work assignments, general direction, and have results reviewed; District management to provide a variety of administrative support functions, all other District personnel as required.

EXTERNAL: Interaction with consultants, contractors, customers, vendors, government agencies and officials.

PHYSICAL REQUIREMENTS

Good hearing, eyesight and speech; excellent ability to communicate, both verbally and in writing; ability to operate and utilize a personal computer; able to tolerate periods of continuous sitting; may on an infrequent basis assist with lifting up to 50 pounds.

ENVIRONMENTAL CONDITIONS

Work is primarily performed within an enclosed office setting with lighting and ventilation. Subject to conversational noise from other personnel within the facility, along with standard background noise found in an office environment. Subject to long periods of sitting and exposure to computer screen. When performing work outside the facility, subject to variable weather conditions and possible exposure to heavy equipment, dust, fumes, odor, and noise. Appropriate personal safety equipment is provided.

DETAILED DUTIES AND RESPONSIBILITIES - ESSENTIAL FUNCTIONS

This at will position performs a wide variety of administrative functions. Must possess the ability to effectively organize and manage competing priorities, represent the District professionally, and work together with other administrative and customer service staff to cross train and provide back-up support as needed. Requires the ability to efficiently utilize a computer, computer software, data and applications, copy machine, and other office equipment; proof read documents for details and accuracy; and compose reports or correspondence as required. Requires a working knowledge, understanding, and ability to communicate District policies and procedures to customers, both external and internal. A working knowledge and understanding of District safety rules and regulations, as well as active participation in the District's safety programs is necessary. The position is expected to support the District Strategic Plan and Mission Statement by remaining informed and involved and exhibit a willingness to assure successful interactions. Must maintain strict confidentiality of privileged information and effectively utilize District resources. Reliable, stable attendance is required.

The following tasks are typical for this classification. Incumbents may not regularly perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business or staffing needs and changing business practices as defined by the General Manager.

% TIME TASKS

50% Develops, coordinates, and maintains asset management database and related activities:

- Coordinates with department supervisors on asset management data needs; responds to end user's troubleshooting requests, runs reports and formulates custom reports; works with staff from other departments to provide assistance with asset management database; resolves issues and supports end users with access and utilization of work management systems; may work with outside contractors to solve specific technical issues.
- Creates customized reports, queries, Key Performance Indicators (KPIs), and screens using Structured Query Language (SQL), as well as Geographic Information System (GIS) data; maintains the database for work orders, equipment records, and operational preventative maintenance.
- Develops consistent nomenclature for assets to identify and support cost-effective strategies of tracking preventative maintenance schedules.
- Based on supervisor and staff input, coordinates projects, plant maintenance, repairs, work flow, work product, and procedures for asset program management.
- Coordinates integration of GIS data to asset management database; monitors data accuracy; schedules GIS updates; meets with staff to identify and resolve GIS issues.
- Provides staff training on asset management system; processes feedback to enhance database functionality.

20% Assists with the creation and maintenance of regulatory reports:

- Gathers and collates information into Water Quality reports.
- Evaluates data from Systems Operation staff for errors and organizes the information for reports.
- Participates in the preparation and completion of the annual Electronic Annual Report (EAR) and submittal to State regulatory agencies.

20% Provides general administrative support:

- Coordinates payroll and runs reports for submittal to the finance department; reviews timecard entries for accuracy.

Proofreads the Operations section of the District web site and recommends corrections.

- Provides administrative and project support to Department Manager, Department Supervisors and/or staff; including the preparation of agreements, request for purchase orders, contracts, and other documentation.
- Suggests policy changes in order to streamline department operations.
- Answers inquiries involving department procedures, activities, and functions.
- Schedules and coordinates meetings, appointments, and events, including the completion of event registration and travel arrangements.
- Generates original, clear, and concise department business correspondence, forms, and notices, which may require posting and/or publication.
- Edits and proofreads department memos, reports, agendas, policies, and Board related correspondence.
- Performs copying, faxing, filing, and other administrative tasks.
- Maintains department files and records in accordance with approved records retention schedules.
- Assists District personnel with meeting preparations, set-up, and clean-up.
- Assists with administrative support for other departments.
- Distributes department incoming mail and organizes outgoing mail.
- Provides back-up support for the District front desk including assisting customers; taking messages and relaying calls; receiving payments and operating the cash drawer.

DETAILED DUTIES AND RESPONSIBILITIES - NON-ESSENTIAL FUNCTIONS

10% Performs all related duties as assigned.

DEPARTMENT: Utility Operations

TITLE: UTILITY OPERATIONS SUPERVISOR

REPORTS TO: General Manager

FLSA: Non-management

CONFIDENTIAL: Yes

SUPERVISORY RESPONSIBILITIES

DIRECT: Yes*

INDIRECT: None

** Utility Operations Supervisor serves as a crew leader & provides on-site work direction and technical guidance to Utility III, II and I.*

MINIMUM QUALIFICATION REQUIREMENTS

Under general direction of the General Manager, the Utility Operations Supervisor assigns reviews and evaluates the work of all field personnel in the operation, installation, maintenance, and repair of a .2 MGD Wastewater treatment plant, water distribution and treatment systems, wastewater collection system and all other district facilities and equipment. Unless required by law, experience and education may be substituted for each other upon approval by the General Manager or their designee.

SPECIAL REQUIREMENTS:

Required: Possession of a California State Wastewater Grade 1 certification, California Department of Public Health Grade 2 in Water Distribution and Grade 2 in Water Treatment within 24 months of hire date or an equivalent combination of education and experience sufficient to successfully perform duties of the position. Possession of a valid California Driver's License Class C is required. A California Commercial class A or B Drivers License is required. Certification or other proof of formal training in water or wastewater fields, including automatic valves, pumps and safety is desirable.

Standard First Aid and CPR certifications are required

EDUCATION: Minimum of a high school education. A BS degree or an AA degree in Water Utility Science or related field is preferred. Must have a minimum of four years of increasingly responsible experience in the construction, operation and maintenance of water/ wastewater facilities.

EXPERIENCE:

Must have the knowledge of methods, tools, and materials used in the water and wastewater fields, including knowledge of the processes involved with the distribution and treatment of potable water and the collection and treatment of wastewater, including applicable State and Federal regulations.

Must have the ability to plan, supervise and evaluate the District field operations. Oversee and perform repair of motors, pumps, controls, electrical equipment, chlorination equipment, instrument calibration, various materials used in repair and operation;

Knowledge of safe work practices, including procedures for chlorine related emergencies and entry of confined work spaces where gases may be present; preventative maintenance and light repair of all types of equipment and of vehicles; use of a variety of tools, equipment, and machinery with skill and accuracy.

Knowledge of computer programs and SCADA for treatment, operation and maintenance is required. Able to effectively utilize a personal computer and peripherals

Communicate well both verbally and in writing;

Keeps the General Manager informed of pertinent matters;

Supervise, train and direct others; maintain work schedules, operational logs,

Prepares and files reports as required to state and federal authorities,

Coordinates with vendors and contractors;
Investigate and resolve public complaints;
Maintain inventory of supplies; perform occasional heavy labor lifting,

Communicate well both verbally and in writing; keep the Manager informed of pertinent matters; supervise, train and direct others; maintain work schedules, operational logs, file reports as required to state authorities, coordinate with vendors and contractors; investigate and resolve public complaints; maintain inventory of supplies; perform occasional heavy labor lifting,

This position requires the ability to be "on-call", work evenings, weekends, and Holidays.

CONTACT RESPONSIBILITY

INTERNAL: Interaction with General Manager and District personnel to receive specific work assignments and review results; SMCS D personnel to discuss and resolve technical issues; front desk and customer service personnel to coordinate assignments; all other District personnel as required.

EXTERNAL: Interaction with general public to answer basic questions during the course of carrying out the work assignment; vendors to obtain parts and supplies; and emergency service personnel as required.

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PHYSICAL REQUIREMENTS

Active physical work without prolonged heavy exertion, but with continuous exposure to unpleasant elements such as dust, mud, fumes, odors, dampness, raw or treated sewage, noise levels, or outside weather conditions. On feet most of the time involving bending, stooping, squatting, twisting, reaching, working on irregular surfaces; walk long distances, climb hills and ladders, frequent lifting of objects up to 50 lbs, may on an infrequent basis assist with lifting up to 100 pounds, with occasional lifting of objects weighing over 100 lbs; good hearing, eyesight and speech capabilities.

ENVIRONMENTAL CONDITIONS

When working outdoors, work is performed in all types of weather. Subject to: noisy conditions, odors, contact with animals and insects, hazardous traffic conditions, confined spaces, variable weather conditions, possible exposure to heavy equipment, dust, and fumes. Wear protective clothing as required.

When working indoors, work is performed in an office environment with lighting and ventilation. Subject to conversational noise from other personnel within the facility; standard background noise found in an office environment and exposure to a computer screen. Appropriate personal safety equipment is provided.

DETAILED DUTIES AND RESPONSIBILITIES - ESSENTIAL FUNCTIONS

This at will position responsibilities include performing construction, installation and maintenance work on pipelines and rights of way, buildings and grounds, valves, pumps, meters, tanks, hydrants, telemetry, cathodic protection and related equipment. A working knowledge and understanding of District safety rules and regulations, as well as active participation in the District safety program are necessary.

The ability to interact successfully in a team environment; support of the District Strategic Plan and Mission statement; and an ability to work independently with a clear understanding of goals and objectives are essential. Excellent verbal and written communication skills and stable, reliable attendance are required.

Supervises the day-to-day operations as well as emergency operations of the District's water, wastewater and lighting facilities and systems

Ensures that operations and personnel are sufficient to accomplish daily operations and ensures District complies with state and federal requirements relative to drinking water and wastewater including treatment, testing, monitoring, and reporting;

Reads and interprets plans and specifications; Performs inspection of private construction of water/ wastewater facilities; assures that vehicles, equipment and facilities are maintained in proper working order;

Evaluates daily work load and determines priorities subject to approval of the Manager, may operate water/ wastewater facilities and related District equipment, consults with the General Manager on general priorities, plans and policies

Recommends and submits projects for possible inclusion in the annual budget;

Coordinates work with other county, state and federal agencies;

Resolves complaints and problems;

Evaluates performance of subordinates; conducts training programs; and requisitions parts and supplies, and performs additional duties as needed. (Examples listed may not cover all duties that may be performed.)

Following tasks are typical for this classification. Incumbents may not regularly perform all of the listed duties and/or may be required to perform additional or different duties set forth below to address business or staffing needs and changing business practices as defined by the General Manager.

% TIME TASKS

15%

Supervises the day-to-day utility operations as well as emergency operations of District's water, wastewater and lighting systems and facilities

Serves as Crew Leader at the site providing work direction and technical instruction to other Utility crew personnel:

- Acts independently using sound judgment.
- Inspects work results performed by Utility crew personnel.
- Prepares/inspects equipment and obtains required permits.
- Responds to department personnel issues using sound judgment.
- Organizes labor resources effectively, providing input and recommendations, as directed by General Manager, for personnel evaluations and documentation of performance; and assures training is completed.

5%

Performs administrative work as required:

- Prepares or assists in the preparation of all required paperwork to document work performed at the job site.
- Professionally represents the District, attends meetings and prepares reports to Board
- Responds to emergency situations using sound judgment.
- Assures operations within budgetary guidelines.

5%

Participate in training on all procedures, safety, use and operation of equipment, machinery and vehicles.

65%

Utilizes the skills of carpentry, painting, plumbing, plastering, welding, cement finishing, masonry and similar skills, performs the following:

- Laying and joining pipe.
- Breaking out pavement for installations.
- Maintenance/repair of mains and services.
- Repairing land areas for planting.
- Installation and maintenance of customer meters.
- Performs routine maintenance on District equipment and facilities.
- Operates a variety of equipment in the course of the above including backhoe, earthmover, trucks, compressors, pneumatic hammers, drills and related machinery, welders, hand tools and similar equipment.
- Administers, tests, and maintains District's backflow system.

DETAILED DUTIES AND RESPONSIBILITIES - NON-ESSENTIAL FUNCTIONS

10%

Performs all related duties as assigned.

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DEPARTMENT: Utility Operations

TITLE: UTILITY LEVELS I, II AND III

REPORTS TO: Utility Operations Supervisor

FLSA: Non-exempt

CONFIDENTIAL: No

SUPERVISORY RESPONSIBILITIES

DIRECT: None*

INDIRECT: None

* *Utility III serves as a crew leader & provides on-site work direction and technical guidance to Utility II and I.*

MINIMUM QUALIFICATION REQUIREMENTS

Unless required by law, experience and education may be substituted for each other upon approval by the General Manager or their designee. Certifications required by law for the position must be obtained within first year in the position. A State of California Water Distribution Operator D1 and Wastewater Treatment Operator, Grade 1 certification is required by law for these positions.

EDUCATION: High School diploma or equivalent; valid California driver's license and proof of insurability; Standard First Aid and CPR certifications are required.

EXPERIENCE:

Level I: Minimum of one year of experience laying pipe and related materials. Basic familiarity with the following: electrical, plumbing, welding, heavy equipment operation, and landscaping. Comprehensive knowledge of, and experience in, the use of hand tools. A valid California Class "C" driver's license is required. Must obtain Water Operator D1 certification within a year of hire date and Wastewater OIT within 30 days of hire.

Level II: In addition to Level I requirements, a valid California Class "A or B" driver's license and Water Technology Certification are desirable. A minimum of three years of experience working in water operations and maintenance; demonstrated comprehension of District rules and regulations, California and Federal OSHA requirements and their application; ability to safely operate all construction related vehicles and equipment; ability to effectively utilize a personal computer and peripherals; and a State of California Water Treatment Grade 1, Distribution Operator D2 and Wastewater treatment Grade 1 certifications are required.

Level III: In addition to Level II requirements, a thorough knowledge of departmental procedures; the successful completion of a course of instruction on lead or supervisory duties at a journey level; proven ability to organize and manage competing priorities; skilled in personal computer and peripherals operations and use; and a State of California Water Distribution Operator D2 and Wastewater treatment Grade 2 certifications are required. A valid California Class "A or B" driver's license is required.

These positions require the ability to be "on-call", work evenings, weekends, and Holidays.

CONTACT RESPONSIBILITY

INTERNAL: Interaction with Supervisor or Utility III to receive specific work assignments and review results; SMCSO personnel to discuss and resolve technical issues; front desk and customer service personnel to coordinate assignments; all other District personnel as required.

EXTERNAL: Interaction with general public to answer basic questions during the course of carrying out the work assignment; vendors to obtain parts and supplies; and emergency service personnel as required.

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PHYSICAL REQUIREMENTS

Active physical work without prolonged heavy exertion, but with continuous exposure to unpleasant elements such as dust, mud, fumes, odors, dampness, raw or treated sewage, noise levels, or outside weather conditions. On feet most of the time involving bending, stooping, squatting, twisting, reaching, working on irregular surfaces; walk long distances, climb hills and ladders, frequent lifting of objects up to 50 lbs, may on an infrequent basis assist with lifting up to 100 pounds, with occasional lifting of objects weighing over 100 lbs; good hearing, eyesight and speech capabilities.

ENVIRONMENTAL CONDITIONS

When working outdoors, work is performed in all types of weather. Subject to: noisy conditions, odors, contact with animals and insects, hazardous traffic conditions, confined spaces, variable weather conditions, possible exposure to heavy equipment, dust, and fumes. Wear protective clothing as required.

When working indoors, work is performed in an office environment with lighting and ventilation. Subject to conversational noise from other personnel within the facility; standard background noise found in an office environment and exposure to a computer screen. Appropriate personal safety equipment is provided.

DETAILED DUTIES AND RESPONSIBILITIES - ESSENTIAL FUNCTIONS

This at will position responsibilities include performing construction, installation and maintenance work on pipelines and rights of way, buildings and grounds, valves, pumps, meters, tanks, hydrants, telemetry, cathodic protection and related equipment. A working knowledge and understanding of District safety rules and regulations, as well as active participation in the District safety program are necessary.

The ability to interact successfully in a team environment; support of the District Strategic Plan and Mission statement; and an ability to work independently with a clear understanding of goals and objectives are essential. Excellent verbal and written communication skills and stable, reliable attendance are required.

Following tasks are typical for this classification. Incumbents may not regularly perform all of the listed duties and/or may be required to perform additional or different duties set forth below to address business or staffing needs and changing business practices as defined by the General Manager.

% TIME TASKS**LEVEL****I II III****0 5% 25%**

Serve as Crew Leader at the site providing work direction and technical instruction to other Utility personnel:

- Acts independently using sound judgment.
- Inspects work results performed by Utility personnel.
- Prepares/inspects equipment and obtains required permits.
- Responds to department personnel issues using sound judgment.
- Supervises labor resources effectively, providing input and recommendations for evaluations and documentation of performance; and assures training is completed.

5% 5% 10%

Performs administrative work as required:

- Prepares or assists in the preparation of all required paperwork to document work performed at the job site.
- Professionally represents the District
- Responds to emergency situations using sound judgment.
- Assures operations within budgetary guidelines.

15% 10% 5%

Participate in training on all procedures, safety, use and operation of equipment, machinery and vehicles.

70% 70% 50%

Utilizes the skills of carpentry, painting, plumbing, plastering, welding, cement finishing, masonry and similar skills, performs the following:

- Laying and joining pipe.
- Breaking out pavement for installations.
- Maintenance/repair of mains and services.
- Repairing land areas for planting.
- Installation and maintenance of customer meters.
- Performs routine maintenance on District equipment and facilities.
- Operates a variety of equipment in the course of the above including backhoe, earthmover, trucks, compressors, pneumatic hammers, drills and related machinery, welders, hand tools and similar equipment.
- Administers, tests, and maintains District's backflow system.

DETAILED DUTIES AND RESPONSIBILITIES - NON-ESSENTIAL FUNCTIONS

10% 10% 10%

Performs all related duties as assigned.

TITLE: UTILITY WORKER
DEPARTMENT: OPERATIONS

TYPE OF WORK

Under supervision of the Operations Supervisor, Operator or his/her delegate works independently, or as part of a crew performing a full range of maintenance duties in a variety of tasks relative to District functions in Water Distribution, Water Treatment, Wastewater Treatment, Street Lighting, and Fire.

TYPICAL DUTIES PERFORMED

Under supervision, performs a variety of unskilled and semiskilled tasks in the maintenance and operation of District facilities; cleaning and repairing water well systems and structures, repairing water leaks, exercising valves, cleaning out meter boxes and valve boxes, cleaning and repair of wastewater collection and treatment systems including wet wells and man holes, painting, hand digging using pick and shovel, landscape maintenance, running errands, pest and weed control, cleaning and maintenance of all types, road repairs, reading water meters, hazardous material handling, performs maintenance and repairs of rolling stock; assists others as directed, and performs other duties as required. (Examples listed may not cover all duties that may be performed.)

SELECTION GUIDELINES

Knowledge of:

Repair and routine maintenance of vehicles, equipment, and tools; use of various hand and power tools, and mechanized equipment. Water and sewer maintenance/ operations, general construction work; safe working practices in a maintenance environment.

Ability to:

Stay productively busy, work under the direction of others and work well with others, maintain a safe work environment, have a cooperative and helpful attitude with the public, be willing to be trained and to learn new skills. Work outside in a variety of weather conditions. Perform heavy physical activity. Work varied shifts and overtime as required for planned repairs and or emergency work. Follow directions with reading and writing skills to accomplish desired tasks; do manual labor; utilize hand and power tools in building and facility maintenance; exercise good judgment in the operation of equipment and in completing jobs independently; and operate various motorized equipment.

Desirable Education and Experience:

High School graduation and one year work experience in maintenance or construction work or any combination of education and/or experience that could likely provide the desired knowledge and abilities. Course work related to water and wastewater operations is desirable.

Special Requirements:

Possession of a valid California Driver's License Class C is required. Possession of, or ability to obtain a Class A or B license is desirable.

Comment [KD1]: They are required to obtain a Wastewater treatment OIT within 30 days

Physical Demands and Working Conditions:

physical work without prolonged heavy exertion, but with continuous exposure to unpleasant odors, raw or treated sewage, dust and dirt, elevated noise levels, or outside weather conditions. Able to stand on a variety of surfaces, flat and sloped, able to bend, stoop, twist and reach overhead; frequent lifting of objects up to 50 lbs, with occasional lifting of objects weighing over 100 lbs.

Comment [KD2]: Should be same as operator and supervisor

ENVIRONMENTAL CONDITIONS

When working outdoors, work is performed in all types of weather. Subject to: noisy conditions, odors, contact with animals and insects, hazardous traffic conditions, confined spaces, variable weather conditions, possible exposure to heavy equipment, dust, and fumes. Wear protective clothing as required.

When working indoors, work is performed in an office environment with lighting and ventilation. Subject to conversational noise from other personnel within the facility; standard background noise found in an office environment and exposure to a computer screen. Appropriate personal safety equipment is provided.

DETAILED DUTIES AND RESPONSIBILITIES - ESSENTIAL FUNCTIONS

This at will position responsibilities include performing construction, installation and maintenance work on pipelines and rights of way, buildings and grounds, valves, pumps, meters, tanks, hydrants, telemetry, cathodic protection and related equipment. A working knowledge and understanding of District safety rules and regulations, as well as active participation in the District safety program are necessary.

The ability to interact successfully in a team environment; support of the District Strategic Plan and Mission statement; and an ability to work independently with a clear understanding of goals and objectives are essential. Excellent verbal and written communication skills and stable, reliable attendance are required.

Following tasks are typical for this classification. Incumbents may not regularly perform all of the listed duties and/or may be required to perform additional or different duties set forth below to address business or staffing needs and changing business practices as defined by the General Manager.

% TIME TASKS**5%**

Performs administrative work as required:

- Prepares or assists in the preparation of all required paperwork to document work performed at the job site.
- Professionally represents the District
- Responds to emergency situations using sound judgment.

5%

Participate in training on all procedures, safety, use and operation of equipment, machinery and vehicles.

80%

Utilizes the skills of carpentry, painting, plumbing, plastering, welding, cement finishing, masonry and similar skills, performs the following:

- Laying and joining pipe.
- Breaking out pavement for installations.
- Maintenance/repair of mains and services.
- Repairing land areas for planting.
- Installation and maintenance of customer meters.
- Performs routine maintenance on District equipment and facilities.
- Operates a variety of equipment in the course of the above including backhoe, earthmover, trucks, compressors, pneumatic hammers, drills and related machinery, welders, hand tools and similar equipment.
- tests, and maintains District's backflow system, as directed by supervisor.

DETAILED DUTIES AND RESPONSIBILITIES - NON-ESSENTIAL FUNCTIONS**10%**

Performs all related duties as assigned.

TITLE: ACCOUNTANT-ADMINISTRATIVE ASSISTANT
DEPARTMENT: ADMINISTRATION
Position: Non-management- confidential

TYPE OF WORK

Under direction of the General Manager, performs professional level administrative assistance and financial duties in support of the District Board of Directors and the General Manager; acts as Deputy District Clerk and Board Secretary under supervision of General Manager; responsible for accounting duties pertaining to the preparation and analysis of financial and statistical records and reports; performs routine to complex accounting work related to the preparation and maintenance of financial records and District audits; investigates and responds to customer requests and complaints; interacts with outside agencies and contractors in support of District objectives and performs other related work as required.

TYPICAL DUTIES PERFORMED

Performs a variety of administrative duties in such areas as budgeting, contract administration, accounting, personnel, customer service, operational research, other internal support activities, and staff support to the District Manager and the Board of Directors. Analyzes alternatives and makes recommendations regarding such matters as budget development, administrative policies, and customer service processes. Oversees the District's accounting functions by supervising office staff, and preparing financial reports and statements, works with outside consultants for such things as the annual audit and other fiscal matters. Complies with external reporting requirements such as audits, State LGFA, payroll benefits, workman's compensation, and quarterly payroll reports. Writes prepares and coordinates agenda items for the Board of Directors and its committees; assures that all supporting documentation is included with such items. Attends to a variety of office administrative details, such as making travel arrangements, coordinating materials and supply orders, preparing agreements, arranging for equipment purchase and maintenance. Composes correspondence on own initiative on matters not requiring personal attention of the General Manager. Supervises and performs a variety of duties relating to the resolution of customer problems, provides information requested by customers and other members of the public having an interest in District affairs. Supervises and acts as administrator and liaison for employee benefits while maintaining the various policies and plans relative to both District risk management and employee benefits; and performs additional duties as needed.

SELECTION GUIDELINES

Knowledge of:

Modern office methods, practices and methods; principles and practices of financial record keeping; public agency accounting, recordkeeping and fiscal accounting as well banking procedures; techniques of business correspondence and report writing; basic principles of accounting, computerized accounting and Black Mountain System utility accounting software is preferred. Operation of office equipment including photocopy machine, typewriter, adding machine; radios, pagers, usage of computers; organization of files, and general business office software usage.

Ability to:

Communicate effectively both verbally and in writing; Bi-lingual language skills desirable but not required; keep the General Manager informed of pertinent matters; attend Board and other public meetings as required by General Manager, usually in evenings or late afternoons; meet with and interact with the public and elected officials in a cooperative, tactful and courteous manner; plan and organize work assignment(s) in the performance of all of the above; prepare and process payroll and payroll reports,

purchase orders, check requests and other payment transactions; transcribes and edits Board material and minutes quickly and accurately; ability to express ideas and give instructions effectively; maintain confidentiality on issues consistent with District rules and regulations; prepare periodic financial reports and statistical reports for budgeting and cost accounting data; verifies and audits accuracy of journal and ledger postings, payroll record changes, and makes entry adjustments in accordance with GAAP standards and guidelines; apply rules and regulations to specific cases; analyze data and draw logical conclusions; take the lead and become a primary source of reference for assigned areas of responsibility, and performs other tasks as assigned by General Manager.

Education and Experience:

Any combination of education and work experience equivalent to graduation from high school with three (3) years of increasingly responsible clerical and secretarial experience in payroll management and bookkeeping, and/or public agency customer service.

Four (4) years of administrative support experience to a senior manager or professional organization with related experience and/or training in public agency fund accounting and the principles set forth under the Governmental Accounting Standards Board is preferred.

Two (2) years experience with public agency accounting computer software, word processing software, Excel or Lotus spreadsheet software, or equivalent combination of education and experience.

Special Requirements:

Possession of a valid California Driver's License Class C is required.

Physical Demands and Working Conditions:

Essential functions may require maintaining physical condition necessary for walking, standing, climbing stairs or sitting for prolonged periods of time; extensive use of computer keyboard or typewriter; visual acuity for proofreading documents and correspondence; in a fast pace, multi priority office.

Upon hire, new employees are required to provide proof of eligibility to work in the United States and must complete an INS Employment Verification form. Supporting documents must be presented prior to starting work.

Following tasks are typical for this classification. Incumbents may not regularly perform all of the listed duties and/or may be required to perform additional or different duties set forth below to address business or staffing needs and changing business practices as defined by the General Manager.

% TIME TASKS

80%

Plan and organize work assignment(s) in the performance of all of the above; prepare and process payroll and payroll reports, purchase orders, check requests and other payment transactions

Maintain confidentiality on issues consistent with District rules and regulations; prepare periodic financial reports and statistical reports for budgeting and cost accounting data; verifies and audits accuracy of journal and ledger postings, payroll record changes, and makes entry adjustments in accordance with GAAP standards and guidelines; apply rules and regulations to specific cases.

transcribes and edits Board material and minutes quickly and accurately; ability to express ideas and give instructions effectively;

10%

analyze data and draw logical conclusions; take the lead and become a primary source of reference for assigned areas of responsibility, and performs other tasks as assigned by General Manager.

DETAILED DUTIES AND RESPONSIBILITIES - NON-ESSENTIAL FUNCTIONS

5%

Attends training, seminars and conference related to GAAP practices and governmental fiscal accounting

5%

Performs all related duties as assigned.



San Miguel Community Services District Organization & Personnel Committee

Staff Report

March 11, 2016

AGENDA ITEM: V-2

SUBJECT: Discussion on the Fire Code adopted in 2013

STAFF RECOMMENDATION:

Discuss aspects of the Fire Code Adopted in 2013, and provide direction on how the Committee would like to proceed.

BACKGROUND:

At the request of the Board president this item has been brought forward for discussion. Included in this report is a copy of the Fire code adoption that was completed in 2013. This adoption is inclusive of the items that the District varies on from the state adopted fire code.

Adoption of a new fire code is a lengthy and costly process usually occurring every third year. Once a new fire code is adopted by the state or federal government, local agencies can either adopt the fire code as adopted by the state or can determine findings and adopt the fire code with increased requirements. The Adoption is done by Ordinance and resolution and must follow all the required posting, notification and hearing processes that are required for each.

It should be noted that a local agency can adopt more stringent requirements than those required by the state or federal government, but not less stringent unless there is significant evidence to support the reduction from the state or federal adoption. And if the local agency does adopt a less stringent requirement then that agency can be held liable if there are negative impacts to life or property due to the reduced requirements.

The state fire code is a very lengthy document and can be viewed at the following url address

http://www.ecodes.biz/ecodes_support/Free_Resources/2013California/13Fire/13Fire_main.html

or by appointment can be viewed at the district office.

As this item was requested without regard to a specific fire code issue, staff was unable to provide any comments or information on any specific issue.

FISCAL IMPACT:

None at this time

RECOMENDATION:

Staff recommends that the committee review the attached material and provide direction to staff of any issue that they wish to be specifically addressed.

PREPARED BY:

Kelly Dodds

Assistant Fire Chief

APPROVED BY:

Darrell Gentry

General Manager

Attachment: 2013 Fire Code adoption and findings

ORDINANCE No. 01-2013

**AN ORDINANCE OF THE BOARD OF DIRECTORS
OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT
ADOPTING WITH AMENDMENTS THE CALIFORNIA FIRE CODE 2013 EDITION,
THE 2012 EDITION OF THE INTERNATIONAL WILDLAND URBAN INTERFACE
CODE AND THE 2013 NATIONAL FIRE PROTECTION ASSOCIATION STANDARD
1144**

WHEREAS, the San Miguel Community Services District ("District") is a special district formed pursuant to California Government Code Sections 61000 et seq.; and

WHEREAS, California Government Code Section 61100(d) provides that a Community Services District has the express power to supply the inhabitants of the District with fire protection in the same manner as a fire protection district formed pursuant to the Fire Protection District Law (Health and Safety Code Sections 13800 et seq); and

WHEREAS, Section 13869 of the Health and Safety Code of the State of California provides that a District may adopt a fire prevention code by reference pursuant to Article 2 (commencing with section 50022) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code; and

WHEREAS, the Board previously approved Resolution No. 2010-09 setting forth the necessary local, climatic, geographical and topographical conditions findings to amend sections of the 2007 California Fire Code pursuant to California Health and Safety Code Sections 13869.7, 18941.5 and 17958.7
; and

WHEREAS, on December 16th 2010 , Ordinance No. 02-10 was adopted adopting and amending the 2010 California Fire Code, 2009 Edition of the International Wildland Urban Interface Code and the 2010 National Fire Protection Association Standard 1144;
and

WHEREAS, in order for the District to provide better and more comprehensive fire protection service to its inhabitants, the District desires to adopt, with amendments, the most current editions of the: California Fire Code – 2013 edition, the International Wildland Urban Interface Code – 2012 edition, and the 2013 National Fire Protection Association Standard 1144.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the San Miguel Community Services District as follows:

SECTION 1: ADOPTION OF CODES.

- A. 2013 California Fire Code. Except as amended herein, the 2013 California Fire Code, as amended, including all Articles and Appendices, is hereby adopted by the San Miguel Community Services District and incorporated herein by this reference as though set forth in full.

- B. 2012 International Wildland Urban Interface Code. Except as amended herein, the 2009 International Wildland Urban Interface Code, as amended, including all Articles and Appendices, is hereby adopted by the San Miguel Community Services District and incorporated herein by this reference as though set forth in full.

- C. 2013 National Fire Protection Association Standard 1144. Except as amended herein, the 2008 National Fire Protection Association Standard 1144, as amended, including all Articles and Appendices, is hereby adopted by the San Miguel Community Services District and incorporated herein by this reference as though set forth in full.

SECTION 2: ESTABLISHMENT AND DUTIES OF THE BUREAU OF FIRE PREVENTION.

The California Fire Code, International Wildland Urban Interface Code and International Wildland Urban Interface Code shall be regulated and enforced by the San Miguel Community Services District Fire Department, operated under the supervision of the Chief of the Fire Department. The Bureau of Fire Prevention is hereby established and shall be operated under the supervision of the Fire Chief. The Fire Chief may designate such members of the department as inspectors from time-to-time as necessary.

SECTION 3: AMENDMENTS AND EXCEPTIONS TO THE 2013 CALIFORNIA FIRE CODE AND THE 2012 INTERNATIONAL WILDLAND URBAN INTERFACE CODE

Pursuant to Resolution 2013-20, the Board of Directors of the San Miguel Community Services District found that due to certain local climatic, geological and topographical conditions exist within the District, more stringent building standards relating to fire and public safety than those standards adopted by the State Fire Marshal, and contained in the 2013 California Fire Code and 2012 International Wildland Urban Interface Code are necessary for adequate and sufficient fire protection within the District. Resolution No. 2013-20 and the findings contained therein are hereby incorporated herein by this reference. Therefore, the following amendments and exceptions to the 2013 California Fire Code and 2012 International Wildland Urban Interface Code are adopted:

- A. 2013 CFC SECTION 101.1 – TITLE: is hereby amended to read:

"These regulations shall be known as the Fire Code of the San Miguel Community Services District Fire Department, (SMFD) hereinafter referred to as "the fire code." The SMFD shall also be the enforcing public entity.

B. 2013 CFC SECTION 103.2 -- APPOINTMENT: is hereby amended to read:

"Appointment. The fire code official shall be appointed by the San Miguel Community Services District Board of Directors."

C. 2013 CFC SECTION 104.1 – GENERAL: is hereby amended to add the following provision:

"The Fire Chief and his or her designees shall have the authority of Peace Officers or Public Officers pursuant to the California Penal Code sections 830.37(a) and 830.37(b) in the performance of their duties under the California Fire Code and all other adopted Fire and Life Safety codes."

D. 2013 CFC SECTION 108.1 – BOARD OF APPEALS ESTABLISHED: is hereby amended in its entirety to read as follows:

"To determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of the provisions of this code, there shall be and hereby is created a Board of Appeals consisting of the five members of the San Miguel Community Services District Board of Directors. When a San Miguel Community Services District Fire Code Appeal Board is convened, the Board of Directors shall become members of the San Miguel Community Services District Fire Code Appeal Board. The existing rules and regulations of the San Miguel Community Services District Board of Directors shall apply for appeal proceedings under this code. All decisions and findings will be placed into writing and a copy sent to the Fire Chief and the appellant."

E. 2013 CFC SECTION 202 – GENERAL DEFINITIONS: The definition of "FIRE CODE OFFICIAL" is hereby amended to read as follows:

"The San Miguel Community Services District Fire Department fire chief is the designated authority charged with the administration and enforcement of the code, or a duly authorized representative."

F. 2013 CFC SECTION 202 – GENERAL DEFINITIONS: is hereby amended to add the following definition:

SKY LANTERN – An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

G. 2013 CFC SECTION 304.2 – STORAGE: is hereby amended in its entirety to read as follows:

- 1 "All rubbish or garbage containers that have an open top, combustible sides or lids, and or metal lids that are not tight fitting or closing must be located a minimum of 10-feet away from any combustible siding, overhang, or any other combustible portion of a building or structure.
- 2 Garbage or rubbish containers may be placed against a combustible surface or overhang provided it is protected by a domestic supply automatic sprinkler head, and the area that contains the container is so configured so the rubbish container will be positioned under the required automatic sprinkler head. This domestic automatic sprinkler head must have a shut-off valve that is identified and protected as well as approved check-valve. The San Miguel Community Services District Fire Department must approve all garbage or rubbish container automatic fire sprinkler systems."

H. 2013 CFC SECTION 307.1.1 – PROHIBITED OPEN BURNING: is hereby amended in its entirety to read as follows:

- 1 "All open burning, rubbish, burn barrels, and debris fires are prohibited within the San Miguel Community Services District's jurisdictional boundaries, except as permitted and authorized by the San Miguel Community Services District Fire Department and the San Luis Obispo County Air Pollution Control District. This amendment does not restrict barbecues in a permanent approved barbecue pit or a manufactured device designed for the purpose of being used as a barbecue, as determined by the San Miguel Community Services District Fire Department.
- 2 Warming fires and bonfires require a fire permit issued by the Fire Chief or and his or her designee."

I. 2013 CFC Section 308 Open Flames – is amended to add the following section:

308.1.6.3 Sky Lanterns – The ignition and launching of sky lanterns is prohibited.

Exceptions:

Upon the approval of the fire code official, sky lanterns may be used under the following conditions:

1. When necessary for religious or cultural ceremonies and adequate safeguards have been taken in the discretion of the fire code official.
2. Sky lanterns shall be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

J. 2013 CFC SECTION 308.3.1 – OPEN FLAME COOKING DEVICES: is hereby amended to add the following:

“The Fire Code Official has the final decision regarding approval or disapproval of all open flame cooking devices.”

K. 2013 CFC SECTION 503.1.1 – BUILDINGS AND FACILITIES : is hereby amended to add the following provision:

1 Driveway width. Proposed driveways less than 49-feet providing access to a residential building site shall be a minimum width of 12-feet and shall provide a minimum fuel modification area of 10-feet on each side of the length of the driveway. They must also have an unobstructed vertical clearance of 13 feet 6 inches and maintain that clearance during the time the building is present.

2 For longer driveways or access roads the following standards, will apply:

I. 50-200 foot driveways, 14-feet wide, with 13 feet 6 inch maintained vertical clearance, and a fuel modification area of a minimum of 15-feet on each side of the length of the driveway, with an approved turnout provided at or near the midpoint of the driveway.

II. 201 feet or greater length driveways, must be 16 feet in width, with 13 feet 6 inch maintained vertical clearance, and a 15-foot fuel modification on each side of the length of the driveway, an approved turnout provided at or near the midpoint. For driveways exceeding 300 feet in length a turnaround must be provided within 50-feet of the building site. For driveways 800 feet in length or longer turnouts shall be provided at least every 400 feet as required by the Fire Department.

III. If the residential property is located in a CAL Fire designated High or Very High Wildland Severity Zone and/or a mapped San Miguel Community Services District Fire Department High and or Very High Wildland Fire Risk Area, driveway widths shall be a minimum of 16-feet wide and have a minimum 12-foot fuel modification area on each side of the driveway for the entire length of the driveway.

L. 2013 CFC SECTION 503.2.3 – SURFACE: is hereby amended in its entirety as follows:

“All fire apparatus access roads must be able to support a minimum of 40,000 pounds.”

M. 2013 CFC SECTION 503.2.4 – TURNING RADIUS:, is hereby amended in its entirety to read as follows:

“The turning radius of a fire apparatus access road or driveway shall be at least 28 feet inside radius and 48 feet outside radius.

Exception: When the building is completely protected by an automatic sprinkler system, including all decks and or overhangs and porches with a combustible covering, this requirement may be modified, at the sole discretion of the Fire Chief.”

N. 2013 CFC SECTION 503.2.7 – GRADE: is hereby amended in its entirety to read as follows:

“Fire apparatus access roads or driveways must have a minimum level of improvement based on the grade of the driveway that provides access from the public road or right-of-way to the building site. Driveways with less than a 12% grade must be constructed of a minimum of red rock or other type base to provide an all-weather road surface. Driveways greater than 12% must be constructed of a minimum concrete, asphalt, pavers, or other suitable surface to provide an all-weather non-skid surface. Driveways that exceed 16% grade in any section must be constructed of an all-weather, non-skid surface and be designed and approved by a Registered Civil Engineer.”

O. 2013 CFC SECTION 503.4 – OBSTRUCTION OF FIRE APPARATUS ACCESS ROADS: is hereby amended in its entirety to read as follows:

“The Fire Chief and/or his or her authorized representatives, shall have the power and authority to remove or cause to remove, without notice, any vehicle or object parked or placed in violation of the California Fire Code. The owner of the vehicle or other object removed is responsible for all towing, storage and other charges incurred.”

P. 2013 CFC SECTION 503.5.1 – SECURED GATES AND BARRICADES: is hereby amended in its entirety to read as follows:

“Only San Miguel Community Services District Fire Department approved locking devices may be utilized.”

Q. 2013 CFC SECTION 506.1 – KEY BOXES WHERE REQUIRED: is hereby amended in its entirety to read as follows:

“Only San Miguel Community Services District approved locks shall be installed on gates or similar barriers when required by the code official. A manual disconnect is required if the gate or similar barrier is powered, that will allow manual opening and unlocking in the event of a failure of the device or power supply.”

R. 2013 CFC SECTION 506.1.1 – LOCKS: is hereby amended in its entirety to read as follows:

“Only Knox Company or other key boxes approved by the Fire Chief or and his or her designee are allowed.”

S. 2013 CFC SECTION 507.5.5 – CLEAR SPACE AROUND FIRE HYDRANTS: is hereby amended in its entirety to read as follows:

“A minimum 5-foot clearance is required around all fire hydrants located on vegetated property or around hydrants located on or adjacent to vacant parcels, as determined by the Fire Chief or his or her designee.”

T. 2013 CFC 509.1 – IDENTIFICATION: is hereby amended by adding the following provision to read as follows:

“All Automatic Fire Sprinkler- Fire Department Connections, (FDC’s), shall be identified as required by the Fire Chief or their designee, and shall have three one-inch wide white reflective stripes, placed one-inch apart on the piping or

other visible location. For residential sprinkler connections, standpipes or other fire protection devices a permanent sign shall be affixed to the device identifying at a minimum the address served, the necessary pressure, and the type of device. The minimum size shall be 12" x12" and must be approved and located as stipulated by the Fire Chief or his or her designee."

- U. 2013 CFC SECTION 901.7 – SYSTEMS OUT OF SERVICE: is hereby amended y to read as follows:

"Any time that any fire protection system or device is out of service, the Fire Chief or and their designee shall be immediately notified. The Fire Chief or his or her designee may require immediate evacuation and or cessation of usage and occupancy of the building; until such time that the fire protection system or device has been returned to service. The Fire Chief or his or her designee must approve fire-watches and a written log must be completed and maintained for the entire duration of the fire watch. The log is to remain on the premises and be available for immediate review by the Fire Chief or his or her designee. Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department, and their only duty shall be to perform constant patrols of the protected premises, keep watch for fires, and to maintain the required written log."

- V. 2013 CFC SECTION 903.2 – AUTOMATIC FIRE SPRINKLER SYSTEM, WHERE REQUIRED: is hereby amended in its entirety to read as follows:

"An automatic fire sprinkler system that meets or exceeds the California Building Code Standards, National Fire Protection Association (NFPA) Standards and all other recognized standards as approved by the San Miguel Community Services District Fire Department shall be installed as follows:"

- 1 All new buildings in all Groups regardless of size shall be protected by an automatic fire sprinkler system. Covered patio areas or other common areas that are protected on three sides will be included in sprinkler coverage area. All new buildings that are mixed use occupancies are required to be entirely protected by a NFPA 13 compliant automatic fire sprinkler system.
- 2 All buildings in all Groups proposals to build an addition or to perform an alteration or remodel where the total square footage will be 25% or more of total building square feet, must be protected by an approved automatic fire sprinkler system. In addition all existing or remodeled buildings, which are or will include a mixed-use occupancy must be entirely protected by a NFPA 13 compliant automatic fire sprinkler system regardless of square footage. If any existing building in all Groups except Group-R is deemed to be more hazardous due to building construction, materials or equipment stored inside of the occupancy, or the occupancy type, the entire building must be protected by an approved NFPA Automatic sprinkler system, as determined and approved by the Fire Chief or his or her designee.
- 3 All new buildings and other accessory buildings including but not limited to attached garages, granny units, guesthouses, studios or other residential units or buildings regardless of square footage must be protected by an

automatic sprinkler system. Storage sheds, detached garages and agricultural building 500 square feet or less are excluded. All buildings must be separated by the minimum horizontal distance as required in the California Build Code or other application codes in order to qualify as a separate building, in no case shall this separation distance be less than 10 ft. at the closest point.

- 4 All existing buildings, unless excluded, that are altered, Remodeled or occupancy type changed shall require the installation of automatic fire sprinkler.
5. These requirements shall be followed, unless the California Fire Code or the Building Code is more restrictive, whereby the more restrictive standard shall apply.”

W. 2013 CFC SECTION 903.3.2 – QUICK RESPONSE AND RESIDENTIAL SPRINKLERS: is hereby amended in its entirety to read as follows:

“All Group-R residences must have an approved automatic fire sprinkler head(s) installed in all attic or other areas where a forced air unit (FAU) or other open flame or heat producing device is located. An automatic sprinkler head must also be installed in all Group-R elevators and similar shafts. An inspector’s test valve must also be installed in all Group-R buildings at the point furthest opposite from where the fire sprinkler riser enters the building. The location of these sprinkler heads and inspectors test valves locations are subject to approval by the San Miguel Community Services District Fire Department.”

X. 2013 CFC SECTION 903.4 – SPRINKLER SYSTEM SUPERVISION AND ALARMS: is hereby amended in its entirety to read as follows:

“Where required, all automatic sprinkler systems shall be electrically monitored by a supervised Central Station, listed by Underwriters Laboratory for receiving fire alarms. Valve monitoring, water flow and trouble signals shall be distinctly different when transmitted to the central station.

Exceptions:

- 1 Isolated specialty systems such as paint spray booths, closets and storage spaces or smaller buildings with less than 20 heads, unless the entire occupancy is protected by an automatic sprinkler system.
- 2 All Residential occupancies where the number of heads is less than 50.
- 3 All other Building Groups that have less than 50 heads, unless they are located in a remote area, as determined by the Fire Chief, and the lack of monitoring could cause a significant delay in the report of the system activation.”

Y. 2013 CFC SECTION 904.11.4 – SPECIAL PROVISIONS FOR AUTOMATIC SPRINKLER SYSTEMS: is hereby amended in its entirety to read as follows:

“Automatic fire sprinkler systems protecting commercial type cooking equipment, including new and existing outdoor permanent barbecues, shall be supplied from a separate, readily accessible, indicating-type control valve that is identified. All permanent outdoor barbecues, regardless of size or fuel type must be protected by an approved automatic fire sprinkler system.”

- Z. 2013 CFC SECTION 912.2.2 – EXISTING BUILDINGS: is hereby amended in its entirety to read as follows:

“On existing buildings, wherever the fire department connection is not visible to approaching fire apparatus, an approved sign mounted as determined by the Fire Chief or his or her designee shall indicate the fire department connection location. Such sign shall meet the requirements for size and materials as determined by the Fire Chief or his or her designee. All fire department connections must have three one-inch reflective stripes placed one-inch apart on or near the fire department connection. Placement of said identification will be determined by the Fire Chief or duly authorized designee. All existing buildings that have an existing fire department connection have one (1) year in which to bring their existing signage and marking up to this standard.”

- AA. 2013 CFC SECTION 2306.2.3 – ABOVE GROUND TANKS LOCATED OUTSIDE, ABOVE GRADE: is hereby amended in its entirety to read as follows:

“All above ground liquid motor fuel tanks regardless of class of liquid or size must be permitted and approved by the Fire Chief or his or her designee.”

- BB. 2013 CFC SECTION 5504.2.1 – STATIONARY CONTAINERS: is hereby amended in its entirety to read as follows: [NEED TO DETERMINE WHERE THIS GOES...]

“No Flammable Cryogenic fluid stationary storage containers are allowed within the San Miguel Community Services District boundaries.”

- CC. 2013 CFC SECTION 5601 EXPLOSIVES AND FIREWORKS: is hereby amended in its entirety to read as described in Exhibit “A” attached hereto and incorporated herein by this reference.

- DD. 2013 CFC 5609 SEIZURE OF FIREWORKS: is hereby amended in its entirety to read as follows:

“The Fire Chief or his or her designee shall have the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and the California Health and Safety Code, Chapter 9, except for Safe and Sane fireworks as approved by the Ordinances and regulations of San Miguel Community Service District.”

BB. 2013 CFC Section 4903 Amended. Section 4903 of the California Fire Code, entitled "Plans" is hereby amended to add the following provision:

"Almost the entire San Miguel Community Services Districts service area is located in a Cal Fire (SRA) designated High Wildland Fire Severity Zone, and San Miguel CSD Fire Department Wildland Fire/Fuel Risk Map- Medium, High and Very High Fire Risk area. The 2006 International Urban Wildland Interface Code (as published by the International Code Council) and the National Fire Protection Association (NFPA) Standard of Protection of Life and Property from Wildfire 1144 will be utilized to develop fire and life safety measures to protect life, environment and property located within the San Miguel Community Services District. When multiple standards apply the most stringent requirement will be used, as approved by the Fire Chief or his or her designee. Roof coverings, siding, decking, windows, doors, skylights and ornamental facades must meet applicable Building and Fire Code Standards and the requirements of the Fire Chief or his or her designee."

CC. 2013 CFC Section 4710.1.2 Amended. Section 4710.1.2 of the California Fire Code, entitled "Materials, Systems and Methods of Construction, Roof Coverings" is hereby amended to add the following sentence to the end of said provision:

"All roof coverings for all occupancy types in all areas within this jurisdiction are required to be Class-A roofing materials with an approved Class-A assembly."

DD. 2013 CFC Appendix-B Amended. Section B105 of Appendix B of the California Fire Code, entitled "Flow Requirements for Buildings", is hereby amended in its entirety to read as follows:

"The minimum fire flow requirements for one and two family dwellings having a fire-flow calculation area which does not exceed 3600 square feet shall be 1500 gallons per minute. All other fire flow and duration for dwellings shall not be less than specified in Table B105.1."

EE. 2013 CFC Appendix-D Amended. Section 103.6 of Appendix D of the California Fire Code, entitled "Signs" is hereby amended in its entirety to read as follows:

"Where required by the Fire Chief or his or her designee, fire apparatus access roads shall be marked with permanent: NO PARKING-FIRE LANE signs complying with the dimensions and language as determined by the Fire Chief or his or her designee. Signs shall have minimum dimensions of 12 inches wide by 18 inches high and have red letters on a white reflective or other approved background. The Fire Chief or his or her designee shall require the posting of signs on one or both sides of the fire apparatus access road as required. Sign Type A, C and D as pictured in the code are examples and the final determination of the sign size, configuration, and wording shall rest with the Fire Chief or his or her designee."

FF. 2012 IWUIC Section 402.2.2 Amended. Exceptions 1 and 2 of Section 402.2.2 of the International Wildland Urban Interface Code, entitled "Water Supply", is hereby amended to read as follows:

"Individual structures hereafter constructed or relocated into or within *wildland-urban interface areas* shall be provided with a conforming water supply in accordance with Section 404.

Exceptions:

1. Structures constructed to meet the requirements for the class of ignition-resistant construction specified in Table 503.1 for a nonconforming water supply.
2. Buildings containing only private garages, carports, sheds and agricultural buildings with a floor area of not more than 500 square feet (56 m²).

GG. 2012 IWUIC Table 502.1 Amended. Table 502.1 of the International Wildland Urban Interface Code, entitled "Fire Hazard Severity" is hereby repealed.

JJ. 2012 IWUIC Appendix-C Amended. Appendix C of the International Wildland Urban Interface Code, entitled "Fire Hazard Severity Form" is hereby amended in its entirety to read as follows:

"In order to determine the applicable Fire Hazard Severity Class rating for the fire code requirements of any project the CAL-Fire, State Fire Hazard Severity Zone Rating that is in effect or has been adopted for the San Miguel CSD Fire Department services area and, or the current San Miguel CSD Fire Wildland Fire Risk map will be utilized to determine the requirements for the ignition resistant class rating. When there is a conflict between these two maps the more stringent requirement of the two documents shall be applied."

SECTION 4 REPEAL OF ORDINANCE No. 08-10.

Ordinance No. 08-10 is hereby repealed in its entirety.

SECTION 5 PUBLICATION OF ORDINANCE

Within fifteen (15) days after passage of this Ordinance, it shall be published once, together with the names of the Board Members voting thereon, in a newspaper of general circulation within the District.

SECTION 6 EFFECTIVE DATE

This Ordinance shall take effect and be in full force and effect thirty (30) days after its passage.

SECTION 7 VALIDITY OF ORDINANCE

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

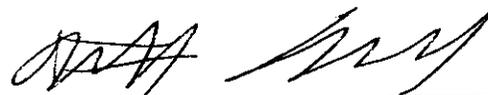
The foregoing ordinance was introduced at a Special meeting of the Board of Directors of the San Miguel Community Services District held first on the 21st of November, 2013

AYES: Kalvans, Harrison, Jarvis, Buckman, Green

NOES:

ABSENT:

ABSTAIN:



Anthony Kalvans , President
Board of Directors

Attest:



David Bentz, Secretary and Interim General Manager

Approved as to Form

Timothy J. Carmel, District Counsel

EXHIBIT "A"

The discharge, possession and or storage all illegal fireworks is prohibited, except for professional displays that are permitted and approved by the Fire Chief or his or her designee, in accordance with Title 19, California Code of Regulations, Chapter 6.

REGULATIONS AND RULES PERTAINING TO THE RETAIL SALE AND USE OF SAFE AND SANE FIREWORKS.

The possession, storage for purposes of sale at retail and use only, sale at retail and use of "safe and sane" fireworks within the San Miguel Community Services District is allowed subject to the following rules and regulations:

(a) Definition of "Safe and Sane" Fireworks.

"Safe and Sane" fireworks shall mean those fireworks defined as "safe and sane" in California Health and Safety Code Section 12529 and classified by the State Fire Marshall as "safe and sane" in accordance with Section 12562 of the Health and Safety Code.

(b) Application.

No permits for the sale of "safe and sane" fireworks will be issued to any person, entity, organization or corporation except those recognized as non-profit associations or corporations (IRC 501(c)3 status) organized primarily for veteran, patriotic, welfare, civic betterment, or other similar charitable purposes. Proof of non-profit status shall be required by producing copies of incorporation documents as registered with the Secretary of the State of California. All applicants desiring to sell at retail "safe and sane" fireworks within the District must first make written application for a permit to the District Fire Chief. Applications for permits shall be made in writing on a form provided by the District, and submitted to the District during the period of January 1 to March 31 each year. If March 31 falls on a Saturday or Sunday, then the filing period will be extended to the next business day. Two (2) permits will be issued per year by the District. A third permit may be issued by special approval of the Board of Directors. Only non-profit organizations with their principal meeting place located within the District boundary are eligible for permit issuance. Permittees from the previous year before shall have priority.

Each permittee shall be limited to a single temporary fireworks stand or structure (hereinafter "stand") space, however multiple organizations may share a single stand.

The District reserves the right to maintain a list of additional eligible willing applicants, should a permittee fail to perform consistent with the permit terms and conditions and these regulations during any part of the allowed selling period.

Applicants shall be advised of approval or denial of their application within ten (10) business days of the close of the application period.

(c) License as a Prerequisite.

The Fire Chief shall not accept an application for a permit from any person who does not possess, and present at the time of application, evidence of a valid license to perform those acts specified on the application for a permit, as such license is defined in Health and Safety Code Section 12517.

(d) Investigation and Report.

The Fire Chief shall undertake an investigation and prepare a report of their findings and determination concerning the issuance of the permit, together with the reasons thereof.

(e) Grant or Denial of Permit.

The Fire Chief may approve or deny the permit or approve the permit, subject to such reasonable conditions, if any, as he/she shall prescribe. Such conditions may include, but are not limited to:

(i) Prepayment of a clean-up fee , in an amount set by Resolution of the District Board of Directors, which may be refunded in whole or in part, if the sale location and public areas where "safe and sane" fireworks are used, are free of used and spent fireworks and related materials by July 5, as determined by the Fire Chief;

(ii) Requiring the permittee to provide each purchaser of "safe and sane" fireworks with a copy of the restrictions and safety guidelines for the use of "safe and sane" fireworks in San Miguel, and to sign a receipt of acknowledgement agreeing to said provisions. Permittees may also be required to have each purchaser agree and provide evidence that he/she is eighteen (18) years of age or older, and that such fireworks will not be used by anyone less than that eighteen (18) year s of age;

(iii) Notwithstanding any other provision of law, the permittee will be required to furnish to the District Fire Chief with a policy of public liability and property damage insurance, with no deductible, with limits and terms set by Resolution of the District Board of Directors. The District and its officers, directors, and employees shall be named as additional insured under such public liability policy. A certificate of insurance shall be presented consistent with the above prior to sale and shall provide that the insurer will not cancel or reduce the coverage without thirty (30) days prior written notice to the District.

(iv) A non-refundable permit fee set by Resolution of the District Board of Directors may be required to cover the District's costs in administering and enforcing the provisions of this Ordinance. The permit fee shall be paid to the District upon approval of the permit.

(f) Designation of Location for Sale of "Safe and Sane" Fireworks.

Permits issued shall designate the location at which the permittee may sell at retail "safe and sane" fireworks. Applicants shall obtain, at their sole cost, all other necessary

permits or licenses from the County of San Luis Obispo or other public entity, including but not limited to, building and use permits, for the operation of a retail fireworks stand or equipment. Stands shall be separated by a linear distance of at least 600 feet.

(g) Revocation.

The Fire Chief may revoke a permit for just cause where a fire nuisance exists, or for other violation of the terms herein described, or where personal injury may occur. This determination may be appealed to the District General Manager, and subsequently, to the Board of Directors.

(h) Signage

Any approved retail location that sells "safe and sane" fireworks will be required to post a banner which shall read, "this fireworks stand is sponsored by (name of organization) located in (City or District organization is headquartered)". The banner shall be of a fire resistant material and shall have a twelve inch (12") white background with six-inch (6") solid black-block letters. The banner design and material shall be approved by the Fire Chief prior to granting permission to sell "safe and sane" fireworks. The banner shall be clearly posted above the retail area of the stand in a conspicuous location and shall be posted during the regular hours of retail operation.

(i) Salespersons.

No person under the age of 18 shall sell, or handle for sale, any "safe and sane" fireworks. No persons convicted of selling fireworks, firearms, liquor and/ or tobacco, to persons under the age of 18 within the three (3) prior to the date of permit issuance years shall sell, or handle for sale any "safe and sane" fireworks.

(j) Location of Use of "Safe and Sane" Fireworks.

"Safe and Sane" fireworks may be used only within the District boundaries, and may only be discharged on July 4 when all of the following conditions are met:

- (i) There is at least a 50' radius (100' in diameter) clear of all combustible materials;
- (ii) There is an adequate water supply provided, consisting of at least a 5/8" garden hose with an adjustable charged pressure nozzle;
- (iii) There is an adult (over the age of 18) in attendance at all times.
- (iv) If over 21 years of age, persons igniting the "safe and sane" fireworks are not over the legal alcohol limit of .08 blood alcohol concentration.
- (v) All fireworks shall be removed from sales stands by noon on July 6th.

(k) Time

Permitted sales of "safe and sane" fireworks shall be limited to the period set by Resolution of the Board of Directors of the San Miguel Community Services District, and shall not unreasonably annoy or otherwise cause a nuisance to the surrounding area. Permitted discharge or use of "safe and sane" fireworks shall be July 4th in legally permitted locations.

(l) Additional Regulations

The District Board of Directors may, by Resolution, establish additional regulations related to the possession, storage, use and sale of "safe and sane" fireworks.

(m) Violations.

In addition to any other violations provided by law, the following shall constitute violations related to the possession, storage, sale and use of "safe and sane" fireworks within the District:

- (i) To sell or offer for sale, "safe and sane" fireworks at any time outside of the period established herein.
- (ii) To use or discharge "safe and sane" fireworks at any time outside of the period established herein.
- (iii) To store any "safe and sane" fireworks without having in their possession a valid permit as required by this Ordinance.
- (iv) To store or possess any "safe and sane" fireworks for which a license is required and which has been revoked or surrendered or any license which has not been renewed, and such storage or possession is held beyond the period provided for in Section 12604 of the Health and Safety Code.
- (v) To store, sell, or discharge any "safe and sane" fireworks in or within one-hundred (100) feet of a location where gasoline or any other Class 1 flammable liquids are stored or dispensed.
- (vi) To place, throw, discharge or ignite, or fire any "safe and sane" fireworks at any person.
- (vii) To sell or transfer any "safe and sane" fireworks to a consumer or user thereof other than at a permitted stand for which all necessary licenses and permits have been issued.
- (viii) To allow or permit a fire nuisance, as defined in Section 2510 of the Health and Safety Code, to exist on any premises where any "safe and sane" fireworks are sold or stored.
- (ix) To conduct a public display without possessing a valid permit for this purpose.
- (x) To advertise to sell "safe and sane" fireworks without a valid license and permit.
- (xi) To sell, give, or deliver any "safe and sane" fireworks to a person who is under 18 years of age.

(xii) To perform any act, or transact or attempt to transact any business, with an expired license or an expired permit where a license or permit is required for the performance of such act or transaction.

(n) Penalties.

Except as provided in Section 12702 of the Health and Safety Code, any person who violates any provision of this Ordinance, or any regulations issued pursuant thereto, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five-hundred (\$500.00) and no more than one-thousand (\$1,000.00), or by imprisonment in the San Luis Obispo County jail for no more than one year, or by both such fine and imprisonment.

In addition to all other penalties, the Fire Chief may deny an application to sell "safe and sane" fireworks if the applicant has previously violated any provision of this Ordinance, or any regulations issued pursuant thereto.

(o) Violation of Ordinance.

The Fire Chief, or his or her duly authorized representative, is hereby authorized to issue citations for the misdemeanors specified in Section 13871 of the Health and Safety Code and for violations of this Ordinance. The provisions of Chapter 5C (commencing with Section 853.5) of Title 4 of Part 2 of the Penal Code shall apply.

RESOLUTION No. 2013-20

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN MIGUEL COMMUNITY SERVICES DISTRICT
ADOPTING FINDINGS PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 13869.7, 18941.5 AND
17958.7
FOR THE PURPOSES OF ADOPTING THE 2013 CALIFORNIA FIRE CODE
AND THE 2012 INTERNATIONAL WILDLAND URBAN INTERFACE CODE
AND AMENDMENTS THERETO

WHEREAS, pursuant to California Government Code Section 61100(d), the San Miguel Community Services District (District) has the express power to supply the inhabitants of the District with fire protection; and

WHEREAS, Section 13869 of the Health and Safety Code of the State of California, authorizes the District to adopt an ordinance that incorporates by reference fire prevention codes and amendments, and Section 13869.7(a) of the Health and Safety Code authorizes adoption of building standards relating to fire and panic safety that are more stringent than those adopted by the State Fire Marshal and contained in the California Building Standards Code, subject to making findings in accordance with Sections 18941.5 and 17958.7 of the Health and Safety Code; and

WHEREAS, in order for the District to provide improved and more comprehensive fire protection service to its residents, the District desires to adopt, with amendments, the most current editions of the: California Fire Code – 2013 edition, the International Wildland Urban Interface Code – 2012 edition, and the most current National Fire Protection Association Standard 1144.

WHEREAS, pursuant to District Fire Department Findings, more strict standards are necessary due to local climatic, geographical and/or topographical conditions that exist within the San Miguel Community Services District boundary; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the San Miguel Community Services District hereby approves and adopts the findings set forth in the attached Exhibit A "*Fire Code Findings*", as prepared by District Fire Chief Rob Roberson.

BE IT FURTHER RESOLVED that the Board of Directors of the San Miguel Community Services District has determined that as a result of the climatic, geographical and/or topographical conditions set forth in the attached Exhibit A "*Fire Code Findings*," it is necessary to adopt, by ordinance, more stringent building standards relating to fire and public safety than as set forth in California Fire Code – 2013 edition, the International Wildland Urban Interface Code – 2012 edition, and the most current National Fire Protection Association Standard 1144.

RESOLUTION No. 2013-20 of Board of Directors of the San Miguel Community Services District was duly adopted at the special meeting of the Board on the 21st day of November 2013, on the following roll call vote:

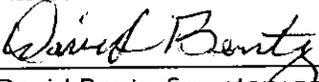
AYES: Kalvans, Jarvis, Buckman, Green

NOES:

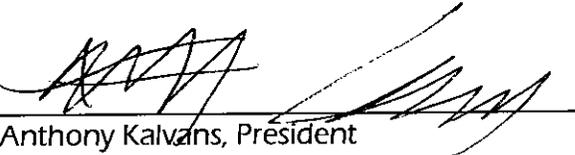
ABSTAIN:

ABSENT: Harrison

Attest:



David Bentz, Secretary and Interim General Manager



Anthony Kalvans, President
Board of Directors

Approved as to Form

Timothy J. Carmel, District Counsel

ATTACHMENT A
Resolution No. 2013-20

**FIRE CODE FINDINGS
OF THE
SAN MIGUEL COMMUNITY SERVICES DISTRICT FIRE DEPARTMENT**

Pursuant to Sections 13869.7, 18941.5 and 17958.7 of the California Health and Safety Code, the report contained herein is for the purpose of making findings that modifications or changes to building standards relating to fire and panic safety are reasonably necessary because of local climatic, geological or topographical conditions. This Findings document supports the San Miguel Community Services District Ordinance No. XX-2013. Under this ordinance, specific amendments have been established which are more restrictive in nature than those set forth in the California Fire Code – 2013 edition, the International Wildland Urban Interface Code – 2012 edition, and the most current National Fire Protection Association Standard 1144, all of which have been adopted by the State of California.

The California Fire Code – 2013 edition, (commonly referred to as the California Code of Regulations, Title 24, Part 9) the International Wildland Urban Interface Code – 2012 edition, and the most current National Fire Protection Association Standard 1144, all of which have been adopted by the State of California will be recognized by the San Miguel Community Services District (District) Fire Department (SMFD.) The amendments made thereto by the District address the fire problems, concerns, and future directions, by which this District can establish and maintain an environment which will deliver adequate levels of fire protection and life safety protection to its citizens and visitors.

Under the provisions of Sections 13869.7, 18941.5 and 17959.7 of the California Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The Findings contained herein shall address each of these conditions that, either singularly or in combination, necessitate amendments be adopted.

SAN MIGUEL COMMUNITY PROFILE (SERVICE AREA)

Father Fermin Francisco de Lasuén founded Mission San Miguel on July 25, 1797 at latitude 35.752 and longitude 120.696. San Miguel's elevation is approximately 650 feet above sea level.

The town of San Miguel has existed and grown from that time to present. The majority of San Miguel is made up of single-family residential housing, a small commercial business district, one elementary school, and one large commercial winery. Housing areas span both sides of the Salinas River and railroad track. The San Miguel Community Services District boundary encompasses an area of approximately 5 (five) square miles, with a residential population of approximately 2500 (twenty-five hundred.)

The physical location of District boundaries lay within the northern portion of the San Luis Obispo County with its northern border approximately one mile south of the Monterey county line. The District's eastern border runs parallel to the Salinas River and encompasses the San Lawrence Terrace, then drops to approximately follow the railroad track. Its southern border runs approximately to the Mission Street Exit from US Highway 101. Its western border runs parallel to US Highway 101 and approximately 1,000 to 2,500 feet west of the Highway. Passing through the District is US Highway 101 and the River Road Bridge crossing the Salinas River; which is the only river crossing for the entire CSD boundary.

Based on the profile of the service area, the San Miguel Community Services District Fire Department established certain requirements to increase the level of fire safety to the residents of San Miguel as well as the buildings and property within its boundaries. The following factors were established as points of concern to the San Miguel Fire Department, and are herein established and submitted as the "Findings:"

ATTACHMENT A
Resolution No. 2013-20

1. CLIMATE

The climate weather patterns within San Miguel are a California chaparral environment, which is mainly dry grassland and oak woodland; (sometimes described as a "high desert" climate.) In summer, the temperature may climb to 119° F, while winters are usually cool and moist. During summer, it is not unusual to have a 50° F temperature difference between daytime high and overnight low. A steady northwest wind is present in afternoon to late evening.

Normal rainfall averages 15-20 inches annually. During the winter rainy periods, San Miguel has the potential to experience flooding along the Salinas River and drainage ways, interrupting emergency services during these flooding events. It would be imperative that the community has automatic fire suppression systems to extinguish or control a fire to which the Fire Department has a delayed response to. During summer and fall months, temperatures can average 100° plus degrees and can exceed 110° degrees for many consecutive days. Dry wind removes moisture from vegetation, causing acute fire potential. San Miguel has experienced periods of drought, which push fuel moisture levels to significant low levels for extended periods of time. During late summer and fall, wind can move fire quickly across the hills and/or through residential and commercial areas of San Miguel.

2. GEOLOGICAL

San Miguel is within an active seismic area. During the last few years earthquakes located in San Simeon and Parkfield caused seismic activity within San Miguel. Several active faults are located to the East of San Miguel and could result in damage occurring within the Community of San Miguel. The potential for severe damage does exist with these active seismic areas. The disruption of streets, roadways, railroad crossings, and especially the Salinas River Bridge crossing due to seismic damage would delay the arrival of emergency fire response and allow fires to quickly escalate beyond the department's ability to suppress them. The installation of Automatic Fire Suppression systems will allow for improved response and a faster suppression response by the automatic systems prior to Fire Department arrival.

Although the fire department and water system in San Miguel are currently rated Class-8 by the Insurance Services Offices, with the above noted hazard, it is possible that major fire flow requirements could be disrupted and automatic fire suppression systems requiring much less water would be the only means of extinguishment. A planned improvement to the community's water storage system has resulted in additional water storage; however, our community still remains short of the required amount to adequately protect the community. The San Miguel Community Services District is currently working toward a multi-year plan to improve the community water storage shortfall.

The potential for earthquakes influences fire protection planning. A major seismic event would create a community-wide demand on fire protection services, which would be beyond the response capability of the Fire Department, near shore and long distance. This potential problem can be partially mitigated by requiring initial fire control through the installation of automatic fire protection systems. This will assist in controlling or extinguishing fires in buildings, which will increase the availability of firefighting resources after seismic activity.

1. STATEMENT OF THE PROBLEM

The Fire Department is charged with the task of providing a reasonable degree of fire and life safety protection to the residents and visitors to our town. The continued development and growth of San Miguel, as it relates to the delivery of fire protection, are of major concern if we are to continue to provide even a minimum level of fire protection to our community.

These findings address the problem of community growth and cost of fire control while offering an alternative approach to the continually growing demand for publicly funded fire protection services.

ATTACHMENT A
Resolution No. 2013-20

A report by the Institute for Local Self-Government entitled "Alternative to Traditional Public Safety Delivery Systems," finds that a fire chief must move toward built-in private fire protection equipment and systems if they are to control the fire department's operational budget, and adequately address the community fire protection problem.

This study, using guidelines from the Institute for Local Self-Government and the National Fire Protection Association, proposed that the fire department control fires in all new structures built within their jurisdiction. This could be accomplished by using an established emergency response assignment that will not create a deficiency in the fire protection services currently offered to the already established community.

The San Miguel Fire Department emergency response assignment varies, depending on Volunteer Firefighter (PCF) availability. Most Fire Departments consider two engine companies, a rescue unit, an EMS unit (paramedics) and a Chief Officer to be a minimum emergency response assignment for a single-family structure fire.

The San Miguel Fire Department daily staffing includes one volunteer firefighter (who is also employed by the CSD for other duties during weekdays) and volunteers to staff a single Engine Company, and Automatic Aid response from CAL Fire/San Luis Obispo County Fire, other adjacent agencies and any available paid call firefighters. It seems reasonable that new structures constructed or additions to existing structures, in San Miguel, be protected by built-in fire protection systems. The criteria for controlling the cost of fire protection in the District is to cause (by ordinance) new structures, regardless of type of construction or occupancy, to be equipped with automatic fire sprinklers.

The amendments based upon the findings contained herein relate to the adoption of the California Fire Code – 2013 edition, (commonly referred to as the California Code of Regulations, Title 24, Part 9) the International Wildland Urban Interface Code – 2012 edition, and the most current National Fire Protection Association Standard 1144, all of which have been adopted by the State of California. The amendments made thereto by the District address the fire problems, concerns, and future direction by which this District can establish and maintain an environment which will deliver adequate levels of fire protection and life safety protection to its citizens and visitors provides a reasonable and established means of adequately protecting life, the environment and property in San Miguel.

These findings and future fire code ordinances, amendments and adoptions of the same category reduce the need for large additions to publicly funded fire protection, and allow the District to grow with reasonable expansion of the Fire Department. They also place fire protection and prevention in the community where the benefit can be realized more quickly and with greatest benefit.

While smoke detectors are intended to provide an early warning that allows occupants to escape or defend themselves from fire hazard, automatic sprinklers are meant to control or extinguish a developing fire and to enable occupants to better escape. Automatic sprinklers are designed to respond immediately to suppress fire early in the fire's development stages. This will allow for the suppression or extinguishment of fire, and still leave a breathable atmosphere for occupants to safely exit the building. Automatic fire sprinklers can also contain the fire to the building of origin, and therefore potentially keep the fire from spreading to the exterior wildland environment.

Based on these "Findings," Ordinance No. 01-2013 will provide effective protection of the residents, property, the environment and help reduce the devastation of fire.

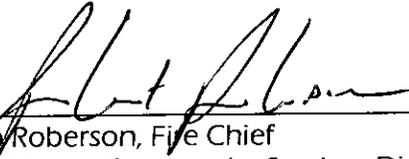
It should also be noted these findings are only a part of the total San Miguel CSD Master Plan. This may be one of the single most important elements toward the progressive improvement of the delivery of fire and life safety protection services.

ATTACHMENT A
Resolution No. 2013-20

While the adoption of Ordinances and Codes may not prevent all incidents of fire or deaths there from, the implementation of the various codes and requirements will reduce the severity and potential for the loss of life, damage to the environment and property damage in our community.

The San Miguel CSD Fire Department submits these "Findings" and requests adoption of same pursuant to the provisions of Sections 13869.7, 18941.5 and 17958.7 of the State of California Health and Safety Code.

Prepared and submitted by:



Rob Roberson, Fire Chief
San Miguel Community Services District
Fire Department