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ARTICLE 20. EMPLOYER-EMPLOYEE RELATIONS

Sec. 20.1 revised via Ordinance No. 509 / August 16, 2023

Sec. 20.1 revised via Ordinance No. 463 / February 13, 2019

Sec. 20.1. revised via Ordinance No. 320 / July 27, 2005

Sec. 20.1. Equal Employment Opportunity. It is and shall be the continuing policy of the Olivenhain Municipal Water District that all persons are entitled to equal employment opportunity regardless of sex, race, color, ancestry, religious creed, national origin, mental or physical disability, medical condition, genetic information, pregnancy, reproductive health decision making (including the decision to use or access a particular drug, device, product, or medical service for reproductive health), gender identity, gender expression, sexual orientation, political affiliation, veteran status, age, marital status, registered domestic partner status, or any other legally protected status as defined in California Family Code, Section 297, complaints filed with the Department of Fair Employment, birth or adoption of a child, domestic partner's child or leave for the care of an immediate family member (spouse, registered domestic partner as defined in California Family Code, Section 297, child, domestic partner's child or parent) with a serious health condition pursuant to all applicable state and federal laws.

- A. Employment opportunities are and shall be open to all qualified applicants solely on the basis of their experience, aptitudes, and abilities.
- B. Advancement is and shall be based entirely on the individual's achievement, performance, ability, attitude and potential for promotion.
- C. All relations and decisions pertaining to employment, promotions, demotion, transfer, recruiting, Reductions-in-Workforce (RIW), terminations, training, rates of pay and benefits will be executed without regard to gender, race, color, ancestry, religious creed, national origin, mental or physical disability, age, marital status, registered domestic partner status, or any other legally protected status, complaints filed with the Department of Fair Employment, birth or adoption of a child, registered domestic partner's child or leave for the care of an immediate family member (spouse, registered domestic partner as defined in California Family Code, Section 297, child, domestic partner's child or parent) with a serious health condition pursuant to all applicable state and federal laws.

Sec. 20.2. revised via Ordinance No. 509 / August 16, 2023

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Sec. 20.2. revised via Ordinance No. 463 / February 13, 2019

Sec. 20.2. revised via Ordinance No. 320 / July 27, 2005

Sec. 20.2. Affirmative Action Program. It is the personnel policy of the Olivenhain Municipal Water District to utilize available personnel resources in selecting the best qualified person for the job to be performed on the basis of qualifications which are essential in order that an employee may perform well, including such factors as ability, availability, capability, aptitude, experience, education, and willingness to work and serve. The object is to use qualified personnel in such a manner so as not to discriminate against any person, employee or job applicant for employment because of sex, race, color, ancestry, religious creed, national origin, mental or physical disability, age, marital status, registered domestic partner status, or any other legally protected status, complaints filed with the Department of Fair Employment, birth or adoption of a child, registered domestic partner's child or leave for the care of an immediate family member (spouse, registered domestic partner as defined in California Family Code, Section 297, child, registered domestic partner's child or parent) with a serious health condition pursuant to all applicable state and federal laws.

- A. Recruitment. The Olivenhain Municipal Water District will consider all qualified applicants for vacancies in all job classifications on the basis of individual qualifications and job performance.
- B. Job Placement and Promotions. The Olivenhain Municipal Water District will provide promotional and upgrading opportunities when they become available to all qualified employees on the basis of individual qualifications and essential job performance.
- C. Training and Development. All training and educational programs conducted on the job, and all outside training and educational seminars for employees will be made available to all employees.
- D. Compensation and Employee Benefits. The District will pay all personnel fairly according to their job classification. The District-supported benefit programs for employees will be made equally available to all personnel.

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- E. Working Conditions and Facilities. District facilities, except restrooms and dressing rooms, will not be segregated on the basis of gender.

- F. RIW and Terminations. Whenever necessary to reduce the District workforce, RIW or recall to work decisions will be made without regard to gender, race, color, ancestry, religious creed, national origin, mental or physical disability, age, marital status, registered domestic partner status, or any other legally protected status, complaints filed with the Department of Fair Employment, birth or adoption of a child, registered domestic partner's child or leave for the care of an immediate family member (spouse, registered domestic partner as defined in California Code Section 297, child, domestic partner's child, or parent) with a serious health condition pursuant to all applicable state and federal laws.

When it becomes necessary to terminate any employees, such termination will be without discrimination due to gender, race, color, ancestry, religious creed, national origin, mental or physical disability, medical condition, genetic information, pregnancy, reproductive health decision making (including the decision to use or access a particular drug, device, product, or medical service for reproductive health), gender identity, gender expression, sexual orientation, political affiliation, veteran status, age, marital status, registered domestic partner status, or any other legally protected status, complaints filed with the Department of Fair Employment, birth or adoption of a child, registered domestic partner's child or leave for the care of an immediate family member (spouse, registered domestic partner as defined in California Code Section 297, child, domestic partner's child, or parent) with a serious health condition pursuant to all applicable state and federal laws.

Sec. 20.3. District Employee Relations Officer. The Board of Directors shall appoint an Employee Relations Officer to serve at the pleasure of the Board in matters relating to Employee-Employer Relations. Unless otherwise appointed by the Board of Directors, the General Manager is the Employee Relations Officer.

Sec. 20.4 revised via Ordinance No. 451 / July 19, 2017

Sec. 20.4. revised via Ordinance No. 382 / August 25, 2010

Sec. 20.4. revised via Ordinance No. 375 / March 24, 2010

Sec. 20.4. revised via Ordinance No. 320 / July 27, 2005

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Sec. 20.4. Board of Directors Personnel Committee. The Board of Directors shall create and maintain a Personnel Committee in accordance with Sec. 2.2. of this Administrative Code. The Personnel Committee shall consider matters referred to it by the Board of Directors, or matters within the scope of its duties, which are presented by its members or by the District's Employee Relations Officer or his/her designee. The Committee shall have authority only to submit recommendations to the Board of Directors. A meeting may be called at any time for consideration of matters requiring immediate attention.

A. Duties and Functions of the Personnel Committee.

- (1) The form of the District's organization, including the flow of authority and responsibility; salaries, special benefits, hours of work; personnel working conditions, disagreements and problems; the employment of consultants, advisors and specialists and the conditions of their employment.
- (2) The organization and classification of positions, job duties, salaries, employees' organizations, and pension plans.
- (3) The District's Equal Employment Opportunity Policies, Affirmative Action Program and District employee-employer relations policies.
- (4) Interviewing and recommending individuals to serve as General Manager, General Counsel, Treasurer, and any other employee who may not be subject directly to the supervision of the General Manager.
- (5) The acknowledgement and honoring of Board Directors, employees, and others for services rendered.
- (6) Changes in the Administrative Code based upon experience and the best administrative practices.

Sec. 20.5. revised via Ordinance No. 528 / May 21, 2025

Sec. 20.5. revised via Ordinance No. 463 / February 13, 2019

Sec. 20.5. revised via Ordinance No. 403 / December 12, 2012

Sec. 20.5. revised via Ordinance No. 320 / July 27, 2005

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Sec. 20.5. Employment Requirements. The following requirements must be completed for employment in conformance with the time stipulations:

A. Physical Examinations. Successful applicants for employment in safety-sensitive positions, who can perform the job duties with or without accommodations, are required to have a pre-placement medical examination given by a doctor of the District's choice. The examination shall be made after the job offer and prior to commencement of employment. The examination will be made at District expense. (See Article 4, Section 4.1.)

B. Loyalty Oath. Each new employee will be required to sign a loyalty oath, pursuant to State Law, prior to employment.

LOYALTY OATH / AFFIRMATION

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

- (1) This Loyalty Oath is required by the California Constitution and Government Code sections 3101 and 3102 to administer a loyalty oath to all employees, except legally employed aliens.
- (2) State law also requires that public employees sign the loyalty oath. It is a prerequisite to compensation and reimbursement for expenses incurred. One who cannot take the oath, in effect, is rendered ineligible for public employment.
- (3) OMWD has granted authority to administer the oath to the General Manager. The General Manager may appoint any person authorized in writing by his/her appointing power. The Loyalty Oath does not need to be notarized.
- (4) OMWD will not permit changes or alterations to the loyalty oath; however, an employee could sign the oath and add a separate note to their personal file that expresses his/her views. Thus, attachments or addenda will be allowed with the following caveats:
 - i. Attachments or addenda that are incompatible, inconsistent, and negate the meaning of the loyalty oath will not be accepted.

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- ii. Attachments or addenda will need to be approved by the General Manager and the General Counsel before being allowed to be attached to the Loyalty Oath.
- (5) If an employee did not take and sign a loyalty oath before they began their employment with the District, the oath may be done so retroactively and the employee will be considered as fulfilling the requirement from the first day of employment. This must be done within 7 working days of the finding of the error by either the employee or District.

- C. Political Activity. Public employees may be restricted in accordance with State Law.

- D. Conflict of Interest. A conflict of interest statement may be required pursuant to current State and County statutes and District rules (See Article 27 of the District's Administrative Code and the Conflict of Interest Code of the Olivenhain Municipal Water District).

Sec. 20.6. revised via Ordinance No. 463 / February 13, 2019

Sec. 20.6. revised via Ordinance No. 451 / July 19, 2017

Sec. 20.6. revised via Ordinance No. 320 / July 27, 2005

Sec. 20.6. **Selection Process.**

- A. Announcement. Positions, which become vacant or are newly created, shall be publicized by posting announcements via email and by such other methods deemed necessary by the General Manager. The announcements shall include the title and pay of the position; the position specification including: the nature of the work required by the position, the manner of making application, and the application deadline; and other pertinent information, including that the District is an equal opportunity employer.

- B. Application Forms. Applications shall be made as prescribed on the announcement. Application forms shall require information, which may include certificates, references and work history. All applications, applicant releases, and authorizations must be signed by the person applying, and will remain the property of the District.

- C. Disqualifications. The General Manager shall reject any application which indicates on its face that the applicant does

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not possess the minimum qualifications required for the position, has misrepresented any factual information requirement or is not a citizen of the United States, except when citizenship is not required by law. All applicants shall be notified of the job placement, whether successful or not.

- D. Examination. Selection techniques may require an examination which will be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the General Manager, fairly measure the relative capabilities of the persons examined to execute the duties and responsibilities of the position to which applicants seek appointment. The test may include, but not be limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, work samples or any one or combination of these or other tests.

- E. Appointment. If the General Manager does not consider it in the best interest to fill the position by promotion, transfer, reinstatement, reemployment or demotion, a position will be filled externally. After interview and background investigation, the General Manager shall make appointments. The persons accepting appointment shall present themselves on the date of appointment and present themselves for duty within such period of time as prescribed, otherwise, they shall be deemed to have declined the appointment.

Sec. 20.7. revised via Ordinance No. 524 /November 6, 2024

Sec. 20.7. revised via Ordinance No. 509 / August 16, 2023

Sec. 20.7. revised via Ordinance No. 320 / July 27, 2005

Sec. 20.7.

Discrimination, Harassment and Retaliation. The District is committed to preventing discrimination, harassment and retaliation in the workplace even when the conduct occurs away from District premises if the conduct is connected to the covered individual's job, such as while working remotely, while on a business trip, or at a work-related social function. The District has zero tolerance for any conduct that violates this policy. A single act by a District employee may constitute a violation of this policy and provide sufficient grounds for the General Manager to discipline the District employee.

This policy establishes a complaint procedure by which the District will investigate and resolve complaints of discrimination, harassment and retaliation by and against District covered individuals. The

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District encourages all covered individuals to report any conduct that they believe violates this policy as soon as possible.

The District expressly prohibits any retaliation against an employee because they filed or supported a complaint or because they participated in the investigation or complaint resolution process. Individuals found to have retaliated against an employee in violation of this policy will be subject to appropriate disciplinary action, up to and including termination.

This policy also covers the following individuals: applicants for employment at the District; all District employees regardless of rank or title; elected or appointed officials of the District; interns; volunteers; and contractors.

This policy applies to all terms and conditions of employment, internships, and volunteer opportunities, including, but not limited to, selection, hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, compensation, and training.

Protected Classification. This policy prohibits discrimination, harassment or retaliation because of an individual's protected classification.

"Protected Classification" includes race, religion, creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender identity, gender expression, age (40 and over), sexual orientation, military and veteran status, reproductive health decision making, or any other basis protected by law.

This policy prohibits discrimination, harassment, or retaliation for the following reasons: (1) an individual's protected classification; (2) the perception that an individual has a protected classification; or (3) the individual associates with a person who has or is perceived to have a protected classification.

Protected Activity. This policy prohibits discrimination, harassment, and retaliation because of an individual's protected activity.

Protected activity includes, but is not limited to, the following activity: (1) making a request for an accommodation for a disability; (2) making a request for accommodation for religious beliefs; (3) making

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a complaint under this policy; (4) opposing violations of this policy; or (5) participating in an investigation under this policy.

Discrimination. This policy prohibits treating a covered individual differently and adversely because of the individual's actual or perceived protected classification; because the individual associates with a person who is or is perceived to be a member of a protected classification; or because the individual participates in a protected activity as defined in this policy.

Harassment. This policy prohibits harassment of a covered individual because of the individual's actual or perceived protected classification. Harassment includes, but is not limited to, the following conduct:

(a) Derogatory, offensive or inappropriate speech, such as epithets, slurs or stereotypical comments, or verbal propositions made on the basis of the individual's protected classification. This includes, but is not limited to, comments, stories, and jokes about appearance, dress, physical features, gender identification, and race.

(b) Physical acts, such as assault, impeding or blocking movement, offensive touching, or physical interference with normal work or movement. This includes, but is not limited to, pinching, grabbing, patting, or making explicit or implied job threats or promises in return for submission to physical acts.

(c) Visual acts, such as derogatory, offensive or inappropriate, posters, cartoons, emails, pictures or drawings related to a protected classification.

(d) Unwanted sexual advances, requests for sexual favors and other acts of a sexual nature, where submission is made a term or condition of employment, where submission to or rejection of the conduct is used as the basis for employment decisions, or where the conduct is intended to or actually does unreasonably interfere with an individual's work performance or create an intimidating, hostile, or offensive working environment.

Harassment includes conduct that another individual who is a member of the protected classification would find unwelcome or unwanted.

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Retaliation. Retaliation occurs when an employer takes adverse employment action against a covered individual because of the individual's protected activity as defined in this policy.

The District takes a proactive approach to potential policy violations and will conduct an investigation if its supervisory or management employees become aware that harassment, discrimination or retaliation occurred or may be occurring, regardless of whether the recipient or third party reports a potential violation.

Complaint Procedure. Any employee or applicant who experiences or witnesses behavior that they in good faith believe violates this policy is encouraged to immediately tell the offending individual to stop and that the behavior is inappropriate, but only if they feel comfortable doing so. A covered individual who believes they have been subjected to discrimination, harassment or retaliation may make a complaint, either orally or in writing, to any supervisor, manager, the Human Resources Manager or to the General Manager, without regard to any chain of command.

Any supervisory or management employee who observes, learns of, or receives a harassment complaint is required to immediately notify the Human Resources Manager and must follow any instructions provided by the Human Resources Manager. Upon receiving notification of a complaint regarding discrimination, harassment or retaliation, the Human Resources Manager or their designee will complete and/or delegate the following steps:

1. Authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will usually include interviews with the following individuals: (1) the complainant; (2) the respondent (e.g., the subject of the investigation); (3) potential witnesses to the conduct at issue; and (4) other persons who may have relevant knowledge concerning the allegations in the complaint.
2. Review the factual information gathered during the investigation to determine whether the alleged conduct violated this policy giving consideration to all factual information, the totality of the circumstances, including the nature of the conduct, and the context in which the alleged incidents occurred.
3. Prepare a summary report of the determination as to whether the conduct violated this policy and provide such report to the General Manager. If discipline is imposed by the General Manager, the level

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of discipline or sanctions will not be communicated to the complainant.

4. If conduct in violation of this policy occurred, recommend to the General Manager prompt and effective remedial action.

5. Take prompt, reasonable steps designed to protect the complainant from harassment, discrimination or retaliation which, on occasion, may require initial, interim protective measures until the investigation has been completed.

If the Human Resources Manager is the respondent, or a witness to the events at issue, an individual with higher authority will complete and/or delegate the above enumerated steps. If the General Manager is the respondent, the investigation will be outsourced, outside legal counsel will serve the role of the Human Resources Manager, and the Board of Directors will serve in the role of the General Manager.

Right to File. An individual possesses the right to report workplace harassment, discrimination or retaliation to the Equal Employment Opportunity Commission (EEOC) and/or the California Civil Rights Department (CRD). These administrative agencies provide a complaint process as well as certain legal remedies if the applicable agency determines that a violation of the law occurred. The nearest EEOC and CRD offices are listed on the internet. Employees may also check the posters that are located on District bulletin boards for EEOC and CRD office locations and telephone numbers.

Confidentiality. To the extent possible, the District will endeavor to keep the reporting of complaints confidential. However, complete confidentiality cannot be guaranteed because of the District's need to investigate the complaint and comply with its obligations pursuant to this policy and the law.

All employees are required to cooperate fully with any investigation. Failure to do so, intentional dishonest and/or the intentional withholding of information could result in disciplinary action. This includes, but is not limited to, maintaining an appropriate level of discretion regarding the investigation and disclosing any and all information that may be pertinent to the investigation. The District expressly prohibits an employee who is interviewed during the course of an investigation from attempting to influence other employees, including employees who may have witnessed the

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underlying conduct at issue, while the investigation is open and ongoing.

An employee may discuss their interview with a designated association representative (i.e. BUMA or OMWDEA) and/or the employee's legal representative. The District will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

Responsibilities. Each non-supervisor or non-manager is responsible for the following:

1. Treating all individuals in the workplace or on District worksites with respect and consideration.
2. Modeling behavior that conforms to this policy.
3. Participating in periodic trainings on personnel matters.
4. Cooperating with the District's investigations pursuant to this policy by responding fully and truthfully and in a timely manner to all questions posed during the investigation.
5. Taking no actions to influence the complainant or any potential witness while the District's investigation is ongoing.
6. Reporting any act they believe in good faith constitutes harassment, discrimination or retaliation as defined in this policy, to their immediate supervisor or manager, the Human Resources Manager, or the General Manager.

In addition to the responsibilities listed above, each manager and supervisor is responsible for:

1. Informing employees under their supervision of this policy.
2. Taking all steps necessary to prevent harassment, discrimination and, retaliation from occurring including, but not limited to, monitoring the work environment and taking immediate and appropriate action to stop violations (e.g., removing inappropriate pictures or correcting inappropriate language).
3. Receiving, responding to, and reporting to the Human Resources Manager all observations, knowledge, and/or complaints of conduct that may violate this policy in a uniformly fair and serious manner
4. Documenting the steps taken to resolve such complaints.

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5. Following up with those who have complained to ensure that the offensive conduct about which they complained has stopped and that there have been no reprisals or retaliation or threats of reprisal or retaliation.
6. Informing those who complain about harassment and/or discrimination of their option to contact the EEOC or CRD and file a complaint about such activity.
7. Assisting and/or advising employees regarding this policy.
8. Assisting in the investigation of complaints involving subordinate employee(s).
9. Where a complaint is substantiated, assisting in the development of a recommendation concerning an appropriate corrective or disciplinary action in accordance with these policies.
10. Implementing appropriate corrective or disciplinary actions.
11. Reporting potential violations of this policy to the Human Resources Manager, regardless of whether an employee complained about such conduct.
12. Participating in periodic training and scheduling employees for training.

Sec. 20.8. added via Ordinance No.509 / August 16, 2023

Sec. 20.8. **Employment of Relatives.** The District seeks to create a work environment that avoids even the appearance of favoritism, conflicts of interest, or management disruptions. The District recognizes the employment of relatives can cause various problems including, but not limited to, charges of favoritism and conflicts of interest.

The District allows existing family working relationships to be maintained, and may employ individuals with family relationships to current District employees, provided that:

- (1) Relatives do not have a supervisor/subordinate relationship with one another;
- (2) The relationship does not create an adverse impact on work productivity or performance; and
- (3) The relationship does not create an actual or perceived conflict of interest.

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Should relationships be identified with either applicants or current employees, the matter should be reported to the Human Resources Manager or General Manager immediately. The District will make a determination as to whether the relationship is subject to this policy, and appropriate action will be taken, which may include not hiring a candidate, transferring an existing employee, or terminating the employment of one or both employees with family relationships.

For the purposes of this policy, relatives include, but are not limited to, relationships established by blood, marriage, or legal action—e.g., spouse, domestic partners, parents, children, siblings, grandchildren, in-laws, stepparents or other stepfamily members, aunts, uncles, nieces, nephews, cousins.

Sec. 20.9. added via Ordinance No. 509 / August 16, 2023

Sec. 20.9. Other Employment. Employees are expected to devote their energies to their job with the District. The following types of additional employment elsewhere are strictly prohibited.

- (1) Additional employment that conflicts with an employee's work schedule, duties, and responsibilities at the District;
- (2) Additional employment that creates a conflict of interest or is incompatible with the employee's position with the District;
- (3) Additional employment that impairs or has a detrimental effect on the employee's work performance with the District; and/or
- (4) Additional employment that requires the employee to conduct work or related activities for that other employment on the District's property, during the employee's working hours, or using the District's resources, facilities, and/or equipment for the benefit of that other employment.

Employees wishing to engage in part-time employment or self-employment while working for the District must have such employment approved in advance by the General Manager.

Sec. 20.10. added via Ordinance No. 509 / August 16, 2023

Sec. 20.10. Open Door Policy. The District has an open-door policy and encourages employees to come forward with their questions, suggestions, concerns, and observations.

The District encourages you to speak with your supervisor first. If, for any reason, you feel you cannot discuss the issue with your supervisor, or if the situation is not resolved satisfactorily, you may present the problem to your Manager. If not successfully resolved by

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your Manager, then see the Human Resources Manager or General Manager for assistance.

Sec. 20.11. added via Ordinance No. 509 / August 16, 2023

Sec. 20.11. Reasonable Accommodation. Consistent with the District's commitment to providing equal employment opportunities for all applicants and employees, the District will provide reasonable accommodation for qualified individuals with mental and/or physical disabilities, in accordance with all applicable laws, provided the accommodation does not cause an undue hardship on business operations or pose a direct threat to the health or safety of participants or other employees.

The District also provides reasonable accommodation for individuals whose needs regarding religious observances or practices are made known, provided the accommodation does not cause undue hardship on business operations. The District also provides reasonable accommodation for employees affected by pregnancy, as medically advisable. Upon being notified of an employee's need for a reasonable accommodation, the District will engage, in good faith, in a timely and interactive process with the employee to determine an effective reasonable accommodation. The District prohibits discrimination, discharge, retaliation, or any other unlawful acts against an individual because such person requests or receives an accommodation under this (or another applicable) policy, or because such individual engaged in any other conduct protected by law.

Sec. 20.12. added via Ordinance No. 509 / August 16, 2023

Sec. 20.12. Lactation Accommodation. The District provides accommodations to lactating employees who need to express breast milk during work hours in accordance with applicable law. Specifically, the District will make available a lactation room or other location (that is not a bathroom) for employees to express breast milk in private. The District will ensure that the lactation location:

- (1) is in close proximity to the employee's work area, shielded from view, and free from intrusion while the employee is expressing milk;
- (2) is safe, clean, and free of hazardous materials;
- (3) contains a surface to place a breast pump and personal items;
- (4) contains a place to sit; and
- (5) has access to electricity or alternative devices, including, but not limited to, extension cords or charging stations, needed to operate an electric or battery-powered breast pump.

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In addition, the District will provide access to a sink with running water and a refrigerator suitable for storing milk (or other cooling device suitable for storing milk) in close proximity to the employee's workspace. In the event that more than one employee needs to use the lactation location to express breast milk, the District will discuss alternative options with the employees to determine what arrangement addresses their needs, such as finding an alternative space or creating a schedule for use.

The District provides a reasonable amount of break time for an employee to express breast milk each time the employee requires it. If possible, the break time should run concurrently with any break time already provided to the employee. Break time for a nonexempt employee that does not run concurrently with rest time already authorized for the employee is unpaid.

Employees who are nursing have a right to request a lactation accommodation and may make such requests verbally or in writing, to the Human Resources Manager.

The District will respond to such requests in a reasonably prompt manner, not exceeding five (5) business days. If the District cannot provide break time, location, or other reasonable accommodations in accordance with this policy, it will inform the requesting employee in writing.

The District prohibits any form of retaliation or discrimination against an employee for exercising or attempting to exercise any rights provided under this policy. Any such conduct or other violations of the above policies should be reported to the Human Resources Manager.

Employees also have the right to file a complaint with the California Labor Commissioner for violation of a lactation accommodation right described in the policy above.

Sec. 20.13 added via Ordinance No. 524 / November 6, 2024

Sec. 20.13. Title VI Compliance. In accordance with Title VI of the Civil Rights Act of 1964 and all related acts and statutes (Title VI), the District operates its programs and services without regard to race, color, national origin, sex, age or disability. Title VI and related statutes prohibits discrimination in federally assisted programs requires that no person in the United States of American shall, on the grounds of

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race, color, national origin, sex, age or disability be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.

Any person who believes she or he has been aggrieved by any unlawful discriminatory practice under Title VI may file a complaint with the District. Any such grievance must be in writing and submitted to the District's Title VI Compliance Coordinator within 180 days following the date of the alleged occurrence. The Human Resources Manager serves as the designated Title VI Compliance Coordinator. For more information on the District civil rights program, and the procedures to file a complaint, contact the Human Resources Manager.

Title VI Grievance Procedures. As a recipient of federal funds, the District is required to comply with Title VI of the Civil Rights Act of 1964 and ensure that services and benefits are provided on a nondiscriminatory basis. This procedure describes the process for local disposition of Title VI grievances.

Any person who believes she or he has been discriminated against on the basis of race, color, or national origin, sex, religion, disability, or age by the District may file a Title VI grievance by completing and submitting the Title VI Grievance Form. The Grievance Form should be submitted to the Human Resources Manager by the complainant or his/her authorized representative as soon as possible but no later than 180 calendar days after the alleged violation.

Within 15 calendar days after receipt of the complaint, the Human Resources Manager or her designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days of the meeting, the Human Resources Manager or her designee will respond in writing, and when appropriate, in a format accessible to the complainant, such as large print or audio file. The response will explain the position of the District and offer options for substantive resolution of the complaint.

If the response by the Human Resources Manager does not satisfactorily resolve the issue, the complainant and/or his or her designee may appeal the decision within 15 calendar days after receipt of the response to the General Manager. Within 15 calendar days after receipt of the appeal, the General Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the

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General Manager or designee will respond in writing, and when appropriate, in a format accessible to the complainant with a final resolution. All written complaints, appeals, and responses shall be retained by the District for three years. Any grievant has the right to file grievances directly to the appropriate state or federal agency providing federal financial assistance to the District.