

<p>Olivenhain Municipal Water District</p> <p><b>ADMINISTRATIVE AND ETHICS CODE</b></p>	Article No. 4	Page 1 of 14
	Title : <b>CLASSIFIED POSITIONS</b>	
	Latest Revision Date May 21, 2025	ORDINANCE NO. 528

*Sec. 4.1. revised via Ordinance No. 528 / May 21, 2025*

*Sec. 4.1. revised via Ordinance No. 509 / August 16, 2023*

*Sec. 4.1. revised via Ordinance No. 382 / August 25, 2010*

*Sec. 4.1. revised via Ordinance No. 329 / April 14, 2006*

*Sec. 4.1 revised via Ordinance No. 320 / July 27, 2005*

*Sec. 4.1. revised via Ordinance No. 315 / January 26, 2005*

*Sec. 4.1. revised via Ordinance No. 305 / October 22, 2003*

*Sec. 4.1. revised via Ordinance No. 295 / July 24, 2002*

Sec. 4.1.     General. The General Manager, subject to the approval of the Board of Directors, in the annual budget, is hereby authorized to determine the salaries of individual employees of the District within the limits so established, as the General Manager may in his/her discretion determine such employee's merit. In determining the compensation of employees, the General Manager may also determine the benefits of all employees, individually or as a collective whole, including contributions to deferred compensation plans and auto allowances, subject to the approval of the Board of Directors in the annual budget and any required meet-and-confer process under the law.

All positions, with the exception of part-time classifications, shall be considered full-time positions and may be either temporary or regular. All full-time employees shall be expected to work the regularly scheduled hours in each workweek.

All prospective employees for safety-sensitive positions are required to complete a medical evaluation form, pre-employment drug testing, and a medical examination after an initial offer of employment. Applicants who fail to complete the medical evaluation, pre-employment drug testing, and the physical exam will not be considered for employment. Prior to being employed and after an initial employment offer, a medical history and physical questionnaire form shall be filled out. This shall be followed by a physical examination and pre-employment drug testing, the cost to be paid by the District. If the results of the medical examination or drug testing would disqualify an individual from performing the essential functions of the classification applied for, the employee shall be given an opportunity to submit an independent medical opinion for consideration. If the two medical opinions conflict, the District has the right to obtain a third medical opinion to assist in evaluating the employee's condition.

The results of all medical examinations received in accordance with this section shall be kept on separate forms and treated as confidential medical records to the extent required by applicable law.

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Once hired, random drug testing only applies to employees who possess a Class A or Class B commercial driver's license and are approved by the General Manager to participate in the District's Commercial Driver License program, and are performing safety-sensitive functions for the District.

*Sec. 4.2. revised via Ordinance No. 320 / July 27, 2005*

Sec. 4.2.     Employee/Employer Manual. The General Manager shall maintain in an up-to-date condition an Employee/Employer Manual, which shall give a description in brief, concise terms for each classified position:

- (A)     The general description of essential functions, detailed duties and responsibilities, which the holder of the position shall be called upon to perform.
- (B)     The desirable qualifications giving education and experience requirements of the position; and
- (C)     Environmental conditions under which the job is performed and physical requirements for the position.

In addition to job descriptions, the Employee/Employer Manual shall also contain the Rules and Regulations on Employer/Employee Relations, the Compensation Policy, the Grievance Procedure, the Memorandum of Understanding with the employee associations and the Performance/Plan Review Guidelines.

*Sec. 4.3. revised via Ordinance No. 305 / October 22, 2003*

Sec. 4.3.     Position and Salary Range. The General Manager shall submit annually to the Board, at the time of preparing the preliminary budget, a list of the positions required for the following fiscal year, and the recommended salary grades for each position. Prior to the final adoption of the new classified positions or recommended salary adjustments, the District's designated representatives shall meet and confer with the recognized employee representatives, if any. The Board, after receiving the recommendation of the General Manager and after full consideration of the recommendation, shall adopt a Salary Schedule and Job Classification Plan giving a salary grade for each position, which shall then become the basis for all salaries paid to the personnel during the year.

The General Manager shall conduct salary surveys in accordance with the currently negotiated and Board-approved Compensation Policy.

*Sec. 4.4. revised via Ordinance No. 528 / May 21, 2025*

*Sec. 4.4. revised via Ordinance No. 525 / December 11, 2024*

*Sec. 4.4. revised via Ordinance No. 516 / May 15, 2024*

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*Sec. 4.4 revised via Ordinance No. 513 / December 13, 2023*

*Sec. 4.4 revised via Ordinance No. 508 / May 17, 2023*

*Sec. 4.4 revised via Ordinance No. 505 / December 14, 2022*

*Sec. 4.4 revised via Ordinance No. 500 / May 18, 2022*

*Sec. 4.4 revised via Ordinance No. 497 / December 15, 2021*

*Sec. 4.4 revised via Ordinance No. 490 / June 16, 2021*

*Sec. 4.4 revised via Ordinance No. 484 / February 10, 2021*

*Sec. 4.4 revised via Ordinance No. 481 / December 9, 2020*

*Sec. 4.4. revised via Ordinance No. 476 / June 17, 2020*

*Sec. 4.4. revised via Ordinance No. 471 / December 11, 2019*

*Sec. 4.4 revised via Ordinance No. 465 / June 19, 2019*

*Sec. 4.4 revised via Ordinance No. 463 / February 13, 2019*

*Sec. 4.4 revised via Ordinance No. 462 / January 16, 2019*

*Sec. 4.4. revised via Ordinance No. 457 / June 20, 2018*

*Sec. 4.4 revised via Ordinance No. 455 / December 13, 2017*

*Sec. 4.4 revised via Ordinance No. 450 / June 21, 2017*

*Sec. 4.4 revised via Ordinance No. 446 / December 7, 2016*

*Sec. 4.4 revised via Ordinance No. 441 / July 20, 2016*

*Sec. 4.4. revised via Ordinance No. 439 / June 15, 2016*

*Sec. 4.4. revised via Ordinance No. 435 / January 27, 2016*

*Sec. 4.4. revised via Ordinance No. 428 / June 17, 2015*

*Sec. 4.4. revised via Ordinance No. 422 / January 14, 2015*

*Sec. 4.4. revised via Ordinance No. 417 / June 18, 2014*

*Sec. 4.4. revised via Ordinance No. 413 / February 12, 2014*

*Sec. 4.4. revised via Ordinance No. 411 / December 11, 2013*

*Sec. 4.4. revised via Ordinance No. 409 / July 24, 2013*

*Sec. 4.4. revised via Ordinance No. 408 / June 12, 2013*

*Sec. 4.4. revised via Ordinance No. 404 / January 16, 2013*

#### Sec. 4.4.      Salary Schedule and Job Classification

OLIVENHAIN MUNICIPAL WATER DISTRICT  
RANGES FROM 6/28/2025 THROUGH 6/26/2026  
(revised 5/21/2025)

NO.	JOB CLASSIFICATION	GRADE	RANGE	
			<u>BI-WEEKLY</u>	<u>SALARY</u>
<u>EXEMPT CLASSIFICATION</u>				
1	GENERAL MANAGER	N/A	Actual Effective 12/28/24	12,019.99
1	ASSISTANT GENERAL MANAGER	19	8,093.87	11,331.43
1	ENGINEERING MANAGER	18	6,229.64	9,936.21
1	FINANCE MANAGER	18	6,229.64	9,936.21
1	OPERATIONS MANAGER	18	6,229.64	9,936.21
1	HUMAN RESOURCES MANAGER	17	5,781.16	9,241.96
1	CUSTOMER SERVICES MANAGER	17	5,781.16	9,241.96

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0	NO INCUMBENT	16	5,379.59	8,593.63
0	NO INCUMBENT	15	4,861.34	7,285.66
1	WATER TREATMENT FACILITIES SUPERVISOR	14	4,524.08	6,779.43
1	INFORMATION TECHNOLOGY SUPERVISOR	14	4,524.08	6,779.43
1	CUSTOMER SERVICE AND PUBLIC AFF AIRS SUPERVISOR	13	4,205.94	6,305.76
1	SAFETY/RISK COMPLIANCE ADMINISTRATOR	13	4,205.94	6,305.76
1	ACCOUNTING SUPERVISOR	12	3,908.31	5,865.27
1	ENGINEERING SERVICES SUPERVISOR	12	3,908.31	5,865.27
2	OPERATIONS SUPERVISOR	12	3,908.31	5,865.27
1	FIELD SERVICES SUPERVISOR	12	3,908.31	5,865.27
0	ENGINEERING PROJECT ADMINISTRATOR	12	3,908.31	5,865.27
1	WATER RECLAMATION FACILITIES SUPERVISOR	12	3,908.31	5,865.27
1	SENIOR SYSTEMS ADMINISTRATOR	12	3,908.31	5,865.27
2	SYSTEMS ADMINISTRATOR	11	3,636.11	5,451.00
1	PARK SUPERVISOR	11	3,636.11	5,451.00

21 EXEMPT (current approved headcount)

NON-EXEMPT CLASSIFICATION

HOURLY WAGE

1	WATER TREATMENT PLANT OPERATOR LEVEL IV	6	46.14	64.58
2	INSTRUMENT CONTROL TECHNICIAN II	6	46.14	64.58
1	WATER RECLAMATION OPERATOR LEVEL IV	6	46.14	64.58
2	PUMP/MOTOR TECHNICIAN II	6	46.14	64.58
1	HUMAN RESOURCES ANALYST	6	46.14	64.58
1	EXECUTIVE SECRETARY	6	46.14	64.58
1	FACILITIES COORDINATOR	6	46.14	64.58
1	SYSTEMS OPERATOR III	6	46.14	64.58
1	INSPECTOR III	6	46.14	64.58
1	FINANCIAL ANALYST II	6	46.14	64.58
1	ENGINEERING TECHNICIAN III	6	46.14	64.58
1	INSPECTOR II	5	39.77	55.68
0	PROJECT ACCOUNTANT II	5	39.77	55.68
3	ADMINISTRATIVE ANALYST	5	39.77	55.68
2	SYSTEMS OPERATOR II	5	39.77	55.68
4	WATER TREATMENT PLANT OPERATOR LEVEL III	5	39.77	55.68
4	WATER RECLAMATION OPERATOR LEVEL III	5	39.77	55.68
1	BACKFLOW AND CROSS CONNECTION COORDINATOR II	5	39.77	55.68
1	INFORMATION TECHNOLOGY COORDINATOR	5	39.77	55.68
0	GENERAL LEDGER ACCOUNTANT II	5	39.77	55.68
1	ENGINEERING TECHNICIAN II	5	39.77	55.68
1	COLLECTION SYSTEM OPERATOR LEVEL III	5	39.77	55.68
0	VALVE MAINTENANCE TECHNICIAN LEVEL II	5	39.77	55.68
1	FINANCIAL ANALYST I	4	34.58	48.38
0	PUMP/MOTOR TECHNICIAN I	4	34.58	48.38
1	CATHODIC PROTECTION TECHNICIAN	4	34.58	48.38
0	ENGINEERING TECHNICIAN I	4	34.58	48.38
2	FIELD SERVICES TECHNICIAN III	4	34.58	48.38
2	INSTRUMENT CONTROL TECHNICIAN I	4	34.58	48.38
1	INSPECTOR I	4	34.58	48.38

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1	OPERATIONS COORDINATOR	4	34.58	48.38
1	RECORDS AND CONTRACTS COORDINATOR	4	34.58	48.38
1	SYSTEMS OPERATOR I	4	34.58	48.38
3	UTILITY III	4	34.58	48.38
1	EQUIPMENT TECHNICIAN	4	34.58	48.38
1	WATER TREATMENT PLANT OPERATOR LEVEL II	4	34.58	48.38
0	WATER RECLAMATION OPERATOR LEVEL II	4	34.58	48.38
1	BACKFLOW AND CROSS CONNECTION COORDINATOR I	4	34.58	48.38
3	ACCOUNTANT I	4	34.58	48.38
0	COLLECTION SYSTEM OPERATOR LEVEL II	4	34.58	48.38
0	DEPARTMENT ASSISTANT II	3	30.36	42.48
1	CUSTOMER SERVICE REPRESENTATIVE II	3	30.36	42.48
2	FIELD SERVICES TECHNICIAN II	3	30.36	42.48
1	PARK RANGER II	3	30.36	42.48
1	PURCHASING/WAREHOUSE CLERK	3	30.36	42.48
2	VALVE MAINTENANCE TECHNICIAN LEVEL I	3	30.36	42.48
3	UTILITY II	3	30.36	42.48
0	WATER TREATMENT PLANT OPERATOR LEVEL I	3	30.36	42.48
0	WATER RECLAMATION OPERATOR LEVEL I	3	30.36	42.48
0	COLLECTION SYSTEM OPERATOR LEVEL I	3	30.36	42.48
2	DEPARTMENT ASSISTANT I	2	26.87	37.56
3	CUSTOMER SERVICE REPRESENTATIVE I	2	26.87	37.56
3	FIELD SERVICES TECHNICIAN I	2	26.87	37.56
1	PARK RANGER I	2	26.87	37.56
5*	UTILITY I (*2 FROZEN)	2	26.87	37.56
0	UTILITY I - Limited term	2	26.87	37.56
0	NO INCUMBENT	1	23.95	33.52
74	NON-EXEMPT (current approved headcount)			
95	TOTAL EXEMPT AND NON-EXEMPT (current approved headcount)			
95	TOTAL APPROVED POSITIONS			

With approval of the General Manager, classifications may be flexibly staffed according to the “Grow Your Own” (GYO) program and department need. GYO does not add to the employee total headcount; it is an in-house promotional opportunity.

\*Two Utility positions (Utility I / II / III) will remain frozen for FY 25/26.

A new employee shall be employed in the Salary Grade for that particular Job Classification. After successful completion of the first six (6) months of employment, the new employee may be considered for a salary increase in the sole discretion of the General Manager. The General Manager is not obligated to grant any salary increase and may deny an increase in his/her sole discretion. The annual employee review period begins on June 1<sup>st</sup> and ends on May 31<sup>st</sup>. The annual salary increase is prorated based on the number of months worked since any six-month increase in salary.

All employees shall be evaluated at least annually. Evaluations shall be based upon the individual's aptitude, ability and attitude to perform assigned work and job responsibility. Salary increases are not automatic.

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All evaluations shall be completed and reviewed with the employee prior to July 1<sup>st</sup>.

*Sec. 4.5 revised via Ordinance No. 508 / May 17, 2023*

*Sec. 4.5 revised via Ordinance No. 463 / February 13, 2019*

Sec. 4.5.     Salary Plan (for periodic wage increases).

Salary Plan (for periodic wage increases) for employees employed by the District:

A merit-based compensation plan is established by the District, in cooperation with the employee associations, as follows:

A new employee may start within the salary range of the Job Classification as approved by the General Manager. The employee shall remain at this starting salary for a minimum of six (6) months or until such time a satisfactory review to the General Manager is completed. The General Manager may extend the customary review period or terminate the employee, upon his/her determination that the employee has not performed satisfactorily. The General Manager may extend the review period for any additional time determined appropriate by the General Manager. New employees who successfully complete this period may be considered for a salary increase. Completion of the first six (6) months of employment does not guarantee continued employment with the District. Any salary increases will be based upon the employees' six-month evaluation score in accordance with the most recently established merit matrix or as established by the General Manager. Salary increases are not mandatory. For purposes of future performance evaluations and reviews for salary increases, the employee shall be evaluated on a fiscal year basis after satisfactory completion of the first six (6) months of employment. The first annual employee review will be pro-rated based on the number of months since the six (6) month review was completed.

Upon being promoted or transferred to a new position, the employee's salary shall be increased approximately five (5) percent or as determined by the General Manager, but not less than the lowest rate in the salary grade established for that position, if that rate is higher than the employee's salary at the time of promotion. If the employee is topped out of the salary range, the employee may receive a lump sum payment in lieu of a salary increase. The General Manager may require the employee assigned to a new position to serve a six (6) month review period, which will be determined by the General Manager. For purposes of future performance evaluations and reviews for salary increases, the employee shall be evaluated on a fiscal year basis after satisfactory completion of

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six (6) months in the new position. The first annual employee review, conducted after a promotion or transfer, will be prorated based on the number of months since the six (6) month review was completed.

*Sec. 4.6 revised via Ordinance No. 463 / February 13, 2019*

*Sec. 4.6.(a) (b) (m) revised via Ordinance No. 320 / July 27, 2005*

*Sec. 4.6. revised via Ordinance No. 315 / January 26, 2005*

*Sec. 4.6.(m) revised via Ordinance No. 305 / October 22, 2003*

*Sec. 4.6.(m) revised via Ordinance No. 295 / July 24, 2002*

#### Sec. 4.6. Termination of Employment.

EMPLOYMENT WITH THE DISTRICT HAS NO SPECIFIED TERM OR TENURE. As a public agency, the Olivenhain Municipal Water District is governed by applicable provisions of the California Government Code and provisions of the Water Code applicable to Municipal Water Districts. Employment with the Olivenhain Municipal Water District is on an "at will" basis, terminable by either Party without cause for any reason not prohibited by law.

#### Water Code -§71362 provides:

"Subject to the approval of the Board of Directors, the General Manager shall have full charge and control of the maintenance, operation, and construction of the waterworks or waterworks system of the District, with full power and authority to employ and discharge all employees and assistants, other than those referred to in Section 71340, at pleasure, prescribe their duties, and fix their compensation."

#### Government Code §1301 provides:

"Every office, the term of which is not fixed by law, is held at the pleasure of the appointing power."

The General Manager has discretion to terminate all employees of the District at any time without cause and without notice or a hearing. This discretion is limited to the extent that the General Manager may not discharge employees for illegal reasons. Examples of illegal reasons include discharge on the basis of race, ancestry, national origin, color, gender, religion, participation in lawful political activities, service on jury duty, exercise of grievance rights, disability (including AIDS), marital status, age, medical condition, refusal of family care leave, refusal of leave for an employee's own serious health condition, denial of pregnancy disability leave, retaliation for reporting patient abuse in tax supported institutions, exercise of any rights guaranteed by the State or Federal

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Constitution or State or Federal law, except to the extent termination on these grounds is permitted by Federal or State law.

- (a) Retirement. Upon retirement, in accordance with either the voluntary service or compulsory service retirement provisions of the California Public Employees' Retirement System (CalPERS), the employee shall receive compensation for all accumulated vacation time, unused compensatory time, unused sick time as provided in Article 5, and unused floating holidays at the final rate of pay.
- (b) Death. Upon the death of an employee, all compensation due such employee shall be paid to a designated beneficiary of such employee. If no beneficiary is designated by the employee, benefits shall be payable to their surviving spouse, and, if no spouse is surviving, to the surviving children equally or their appointed guardians, if a guardian has been designated. Compensation for all accumulated vacation time, unused compensatory time and unused floating holidays at the final rate of pay shall also be made. Sick time shall be compensated as provided in Article 5.
- (c) Termination. EMPLOYEES MAY BE TERMINATED WITH OR WITHOUT CAUSE AT ANY TIME BY ACTION OF THE GENERAL MANAGER IN ACCORDANCE WITH WATER CODE SECTION 71362 AND SERVE AT THE PLEASURE OF THE GENERAL MANAGER. The General Manager shall notify such employees of discharge in writing. All such discharged employees shall be entitled to any normal compensation due, all accumulated vacation time, all unused compensatory time and unused floating holidays at the final rate of pay. Sick time shall be compensated in the same manner as provided in Sec. 4.6.(a).
- (d) Reductions-in-Workforce (RIW). The District retains sole discretion to determine when RIWs are needed. RIWs may occur as a result of lack of work, lack of funds, economic circumstances, mergers or reorganizations of departments or staff, or any other grounds determined appropriate by the District. If it is determined that RIWs are necessary, employees will be reduced in the following order:
  - a. Temporary employees;
  - b. Part-time employees, except where essential for operations; and
  - c. In the event of further reductions in force, employees will be reduced from the affected classification in accordance with their ability to perform the remaining available work without further training. When two or more employees have relatively equal prior evaluation scores during the previous period and relatively equal experience, skill, ability



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and qualifications to do the work without further training, the employee(s) with the least seniority will be RIW first.

Employees who are RIW shall be placed on a recall list for a period of twelve (12) months. If there is a recall, employees who are still on the recall list shall be recalled, in the order of their RIW, so as to provide that the first RIW in time are the first to be recalled, provided they are presently qualified to perform the work in the job classification to which they are recalled without further training.

If an employee is recalled to a position in a lower rated job classification, he/she shall have the right to return to the job classification he/she held prior to the RIW, in the event it subsequently becomes available. If an employee is recalled to a lower rated job classification, the employee shall have the right to refuse the recall. The District shall not hire new employees in bargaining unit positions as long as there are still employees on the recall list who are presently qualified to perform the work in the affected job classification and are willing to be recalled to said classification.

Employees who are eligible for recall shall be given fourteen (14) calendar days' notice of recall and notice of recall shall be sent to the employee by certified or registered mail with a copy to the bargaining unit, provided that the employee must notify the District of his/her intention to return within five (5) days after receiving notice of recall. The District shall be deemed to have fulfilled its obligations by mailing the recall notice by registered mail, return receipt requested, to the mailing address provided by the employee, it being the obligation and responsibility of the employee to provide the District with his/her latest mailing address.

RIW employees shall be paid all accumulated vacation time, all unused compensatory time, and unused floating holidays at the final rate of pay. Sick time shall be compensated in the same manner as provided in Article 4.6.(a). Employees will be eligible for severance pay according to Section 4.6.(f) and will receive a minimum of 10 days severance pay as authorized by the General Manager.

- (e) Resignation. Employment with the District may be terminated at the will of the employee. If an employee wishes to resign, the District desires a two (2) week notice in writing. All accumulated vacation time, all unused compensatory time, and unused floating holidays will be paid at the final rate of pay upon resignation. Sick time shall be compensated in the same manner as provided in Section 4.6.(a).
- (f) Termination Procedure. Except in an emergency, the following procedure will be followed:

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The employee shall be provided with a written notice of the fact and effective date of termination and reminded of his/her right to representation.

If the General Manager, in his/her discretion, deems it appropriate, the reasons for the termination may be stated in the termination notice. However, the General Manager is not required to give any reason for termination if an employee is being terminated without cause. If the termination is for cause, the employee will be provided with written notice of the reasons for the termination.

Except for disciplinary termination, employees who execute a release may, at the discretion of the General Manager, be provided termination pay within the following discretionary limits to allow for up to one (1) week of salary for each year of District service, with a maximum of eight (8) weeks salary to be available in case of terminations without cause or RIWs.

This severance pay is at the discretion of the General Manager. The General Manager may elect not to grant severance pay to any employee. Acceptance of severance pay is a waiver of the right to request legally binding time, with no different status incurred in reconsideration of the termination or to challenge the termination decision in any forum.

Persons who are terminated may be entitled to unemployment compensation.

- (g) Unauthorized Absence, Automatic Termination. Absence without leave, whether voluntary or involuntary, for five (5) consecutive working days is an automatic resignation from District service as of the last day on which the employee worked.

An employee may, within ninety (90) days of the effective date of such separation, file a written request for reinstatement; provided that, if the District has notified the employee of his/her automatic resignation, any request for reinstatement must be made in writing and filed with the District within fifteen (15) days of the service of notice of separation. Service of notice shall be made certified mail, return receipt requested, and is complete on mailing. Reinstatement may be granted only if the employee makes a satisfactory explanation to the District as to the cause of his/her absence and his/her failure to obtain leave therefore, and the District finds he/she is ready, willing, and able to resume the performance of the duties of his/her position or, if not, that he/she has obtained the consent of the District to a leave of absence to commence upon reinstatement. Requests for reinstatement may be granted or denied in the sole discretion of the District.

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An employee so reinstated shall not be paid salary for the period of his/her absence or separation or for any portion thereof.

- (h) Employees Request for Reconsideration. An employee, other than a new employee with less than six (6) months of employment, may request that the General Manager reconsider the decision to terminate the employee where an employee is terminated for cause.

The request for reconsideration must be submitted in writing within fourteen (14) days after the notice of termination has been mailed to the employee or personally delivered to the employee. In the event the request is not received within this period of time, the opportunity to request reconsideration will be waived.

A request of reconsideration must be in writing and must contain the following information:

- The reason that reconsideration is requested.
- A summary of the factual information supporting the reasons for requesting reconsideration.

If the request for reconsideration is to be supported by statements of other persons, the written statements of those persons must be included in the request, together with any documents to be considered.

The General Manager may, as a matter of discretion, determine that a hearing will facilitate his/her decision on reconsideration and may require a hearing. The General Manager is not obligated to grant a hearing and may elect not to do so. In the event the General Manager determines, in his/her sole discretion, that a hearing is appropriate, he/she will establish the time and place of the hearing and notify the employee concerned.

- (i) Conduct of the Hearing. Unless the General Manager determines the hearing should be in public or the employee being disciplined requests a public hearing, the hearing will be conducted in closed session.

The General Manager shall conduct the hearing.

The employee shall be entitled to have representation to assist the employee in the presentation of his/her case; the General Manager may designate a person to present the District's position with respect to termination including legal counsel.

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The employee shall have the burden of proving that the initial decision to terminate the employee should be reversed and the employee should be reinstated by the District. All evidence an employee desires the District to consider should be submitted in writing 24 hours prior to the hearing.

The hearing shall be conducted in an informal manner; the General Manager shall make appropriate rulings with respect to procedure and the admission of evidence or information for consideration. The District and the employee shall have the right to produce evidence, to produce witnesses, and to cross-examine witnesses who are presented by the opposing party.

The hearing may be recorded and transcribed.

The costs incurred for court reporter's services and the preparation of the record initially shall be borne by the District. In the event the employee desires a copy of the transcript from the court reporter, the cost shall be borne by the employee.

- (j) Waiver of Reconsideration. A failure to request reconsideration in the manner set forth in Section 4.6.(h) above, acceptance of severance pay (in the case of a non-disciplinary termination), or failure of the employee to appear at the time and place of hearing shall be deemed a waiver by the employee of reconsideration by the General Manager and acceptance of the termination.
- (k) Notice of Decision. The General Manager shall notify the employee of the decision. The notice shall be in writing, dated, and shall inform the employee whether the employee is reinstated or terminated. Any employee desiring to challenge the decision of the General Manager in court must file the action not later than 90 days after the General Manager mails the notice as provided in Code of Civil Procedure Section 1094.6. Actions filed after this period are barred. If the employee requests a hearing before the Board of Directors, the 90 days commences from the date the Board mails its decision.
- (l) Petition to the District Board of Directors. An employee has thirty (30) days from the date the General Manager's decision is deposited in the mail to petition the District Board of Directors for review of the General Manager's decision in writing. Employees failing to submit this request to the District within 30 days, waive the right to any hearing before the Board of Directors. In the event the Board of Directors determines that a review is appropriate, the examination will be based on the record of the General Manager's action. If the District does not receive this request within 30 days, the decision of the General Manager shall be final. No new testimony or evidence will be received.

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In the event the Board of Directors either denies the petition or determines to sustain the General Manager's decision, the time limit for judicial review of the Board's decision pursuant to Code of Civil Procedure §1094.6 runs from the date the notice is deposited in the mail.

- (m) Benefit Termination Date. Benefits are terminated in accordance with current contracts with insurance carriers. Employment is terminated as of the last day the employee performs work or a service for the District. The day of termination is not extended through the period of accumulated vacation or sick leave the employee is entitled to as of the date of termination.

According to COBRA, Legislation Public Law 99-272, and as amended, the District will offer eligible employees and covered family members the right to continue health care coverage, at their expense, under the District's Group Health Plans. [See Article 5, Section 5.37(4)]. The right to continue such coverage arises when specific events occur that would normally result in the loss of coverage. Such events include, among other events, the resignation, termination, or death of an employee, or a reduction in an employee's hours. Dental, vision, Health Maintenance Organization (HMO), and Preferred Provider Organization (PPO) are covered by COBRA. COBRA does not currently cover life, long term disability (LTD), or accidental death and dismemberment benefits.

Elements and procedures for participation can be found in the employee handbook provided to every employee or from the Human Resources Department. All new hires are provided the COBRA rights notification and details.

*Sec. 4.7. revised via Ordinance No. 473 / January 15, 2020*

*Sec. 4.7. revised via Ordinance No. 463 / February 13, 2019*

*Sec.4.7 revised via Ordinance No. 418 / June 18, 2014*

*Sec. 4.7. revised via Ordinance No. 320 / July 27, 2005*

#### Sec. 4.7.      Part-Time Employees.

##### 1. Regular Part-Time Employees:

The General Manager may employ persons on a regular part-time basis at his/her discretion as workload demands. Part-time employees shall be defined as those employees who are scheduled to work less than sixty (60) hours in a regularly scheduled pay period on a regular and consistent basis.

Sick, vacation and floating holiday leave will be accrued on a pro-rated basis, according to hours regularly scheduled to be worked, beginning with the hire date. A part-time employee is eligible to use any accrued sick

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or vacation after successful completion of 90 days of employment. Pro-rated holiday compensation is available when the holiday occurs on a regularly scheduled workday. The District will provide service credit and contributions into the California Public Employees Retirement System (CalPERS) on behalf of a regular part-time employee commencing with the first day worked by the employee.

Health, Dental, Vision insurance will be provided for the employee exclusively. Regular part-time employees may participate in the Voluntary Employees' Beneficiary Association (VEBA) and shall have their VEBA District contribution pro-rated by hours worked. Dependent coverage will be available at employee expense as long as one of the District providers offer such dependent coverage. There will be no other benefits available to persons employed in a part-time capacity other than those defined in this Article.

Such personnel shall be employed and compensated on an hourly basis at the established rate approved by the General Manager. The salaries of all part-time employees shall be reviewed at such time when all employee wages are reviewed.

Part-time employees may be terminated with or without cause at any time.

## 2. Temporary Part-Time Employees:

The General Manager may employ persons on a temporary part-time basis at his/her discretion as workload demands. All of the terms of employment and benefits listed in Section 4.8 will be applicable to temporary part-time employees; however, the District will provide service credit and contributions into California Public Employees' Retirement System (CalPERS) on behalf of the temporary part-time employee after 1,000 hours of service. Temporary part-time employees may be terminated with or without cause at any time.

Sec. 4.8. Temporary Full-Time Employees. The General Manager may employ persons on a temporary full-time basis at his/her discretion as workload demands. Such persons shall be employed, classified, and compensated in accordance with the provisions of Article 4. and Article 5. of this Administrative Code.

Sec. 4.9. Full-Time Employees. A full-time employee is expected to work an 80 hour pay period or approved hours by the General Manager. These hours may be totaled by actual hours worked, in addition to all leave hours including sick time, holiday, vacation, floating holiday, comp time, and overtime. Duty pay does not count toward hours worked. Any pay period with less than 80 hours worked requires a General Manager pre-approved FMLA/CFRA or non-paid leave.