ARTICLE 5. WORKING HOURS, EMPLOYEE BENEFITS

Sec. 5.1. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.1. revised via Ordinance No. 411 / December 11, 2013

Sec. 5.1. Hours of Work – Administrative staff. The regular hours for administrative staff shall be 7:30 A.M. to 5:30 P.M. per the 9/80 hybrid schedule approved by the General Manager; however, the office shall be open to the public Monday through Friday from 8:00 A.M. to 5:00 P.M. The office shall remain open during the lunch period and during the rest periods. Individual employees may have their work schedule, lunch period schedule, and rest periods begin or end at different times upon approval of the General Manager or his/her designee. The work week shall end 4 hours into an employee's shift on the last day for those employees on a 9/80 schedule. Administrative staff shall be split on Fridays off for coverage purposes.

Sec. 5.2. revised via Ordinance No. 505 / December 14, 2022
Sec. 5.2. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.2. revised via Ordinance No. 411 / December 11, 2013

Sec. 5.2. Hours of Work – Operations/Field staff. The regular work hours for field staff and the Operations Department personnel shall be from 6:30 A.M. to 4:00 P.M. per the 9/80 hybrid schedule. The work hours for plant positions on a 4/10 schedule shall be from 6:00 A.M. to 4:30 P.M. The work hours for non-plant positions on a 4/10 schedule as outlined in the current MOU, shall be set by the General Manager. Individual employees may have their work schedule, lunch period schedule, and rest periods begin or end at different times upon approval of the General Manager or his/her designee. The work week shall end 4 hours into an employee's shift on the last day for those employees on a 9/80 schedule. The work week shall end at midnight on Tuesday for plant employees on a 4/10 schedule. The work week shall end on midnight on Friday for non-plant employees on a 4/10 schedule. Operations/Field staff shall be split on Fridays off for coverage purposes.

Sec. 5.3. revised via Ordinance No. 509 / August 16, 2023
Sec. 5.3. revised via Ordinance No. 434 / December 9, 2015
Sec. 5.3. revised via Ordinance No. 413 / February 12, 2014
Sec. 5.3. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.3. revised via Ordinance No. 358 / October 5, 2011
Sec. 5.3. revised via Ordinance No. 358 / February 13, 2008
Sec. 5.3. revised via Ordinance No. 343 / January 12, 2007

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Sec. 5.3. revised via Ordinance No. 315 / January 26, 2005
Sec. 5.3. revised via Ordinance No. 304 / June 25, 2003
Sec. 5.3. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.3. revised via Ordinance No. 295 / July 24, 2002

Sec. 5.3. Overtime. All employees of the District shall be on uncontrolled standby twenty-four (24) hours a day during the course of their employment and, upon instructions of the General Manager, shall work during any emergency affecting operations of the District as determined by District management. The determination as to what constitutes an emergency or other circumstance requiring an employee to work after normal hours shall be determined solely by the General Manager or his/her designee. All employees are expected to comply with all General Manager or designee decisions on working hours.

All employees are required to maintain and provide a working telephone number where they may be reached in the event of an emergency. This telephone number shall be listed in the District's personnel files and must be kept up to date. Some positions are required to be on controlled Standby Duty and receive compensation for their duty assignments (see the Standby Duty section for further information).

Overtime shall be defined as work performed before or after the regularly scheduled work day or work week. When an employee must work on the 7th consecutive day of his/her regularly scheduled work week or holidays as specified in §5.29 of the Admin Code, such hours shall be paid at double time in addition to any other pay. 30 minutes minimum must be worked on each of the preceding days to trigger the double time on the 7th consecutive day. Sick, vacation, and holidays, are considered working hours for purposes of calculating overtime and double time. Duty compensation rules are separate as outlined in the current MOU. When an employee works more than 12 hours in a day, those hours worked in addition to the 12 hours shall be paid at the rate of double of an employee's pay per California State Law. Only non-exempt employees are entitled to overtime pay.

Per the Federal Labor Standards Act, overtime compensation will be paid on the regular pay day for the period in which such workweek ends. However, when the correct amount of overtime compensation cannot be determined until sometime after the regular pay period,

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any excess overtime compensation will be paid as soon after the regular pay period as is practicable.

Shift Differential Hourly Compensation. District employees will be eligible for shift differential hourly compensation of .75 cents per hour in addition to their regular hourly pay rate when the regular work shift is moved to before or after the normal working hours.

1. Standby Duty. Duty rules apply to those positions designated to be on a Standby Duty assignment including; Primary Standby Duty, Secondary Standby Duty, Water Watch, Wastewater, Water Treatment, and Technicians.

   All non-exempt positions in the following Operations and Customer Services (CS) department divisions: Construction, Systems Operations, Systems Maintenance, IT (Instrument Control Technicians only), Waste Water, Water Treatment, and CS-Meters Field Services Technicians require the ability to take duty working after hours, evenings, weekends and holidays. Each division creates a multiple week duty schedule in advance of the duty assignment. A duty roster is then created and maintained by the Construction Operations Supervisor. Duty meetings are held once a week, and at that meeting, a duty agenda is distributed including who is on call for that week. Duty is normally performed for seven straight days (Wednesday to Wednesday) except for Water Treatment Duty. If a duty assignment switch is needed, (after the duty list is finalized) it must be approved by the employee's direct supervisor. The requirement to work duty on a District observed holiday and flex Friday off will be rotated as equally as possible amongst all duty employees throughout the year. All qualified non-exempt staff in the six Operations divisions are required to work duty as all employees need to equally share duty responsibilities. Those on duty are required to wear District uniforms when working with the public.

   Primary (#1 and #2) duty responsibilities are rotated every other day. Those on a primary duty rotation are required to check-in with customer service staff before they go home, to call in to After-Hours Dispatch to start their scheduled rotation day of duty, and to lock-up and secure Building J facilities at the end of each shift change. In the event a Primary or Secondary duty person gets a page or call from District staff or After-Hours Dispatch, they must acknowledge the page/call immediately. For Water Watch, Waste Water, and Water Treatment an "Alarm Response" is if a

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duty person gets a page and must acknowledge the alarm via telephone or must login via laptop computer immediately after the call or when the alarm is received.

Duty staff (Primary, Secondary and Technicians) will receive 1.5 times the hourly rate of pay OR a minimum stipend of $25.00) per day of duty, if the hourly rate is less than the minimum stipend. Double time will be paid on the 7th consecutive day. Other duty compensation will be paid according to the Duty Compensation Chart attachment to the current MOU. All overtime and double time for duty pay is subject to supervisor verification. A further explanation of duty rules and procedures can be found in the employee handbook.

STAY AVAILABLE/RESPONSE TIME - Employees must be able to perform their essential job functions if and when called. Employees should refrain from activities or personal constraints which would effectively prevent the employee from responding to a call within one hour or to adequately and safely perform their job duties if called out. Employees should not engage in activities that hinder their ability to respond to duty calls immediately in a responsible manner within a one (1) hour response time, as generally defined within the radius map negotiated in the previous MOU. Force majeure, including acts of god, illnesses, and unusual traffic, would be exceptions for exceeding the 1 hour response time.

STAY SOBER - No use of or possession of any alcohol or controlled or illegal substance while on duty. The District considers cannabis, which remains an illegal substance under federal law, to fall within the meaning of an illegal substance under this policy.

USE OF VEHICLE - Employees are expected to keep the duty vehicle with them in order to respond in a timely manner. De minimus personal use is acceptable such as routine errands and family events, so long as the 1 hour response time is adhered to. Use of the District vehicle for personal financial gain is unacceptable. The duty vehicle shall not be used for any personal business that would be detrimental or unbecoming to the positive reputation and perception of OMWD, such as parking in front of bars, illicit businesses, gun stores or shows, liquor stores, gambling facilities or houses of ill repute.

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2. Call Back. Call back is work required of an employee who, following completion of the employee's work day and departure from the employee's work site, is ordered to report back to duty to perform work determined necessary by the General Manager or designee. To qualify for this call back provision, an employee must leave the place from which the employee is called and actually report to a work site and/or the office. An employee who is called back, as defined above, shall receive a minimum of three hours time at the rate of time and one half of an employee's pay.

   Overtime work in conjunction with a regular, scheduled workday, either beginning earlier or working past a normal scheduled workday, is not call back work.

3. Compensatory Time. In lieu of pay for overtime worked, compensatory time pay may be accumulated up to a one-time maximum of 160 hours per year. A voluntary cash out will be made available the last pay period in June. The last pay period in December of each year will be a mandatory pay out. Employees may not accumulate Graveyard Overtime or Graveyard Double Time into their Compensatory Time banks. The use of compensation time by employees is subject to the same rules, approvals, and notices as vacation time set forth in §5.31 of the Administrative and Ethics Code.

4. Reimbursement for Meals. Effective January 1, 2022 an employee who is scheduled to work overtime, including emergency call back overtime in excess of a normal work day, shall be reimbursed for the actual cost of his/her meal, not to exceed eighteen dollars ($18.00), provided such extended work day exceeds two hours of overtime on any single shift. Such overtime may be performed before or at the end of a work day and need not be limited to one meal per day.

   Reimbursements will only be given for actual receipts for meals. The Supervisor will have the ability to extend the time period for a meal reimbursement to a reasonable amount of time after the job concludes for special circumstances and shall follow up with an email to the General Manager the next day. Exceptions to the above requirements may be granted by the General Manager at his/her sole discretion.

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Sec. 5.4. Workweek, Payroll Period and Pay Day. The work week shall consist of forty (40) hours in any 7 day period or the hybrid designated hours as approved by the General Manager as outlined in the current MOU. The payroll period shall be bi-weekly and shall contain two (2) work weeks. Payday shall be every other Thursday for payment of wages up to and including the previous Friday, except on District holidays when direct deposit will be processed one day earlier.

Sec. 5.5. revised via Ordinance No. 498 / January 19, 2022

Sec. 5.5. revised via Ordinance No. 434 / December 9, 2015

Sec. 5.5. revised via Ordinance No. 308 / January 28, 2004

Sec. 5.5. Automatic Payroll Deposit. The District will offer payroll direct deposit to financial institutions designated by employees. Automatic payroll deposit shall be posted to the employees' designated financial institution.

Sec. 5.6. revised via Ordinance No. 498 / January 19, 2022

Sec. 5.6. Payroll Disruption. If the District experiences computer failure or if a natural disaster occurs (flood, fire, sabotage, etc.) which causes disruption of the payroll system, the District may issue payroll advances equal to (90%) ninety percent of a normal net pay, or what the employee will be paid if amount earned is less than normal pay for the period. The District will use its best efforts to pay the balance at the earliest opportunity, but no later than two work weeks.

Sec. 5.7. revised via Ordinance No. 498 / January 19, 2022

Sec. 5.7. Lost Checks. If an employee loses an issued check, the District will replace the check only after the employee signs a document declaring the loss of said check. In the event the lost check is recovered and deposited, the employee will reimburse the District for the amount of the lost check within (24) twenty four hours or be subject to immediate termination.

Sec. 5.8. revised via Ordinance No. 401 / October 10, 2012

Sec. 5.8. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.8. Payroll Advances. The District will not make any payroll advances prior to the regular payday unless a personal emergency arises. In all instances, approval is required by the employee's supervisor and the

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General Manager. A paycheck that is issued will be equal to (90%) ninety percent of a normal net pay, or what the employee will be paid if the amount earned is less than normal pay for the period. The District will pay the balance on the next regular payday.

Sec. 5.9. revised via Ordinance No. 498 / January 19, 2022

Sec. 5.9. Holiday. If the regular payday falls on a District holiday, direct deposits will be processed one workday prior to the holiday.

Sec. 5.10. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.10. Terminated Employees. An employee who presents a notice of termination at least 72 hours in advance of termination will receive all earnings due, and any accrued vacation and allowable sick time, prior to the time of departure. An employee who does not present notice of termination at least 72 hours in advance of termination will receive earnings due and any accrued vacation and allowable sick time within 72 hours after termination. An employee terminated by the District shall be compensated as provided in Article 4, Section 6.

Sec. 5.11. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.11. was deleted by Ordinance No. 305 / October 22, 2003 – numbering was revised accordingly.

Sec. 5.11. Employee Associations. The Employees Associations, known as Bargaining Unit Members Association (BUMA) and the Olivenhain Municipal District Employees Association (OMWDEA), may have an authorized agent of the Association visit work areas. He or she may have the right to be present at any meeting between a steward and the District and s/he may interview any employee privately, subject to the following rules:

A. The Agent will contact Management and secure approval before the interview;
B. Every effort will be made to not disrupt normal work hours;
C. Meetings will be restricted to matters of employer-employee relations;
D. The District shall allow for BUMA and OMWDEA meetings on District time during the negotiations period when pre-approved by department supervisor of the individual employees participating in the meetings and Human Resources to reserve the District conference room. Outside of the negotiations period, the meetings are to be held “off the clock” unless prior approval is granted by department supervisors of the

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individual employees first; then the Human Resources Manager.

Sec. 5.12. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.13. became 5.12. via Ordinance No. 305 / October 22, 2003

Sec. 5.13. revised via Ordinance No. 295 / July 24, 2002

Sec. 5.12. Payroll Deductions and Association Dues. In accordance with the rules and regulations of the Olivenhain Municipal Water District, approved by the Board of Directors, it is agreed that any Association dues and other deductions as may be properly requested and lawfully permitted shall be deducted by the District from the salary of each employee covered hereby who files with the District a written authorization requesting that such other deductions be made. Remittance of the aggregate amount of all dues and other proper deductions made from the salaries of employees covered hereunder shall be made to the designated Associations by the District.

Sec. 5.13. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.13. Bulletin Boards. The District will furnish, for the exclusive use of the Associations, one 24 x 36 bulletin board space in an employee common area. The bulletin board shall be used only for the following subjects:

A. Information on Association elections and the results. Steward's reports and notices of interest.
B. Reports on Official business of the Associations, including reports of the committees or the Board of Directors.
C. Schedule of the Association meetings and news bulletins.
D. Association membership benefits, programs and promotions, constitution and by-laws, rules and regulations.
E. Other written material which first has been approved by the General Manager or his or her designee.
F. Bulletin board material other than those items enumerated in A) through D) above shall be subject to District approval.

Prior to posting, any material shall be initialed by an authorized representative of the Associations and Management.

In cases where the Associations represent more than one representation unit at a work location, the space described above will become the bulletin board space for all employee classifications represented by the Associations.

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Sec. 5.14. revised via Ordinance No. 462 / January 16, 2019

Sec. 5.14. Temporary Assignment for Duties in a Higher Class (Out-of-Class Pay). By prior approval of the General Manager, temporary advancement of a qualified employee assigned to perform the duties in a job classification which is compensated at a pay rate higher than such employee's regular class may be granted.

Upon such approval, the employee so assigned shall remain in his/her current class but shall be paid an additional 5% over and above their regular rate of pay. The assignment must be for at least 2 work weeks with the effective date of the additional pay beginning at the discretion of the General Manager. When the employee returns to his/her normal duties, his/her pay shall revert back to the pay scale existing prior to working out-of-class. The assignment is not to be used for normal vacations or short-term absences, but for a specific and necessary need of the District.

According to Government Code 20480, an out-of-class appointment must be tracked and reported to CalPERS only when a vacant position exists that is being recruited for. These appointments cannot exceed 960 hours within a fiscal year.

Sec. 5.15. revised via Ordinance No. 473 / January 15, 2020
Sec. 5.15 revised via Ordinance No. 463 / February 13, 2019
Sec. 5.15. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.15. Seniority. Seniority shall mean the status attained by length of service with the District. Seniority shall be determined from the day of an employee's official appointment to District service. A new employee shall have no seniority until the employee has completed six (6) months of employment. Upon the completion of six (6) months of employment, the employee will acquire seniority from the date of hire. An employee, transferred or promoted, shall accrue no seniority in the new position until the completion of six (6) months in pay status in the new position. The employee's total seniority with the District will be credited.

Rehires will have their seniority and benefits “bridged” regardless of the separation time. Unless otherwise specified in the Administrative and Ethics Code, seniority and benefits shall be adjusted and accrued immediately. The rehire date shall be merged with the original hire date to assign an “adjusted benefits date” for the

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following: sick leave, vacation leave, floating holiday leave, 457 matching, service awards, and uniform allowance. The calculation will be added to the original hire date to assign the "adjusted benefits date".

An employee on an unpaid leave of absence in excess of 30 calendar days shall accrue no seniority until the employee returns to a paid status.

Any disagreement over the application of any method of applying seniority utilized by any department will be subject to the grievance procedure.

Sec. 5.16 revised via Ordinance No. 320 / July 27, 2005
Sec. 5.16. revised via Ordinance No. 305 / October 22, 2003

Sec. 5.16. Personnel Files. The District Human Resources Manager shall maintain a personnel file for each employee. Unauthorized access to personnel records is strictly prohibited. Within reasonable limitations, each employee has the right to inspect his or her own personnel file with a Human Resources representative present.

Sec. 5.17 revised via Ordinance No. 385 / February 9, 2011
Sec. 5.17. revised via Ordinance No. 382 / August 25, 2010
Sec. 5.17. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.17. Employee Parking. The General Manager shall designate certain areas of all District properties for employee parking of personal vehicles. District Employees shall only park their personal vehicles in these areas. Any employee who elects to park his or her vehicle in any of these designated areas shall bear all risk of any type of damage or loss to vehicle.

Sec. 5.18. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.18. revised via Ordinance No. 463 / February 13, 2019
Sec. 5.18. revised via Ordinance No. 446 / December 7, 2016
Sec. 5.18. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.18. revised via Ordinance No. 382 / August 25, 2010
Sec. 5.18. revised via Ordinance No. 362 / June25, 2008
Sec. 5.18. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.18. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.18. Uniform and Dress Codes.

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A. Employees of the District are expected to dress in a professional manner while conducting District business. A dress and grooming code may be established by the General Manager for all employees.

B. Identification is an important part of the employee's dress code. District employees are required to carry District employee identification at all times while on shift, which is particularly important when dealing with the public. If an employee misplaces his/her identification badge, the employee must immediately contact Human Resources for a replacement. Upon termination, employees must surrender their identification badges to the District.

C. The District will provide the following uniform allowance:

Effective January 1, 2014, $142.11 per fiscal year for hourly non-supervisory employees in the following divisions (construction, systems, backflow, inspection, fleet maintenance, facilities, field services, and warehouse purchasing) are authorized a work pants allowance. The pant allowance will be increased yearly by San Diego CPI-U per the MOU. The style and appearance of pants purchased by employees must be approved at the discretion of the General Manager.

Wastewater, Water Treatment, Electrical/Pumps and Motors, and Park employees shall be issued job specific uniforms that include pants and therefore do not receive a pant allowance.

The above allowance will be issued as a single direct deposit with appropriate tax withholdings on or about the first pay period in July of each year. Allowances for new employees will be issued as a single direct deposit with appropriate tax withholdings on or about the first pay period following the successful completion of six (6) month(s) of employment.

All non-supervisory employees in the following divisions (construction, electrical, pumps and motors, systems, backflow, inspection, fleet maintenance, facilities, field services, and warehouse purchasing) are also furnished work shirts and T-shirts, which are required to be worn during normal District working hours or when working on any District business. Employees may select work shirts from the approved

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styles/colors as selected by the Human Resources/Employee Association Team (HEART) Committee for the allotted 10 T-shirts per fiscal year. In lieu of T-shirts, employees may select 1 polo style shirt in exchange for 2 T-shirts, up to a maximum of 5 polo shirts. These employees may also select 1 jacket in lieu of 2 T-shirts annually.

Three shirts per year are furnished for employees represented by the OMWD Employee Association Bargaining Unit (DEA). Employees may select shirts from the approved styles/colors as selected by the HEART Committee for the allotted 3 shirts per fiscal year. In lieu of T-shirts, DEA employees may select 1 jacket in exchange for 2 T-shirts annually. District issued shirts are not mandatory to be worn for DEA employees.

Supervisory employees shall receive up to five (5) polo style shirts on a fiscal year basis. Shirts shall be of the approved styles/colors as selected by the HEART Committee. District issued shirts are not mandatory to be worn for supervisory employees.

These items will be replaced by the District when worn out. Styles/colors from previous years which have been phased out may continue to be worn until they are no longer serviceable and must then be replaced with the current approved styles/colors as selected by the HEART Committee. Employees are expected to turn in their old worn out work shirts or hats to the Purchasing/Warehouse Clerk when they are being replaced by the District. All shirt orders shall be placed with the Purchasing/Warehouse Clerk and any replacements needed shall be requested through the Purchasing/Warehouse Clerk.

Employees are expected to keep themselves and their uniforms neat and clean insofar as is practical. All expense of laundering or cleaning of uniforms is the responsibility of the employee except for Wastewater, Water Treatment, and Electrical/Pumps and Motors employees.

The selection of uniform style, color, and accessories are subject to the approval of the HEART Committee, who will select the two approved styles and colors every 2 years. Short pants, to be provided by the employee, will be permitted for those jobs and at times considered appropriate by the General Manager.

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Sec. 5.19 revised via Ordinance No. 463 / February 13, 2019
Sec. 5.19. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.19. Smoking Rules. Smoking and vaping of tobacco, or any other weed, plant, or other combustible matter, is a danger to health and a cause of material annoyance, inconvenience, discomfort and a health hazard to those who are present in confined places. In order to serve public and employee health, safety, and welfare, the declared purpose of these rules is to prohibit the smoking and vaping of tobacco or any other weed, plant, or other combustible material in confined places on District property or in District vehicles except in designated smoking areas.

- Per Government Code §§7596-7597, smoking is prohibited in District buildings and vehicles, only permitted in designated areas at least 20-feet away.

Sec. 5.20 revised via Ordinance No. 509 / August 16, 2023
Sec. 5.20 revised via Ordinance No. 463 / February 13, 2019
Section 5.20. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.20. Employee Rules. In order that the rights and safety of all employees and efficient operation of the District are protected, employee activities are governed by reasonable rules of conduct. The following acts are illustrative, and not exhaustive, of acts which are grounds for disciplinary action and/or termination of employment with the District for cause. Any of the following, alone or in combination, may result in discipline or termination of employment with the District for cause:

1. Falsification of an employment application or physical examination questionnaire.

2. Membership in any party or organization, political or otherwise, that advocates the overthrow of the government of the United States or the State of California by force or violence or other unlawful means.

3. Planned absence, or planned early departure from work without informing your supervisor.

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4. Unplanned absence, or unplanned early departure from work without informing your Supervisor as soon as reasonably practicable.

5. Inefficient or careless performance of job duties.

6. Theft or unauthorized possession of the property of fellow employees, the District, organizations servicing the District, or inhabitants or property owners of the District.

7. Disorderly, immoral or indecent conduct, while at work or criminal conduct on or off the job.

8. Insubordination.

9. Malicious damage to District property or to property of any other person or entity while performing duties as an OMWD employee, while in OMWD attire or vehicle or representing the District.

10. Any attempt to intimidate, coerce, assault or threaten other employees or any other person or entity while performing duties as an OMWD employee, while in OMWD attire or vehicle, or representing the District.

11. Distributing any literature, except that which is specifically authorized by the General Manager, including the circulation of petitions, during hours of work.

12. Failure to observe any District, State or Federally prescribed safety rules and procedure while performing duties as an OMWD employee, while in District attire, or vehicle, or representing the District.

13. Transportation of unauthorized persons or materials in District vehicles.

14. Conviction of a felony.

15. Possession of, using or being under the influence of alcohol while on duty or while operating District vehicles.

16. Possession of, using or being under the influence of a controlled or illegal substance while on duty, or conviction by a Court of Law of any offense involving a controlled substance or any illegal drug.

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Note, the District considers cannabis, which remains an illegal substance under federal law, to fall within the meaning of an illegal substance under this policy.

17. Possession of or the firing of any arms or other dangerous weapons or unauthorized use of explosives on the District property at anytime.

18. Failure to follow a lawful direction by a superior.

19. Being in an unsafe condition from prior indulgence of alcoholic beverages or any controlled or illegal substances, affecting the ability of the employee to perform any duties in an acceptable manner. Note, the District considers cannabis, which remains an illegal substance under federal law, to fall within the meaning of an illegal substance under this policy.

20. Fighting with any fellow employees (being an aggressor or aggravator).

21. Entering time on another employee's time card, or requesting another person to enter time on your time card.

22. Entering time In and Out at time other than those authorized.

23. Disclosing anything of a confidential nature concerning a customer or employee unless the specific work duties require the giving or exchanging of such information.

24. Violation of any Federal, State or local laws, while performing duties as a District employee, while in District attire, District vehicle or representing the District.

25. Failing to exercise proper custodial responsibility of District property.

26. Permitting another person to use keys, access badges and passwords to enter District property without proper authorization.

27. Willful or careless disregard of, or inattention to, working directions and instructions.

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28. Failure to comply with all safety, fire and wastewater regulations of the District or any other Federal, State or Local Agency while performing duties as an OMWD employee, while in OMWD attire or vehicle, or representing the District.

29. Absence of two (2) or more consecutive working days without notifying the Supervisor or Manager.

30. Absence or tardiness and failure to inform the Supervisor or Manager prior to the time due to report to work by telephone or by other means that you are unable to report for work.

31. Failure to notify your supervisors if you leave your job or premises during working hours.

32. Smoking in unauthorized areas.

33. Participating in or selling tickets or chances on pools or raffles or gambling on District premises, unless specifically authorized by the General Manager.

34. Performing any personal work on District time.

35. Excessive or unreasonable use of the District business phone for personal matters, other than de minimus use (unreasonable use is defined as duration of usage beyond usual break and lunch periods) unless expressly approved by the Supervisor.

36. Taking more than the specified time for meals or rest periods, unless expressly approved by the Supervisor.

37. Unauthorized attendance or participating in meetings or gatherings during working hours.

38. Discourteous conduct, abusive treatment or inappropriate language directed towards any customer, visitor, guest, employee or other person while performing duties as a District employee, while in District attire, or while in a District vehicle or representing the District.

39. Inability or negligence in the performance of any assigned duties.

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40. Altering, falsifying or making a willful misstatement of any facts on any District record or chart, job or work record, employment application or any other District record, chart or report.

41. Misrepresenting reasons when applying for a leave of absence or for other time off work.

42. Failure, without justification, to return to work on time from authorized leave of absence or vacation.

43. Failure to withdraw from, outside activities or to report interests which conflict with, detract from, or adversely affect the interest of the District.

44. Unkempt or unacceptable personal grooming which would be deemed unprofessional for the individual's specific position.

45. Sleeping on the job, intentional slowdown of work, intentional disruption of the work force, or loafing during working hours.

46. Failure to promptly report any illness or work-related injury to yourself or any fellow employee.

47. Conduct undermining authority or disruptive of District functions or detrimental to successful working relationships among employees.

48. Conduct prejudicial to the good reputation of the District.

49. Harassment or discrimination in any form is a serious offense and shall be dealt with accordingly. Any information concerning harassment or discrimination of any kind shall be reported to the Human Resources Manager or other District Staff member immediately.

50. Conduct causing injury to any person or damaging or destroying their property while performing duties as a District employee, while in District attire, while in a District vehicle or while representing the District.

51. Engaging in any conduct, which violates any Federal, State or Local laws governing discrimination. Any information concerning discrimination shall be reported to the Human Resources Manager or other District Staff member immediately.

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52. Failure to return to work after exhaustion of any/all Family Medical Leave or California Family Rights pre-approved leaves of absence.

53. Falsely claiming or attempting to claim any compensation, benefits or disability provided by Federal, State or local laws or any District policies.

54. Inappropriate personal use of the District's computer network system (see Section 5.28).

The General Manager has the discretion to determine that unacceptable conduct or behavior not listed above is grounds for disciplinary action or termination.

Disciplinary Actions:

1. OMWD is committed to administering disciplinary action in a fair and reasonable manner. The District does not follow a progressive disciplinary system. This means that an employee may be terminated without following any of the steps described below. Disciplinary actions include, but are not limited to, the following:

   A. Oral reprimand;
   B. Written reprimand;
   C. Suspension from duty with or without pay;
   D. Reduction of pay;
   E. Demotion;
   F. Termination for cause. A person terminated for cause is not entitled to severance pay;
   G. Termination without cause for any reason not prohibited by law;

   The District has the right to choose any of the preceding steps without following the others after a disciplinary event.

2. Supervisors may issue oral or written reprimands. All other forms of disciplinary action are reserved for decision by the General Manager.

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3. Disciplinary action normally is based upon, but not limited to, violations of the Employee Rules, Article 5, Section 5.20., of this Administrative Code.

4. Supervisors may resort to counseling and guidance of employees prior to resorting to disciplinary action. However, supervisors are not required to resort to counseling before resorting to disciplinary action, and the District retains the right to discipline and/or terminate employees at any time, for violations of the employment rules without resort to prior counseling or any other steps.

5. Employees may request representation by the Employees' Association Field Representative at meetings with a Supervisor(s) held where the primary purpose is to investigate facts to support disciplinary action. Employees that disagree with the disciplinary reprimand of their supervisor shall bring their disagreement to their immediate supervisor in writing within five working days from the presentation of the disciplinary action. The immediate supervisor shall respond in writing to the employee within five working days from receipt of written disagreement from the employee. If not resolved with his/her immediate supervisor, the employee shall notify the HR Manager, in writing, within five working days from the date of the written response of the supervisor that the employee desires an appeal meeting.

   An appeal meeting shall be held between the affected employee, the employee's designated representative, their supervisor, the supervisor's superior, and the HR Manager. The HR Manager shall document the decision outcome at the appeal meeting. The documentation of the outcome of the meeting shall be provided to the employee within five working days from the appeal meeting.

   An employee may appeal the decision outcome of the appeal meeting in writing within five working days to the General Manager for resolution. The decision of the General Manager is final except for appeals to the Board of Directors where an employee is terminated by the District as provided in Section 4.6 (l).

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Any failure by the employee to meet the written notification deadlines within this section shall constitute a waiver of their rights to appeal the disciplinary action.

6. Suspension from duty with or without pay, reduction in pay or demotion imposed by written notice to the employee stating the reason(s) are subject to review under procedures for reconsideration by the General Manager. The General Manger's decision on reconsideration is final. No notice need be given for any termination without cause.

7. Disciplinary termination is imposed by written notice to the employee stating the reason(s) and is subject to review under Termination Procedures.

Sec. 5.21. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.21. revised via Ordinance No. 463 / February 13, 2019
Sec. 5.21 revised via Ordinance No. 451 / July 19, 2017
Sec. 5.21. revised via Ordinance No. 422 / January 14, 2015
Sec. 5.21. revised via Ordinance No. 383 / September 8, 2010
Sec. 5.21. revised via Ordinance No. 375 / March 24, 2010
Sec. 5.21. revised via Ordinance No. 340 / December 13, 2006
Sec. 5.21. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.21. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.21. Safety Committee. The District shall have a Safety Committee which shall meet bimonthly on the fourth Wednesday of the month. Additional meetings of the Safety Committee may be scheduled as necessary, provided all such additional meetings are properly noticed pursuant to Government Code §54954. The Human Resources Department shall maintain an agenda of safety items to be discussed, shall keep minutes of the action of the Committee, and shall comply with all other requirements for standing committees per Government Code §§54950-54963. The Committee shall be composed of the General Manager or their designee as Chairperson, HR Manager and the Safety/Risk Compliance Administrator as Co-Chairpersons, two Board Directors, one appointed representative by each Employee Association, and one Manager or Supervisor representative (to serve a minimum of a 2 year term) from each of the following departments: Finance, Engineering, Operations, Customer Services, and Supervisors from the satellite facilities of Water Reclamation, Water Treatment Plant, and the Park Operations. Any District employee may have items placed on the

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Committee agenda and may attend the meeting with the approval of the employee's supervisor.

Sec. 5.22. Damage to Private Property. Any accident or damage, which may occur to private property through the action of a District employee, must be reported immediately to the employee's Supervisor.

Sec. 5.23. revised via Ordinance No. 305 / October 22, 2003

Sec. 5.23. Publicly-Owned Personal Property.

A. Acceptance of Gifts: Employees shall not accept any gifts of any nature from any contractors and/or vendor who is in the process of furnishing labor, services, supplies, or materials to the District pursuant to either oral or written agreement that is in violation of the District's Conflict of Interest Code.

B. Token gifts of appreciation may be accepted by District Staff for the enjoyment of all employees.

C. Employees shall not remove from any real property controlled by the District, without express authority, any salvage and/or surplus materials and no employee shall sell, trade, convey, barter, assign, transfer, or dispose of any personal property in any manner belonging to the District without the express consent of the General Manager.

D. Any personal property deemed by the District to be salvaged and/or surplus property shall be disposed of by the District accordance with its duly adopted Ordinances or Resolutions pursuant to statutory law governing municipal water districts as provided by law.

Sec. 5.24. revised via Ordinance No. 393 / January 18, 2012

Sec. 5.24. revised via Ordinance No. 353 / September 26, 2007

Sec. 5.24. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.24. revised via Ordinance No. 305 / October 22, 2003

Sec. 5.24. District Vehicles. District vehicles are to be used for authorized business only. It is advisable that certain employees be provided with the use of a District vehicle for transportation between the employee's residence and the District office. From time to time, the General Manager shall determine which employees should be assigned District vehicles to provide for improved emergency

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response and to facilitate attendance at after-hours meetings and functions related to District business. The General Manager shall also determine which employees should be allowed automobile allowances in lieu of providing use of a District vehicle. Those employees who are provided automobile allowances should refrain from use of District vehicles, as the automobile allowance is intended to substitute for District vehicle use for emergency response, meetings during and after hours, and other District business requiring vehicle transportation. Insurance, fuel, and maintenance are the responsibility of the employees receiving the allowance. The type of vehicle must reasonably accommodate the business use intended and must be maintained in a safe and reliable condition.

Assignment of the vehicle is not for the specific benefit of the employee, but for the improved operational efficiency and effectiveness of the District. Employees shall not use District vehicles for personal purposes other than commuting and de minimus personal use. Employees authorized to take District vehicles home are expected to keep them parked off the street for protection purposes. Unauthorized persons shall not ride in District vehicles.

The District has a Driving Standard Policy, established by the Safety Committee, which defines the expectations and requirements for successful operation of a District vehicle. This policy is found in the Disaster Preparedness and Job Safety Manual provided to all employees and updated on a regular basis. Employees who fail to adhere to these policies may be subject to disciplinary action or termination.

Personal Vehicle Used for District Business. In those cases where a District vehicle is not available for the use of the Directors or employees engaged in District business, a personal vehicle may be used with pre authorization from the employee's supervisor. Any personal vehicle driven for the purposes of conducting District business must have active automobile insurance coverage. All employees shall provide Human Resources with proof of personal automobile insurance coverage that meets the State of California’s minimum requirements. This proof will be collected on a calendar year basis and maintained in the personnel file. If the employee has any changes of coverage during the year, the employee is responsible for providing Human Resources with the updated information. Reimbursement shall be made for such personal vehicle use at the IRS specified rate or schedule.

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Sec. 5.25. revised via Ordinance No. 528 / May 21, 2025
Sec. 5.25. revised via Ordinance No. 509 /August 16, 2023
Sec. 5.25. revised via Ordinance No. 476 / June 17, 2020
Sec. 5.25. revised via Ordinance No. 413 / February 12, 2014
Sec. 5.25. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.25. revised via Ordinance No. 457 / June 20, 2018

Sec. 5.25. Driver's Licenses. In order to operate a District vehicle and for employees in positions where driving is an essential duty, those employees must maintain a valid State of California Driver's License, which must be confirmed by the General Manager via enrollment in the California Department of Motor Vehicles Employer Pull Notice (EPN) program.

The District will bear the cost of physical examinations required for a Class A or Class B Commercial License, when the need for such a license is required for District business. All physicals are subject to the approval of the General Manager.

The District will recognize employees obtaining and holding a Class A, Class B driver's license and/or special endorsement, where the District utilizes the services of those employees to operate District equipment. The District shall compensate each holder of these licenses in accordance with the yearly amount negotiated in the most recent MOU. This amount shall be distributed in the employee's bi-weekly paycheck with the total amount evenly divided over 26 pay periods and will continue in that same calendar year as long as the employee retains a valid California commercial driver's license. All future employees eligible for this program must receive advanced approval of the General Manager to qualify for this compensation and will only be authorized depending on the need of the District.

Employees and Directors who drive personal vehicles for District business are also required to have a valid driver's license..

Sec. 5.26. District Tools and Equipment. Employees are expected to exercise normal care and proper use of all District-owned vehicles, tools and equipment.

Sec. 5.27. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.27. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.27. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.27. revised via Ordinance No. 315 / January 26, 2005

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Sec. 5.27. a) Safety Equipment. The District shall furnish all necessary or required tools and equipment to ensure a safe area in which to work. Unsafe practices and conditions must be immediately corrected. Supervisory personnel are charged with the responsibility to see that no unsafe practices or conditions exist, and that all State Laws in this regard are enforced; however, all employees are responsible for reporting any unsafe conditions or practices to District management. Any employee and/or supervisor who has knowledge of the condition, practice, or act of violating this provision will be subject to discipline or discharge.

b) Safety Footwear and Gear. The District shall provide designated classifications protective clothing, tools and other equipment necessary for the safe performance of job functions and duties upon hire. All safety footwear worn must meet the ANSI Z41.1 or Z41.2 safety standards. The District shall pay an approved vendor up to $200.00 per employee per fiscal year for one pair of approved safety boots including one pair of insoles, as negotiated in the MOU. Replacements for boots damaged intentionally or by employee negligence will not be issued. The District reserves the right to determine the acceptability of any such footwear.

All designated classifications shall wear District provided safety footwear while on the job. The District shall replace worn out safety boots during the year if approved by management before purchase and within the spending limits.

Sec. 5.28. revised via Ordinance No. 542 / August 19, 2026

Sec. 5.28. revised via Ordinance No. 422 / January 14, 2015

Sec. 5.28. Computer Network System Policy. The District's "Computer Network System" (hereinafter CNS) is comprised of all computers, mobile communication devices, software, hardware, programs, files, network services and internet services which are provided by Olivenhain Municipal Water District for the business use of employees. However, the CNS remains the sole property of the District and may be inspected and/or monitored by the District at any time. The CNS permits employees to receive, send, and transfer e-mail messages and computer files both in-house and via the internet/world wide web. The CNS is an important asset of the District and has been installed at substantial expense to facilitate business communications. Although employees are able to use codes to restrict access to computer files and the network system, including

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e-mail messages, it must be remembered that the CNS is intended solely for business use. In keeping with this intention, the District maintains the right to monitor and inspect any and all messages, files, attachments, e-mails, or any other information created, sent, or received on the CNS. Because the District reserves the right to obtain access to all messages, files, attachments, e-mails or any other information created, sent or received on the CNS, employees should not assume that such messages or files are confidential or that access by the District or its designated representative will not occur. **Employees do not have any privacy rights in any messages, e-mails, or other information sent or received on the CNS.** The District maintains a more complete set of guidelines that address specific issues:

Acceptable Use Policy
AI Policy
EAM Retention Policy
Email Retention Policy
Employee Exit Policy
IT Security Policy
Password Policy
Remote Access Policy
Third Party Agreement
Virtual Private Network Policy
Wireless Communication Policy
Wireless Hotspot Policy

Employees are made aware of these documents during orientation for newly hired employees and at annual intervals.

Inappropriate personal use of District CNS at any time is grounds for disciplinary action.

Sec. 5.29. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.29. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.30. became 5.29. via Ordinance No. 305 / October 22, 2003

Sec. 5.30. revised via Ordinance No. 295 / July 24, 2002

Sec. 5.29. Holidays. The business office of the District shall remain open from 8:00 A.M. to 5:00 P.M. Monday through Friday, both days inclusive, for each week of the year, except upon the following ten days designated as Holidays:

New Years' Day Labor Day

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Martin Luther King Day	Veterans Day
Presidents Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

In the event that a Holiday falls on a Saturday, the previous Friday shall be considered a Holiday; in the event that a Holiday falls on a Sunday, the following Monday shall be considered a Holiday. The District Office shall be considered closed on the federally designated date for each of the above Holidays. If there is no Federal designation, the State of California designation shall apply. In the absence of either designation, the generally accepted celebration day will be observed.

Subject to the approval of the General Manager, individual employees may be permitted to elect an alternate day for any of the above designated holidays. Such employees will then be expected to work on the holiday to be substituted at straight time pay.

Full-time employees who regularly work the designated hours in a work week shall be compensated for eight hours pay for each of the above designated holidays. Employees who normally work less than 40 hours in a regularly scheduled workweek shall be compensated on a pro-rated basis, based upon the number of hours an employee is scheduled to work in a regularly scheduled workweek.

Any employee on leave of absence without pay during a designated holiday date shall not receive compensation for said holiday.

Each employee shall be entitled to holiday time off and/or compensation for each designated District holiday. If a District designated holiday falls within an employee's normal work week and the employee is required to work, or if an employee is called back to work on a regularly scheduled holiday, the employee shall be compensated at a rate of double time, in addition to holiday pay.

To be eligible for holiday pay, an employee must work or be on an approved paid absence the working day preceding and the working day following a legal holiday on which the District Office is closed. The Supervisor shall report to the Finance Department any employee not deserving the holiday pay.

Sec. 5.30. revised via Ordinance No. 509 / August 16, 2023

Sec. 5.30. revised via Ordinance No. 498 / January 19, 2022

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Sec. 5.30. revised via Ordinance No. 473 / January 15, 2020
Sec. 5.30. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.30. revised via Ordinance No. 413 / February 12, 2014
Sec. 5.30. revised via Ordinance No. 409 / July 24, 2013
Sec. 5.30. revised via Ordinance No. 399 / August 8, 2012
Sec. 5.30. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.30. revised via Ordinance No. 315 / January 26, 2005
Sec. 5.31. became 5.30. via Ordinance No. 305 / October 22, 2003
Sec. 5.31. revised via Ordinance No. 295 / July 24, 2002

Sec. 5.30. Floating Holiday Elective Hours Off (Floating Holiday Hours). In addition to the above Holidays, each employee shall be entitled to thirty-four floating holiday hours off with pay of his/her choice per 12-month period within the following limitations:

1 Employee must obtain supervisory approval of his/her Floating holiday hours in writing at least 48 hours in advance of time off selected and, if applicable, adhere to the vacation request rules as specified in Administrative Code Sec. 5.31(f).

2. Floating holiday hours off that are not used by the last full pay period of the year that a paycheck is issued in December will be paid out to the employee. These hours will be paid on this pay period's regular pay date via direct deposit. Floating holiday hours off will not be accrued to the next calendar year. The next years' floating holiday hours shall be fully accrued in the following pay period.

3. Employees are not eligible for floating holiday hours off until successful completion of 12 months of employment. Rehires with combined serve time of less than 12 months are not eligible for floating holiday hours off.

4. Part-time employees who work less than 30 hours in a regularly scheduled work week shall earn pro-rated floating holiday hours off with pay of his/her choice per 12-month period, based upon the number of hours an employee is scheduled to work in a regularly scheduled workweek.

5. Full-time employees that work between 30 and 39 hours in a regularly scheduled work week shall earn pro-rated floating holiday hours off with pay of his/her choice per 12 month period, based upon the number of hours an employee is scheduled to work in a regularly scheduled workweek.

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6. Floating holiday hours off will be increased to recognize employees with longevity. The following hours are subject to the same conditions as provided above for all elective time off:

5 years of service = 4 additional hours once a year
10 years of service = 8 additional hours once a year
15 years of service = 12 additional hours once a year

Sec. 5.3.1 revised via Ordinance No. 531 / July 16, 2025
Sec. 5.3.1 revised via Ordinance No. 525 / December 11, 2024
Sec 5.31. revised via Ordinance No. 476 / June 17, 2020
Sec. 5.31. revised via Ordinance No. 473 / January 15, 2020
Sec. 5.31. revised via Ordinance No. 422 / January 14, 2015
Sec. 5.31.(f) revised via Ordinance No. 391 / October 5, 2011
Sec. 5.31. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.31. revised via Ordinance No. 465 / June 19, 2019
Sec. 5.31.(f) revised via Ordinance No. 315 / January 26, 2005
Sec. 5.32. became 5.31. via Ordinance No. 305 / October 22, 2003
Sec. 5.32. (a) revised via Ordinance No. 295 / July 24, 2002
Sec. 5.31. revised via Ordinance No. 457 / June 20, 2018

Sec. 5.31. Vacation Leaves. At the discretion of the General Manager as to setting the period of time to be taken for any vacation leave, all full-time employees will be granted such leave with pay under the following conditions:

(a) Employees accrue vacation time beginning with the date of hire and are eligible to use vacation time following 90 days of employment. Rehires must have 90 days of combined service time. Full-time employees that work between 30 and 39 hours in a regularly scheduled workweek shall accrue hours on a pro-rated basis, based upon the number of hours an employee is scheduled to work in a regularly scheduled workweek. Employees working less than 40 hours in a regularly scheduled workweek shall accrue hours based on a pro-rated basis, based upon the number of hours an employee is regularly scheduled to work in a regularly scheduled workweek.

Employees' vacation time accrues, depending on the number of years of combined service time, as follows:

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Less than 5 years of service	= 96 hrs
More than 5 but less than 10 years of service	= 120 hrs
More than 10 but less than 15 years of service	= 144 hrs
More than 15 but less than 20 years of service	= 160 hrs
More than 20 years of service	= 176 hrs

(b) Vacation time accumulation will be permitted, depending on the number of years of combined service time, as follows:

Less than 5 years of service	= 192 hrs
5 or more but less than 15 years of service	= 288 hrs
15 or more but less than 20 years of service	= 320 hrs
20 or more years of service	= 352 hrs

If an employee's accumulated vacation hours exceed the applicable maximum limit, the excess hours will be deducted from the employee's vacation leave bank and, at the employee's election,(i) paid in cash, or (ii) contributed to the employee's account under the District's 457(b) plan, subject to applicable IRS contribution limits, or (iii) a combination of these options. The value of the leave deductions will be calculated at 100% of the employee's then-current rate of pay. These leave deductions will occur once per year in November and will be calculated and made after any amount elected by the employee under section 5.31(d) is deducted.

(c) Each calendar year, employees may elect to cash out vacation time in excess of minimum vacation balances, depending on the number of years of combined service, as follows:

	Minimum
Less than 5 years of service =	96
5 or more but less than 10 years of service =	120
10 or more but less than 15 years of service =	144
15 or more but less than 20 years of service =	160
20 or more years of service =	176

(d) Each calendar year, employees may elect to convert vacation time to cash in accordance with the following:

(i). An employee may elect to receive cash payment of future vacation accruals, subject to the following:

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1. The election must be made by December in the calendar year before the vacation time is accrued.

2. The election is limited to vacation time accrued in the calendar year after the election.

3. Payment will be processed in November of the calendar year in which the vacation time is accrued.

4. The employee must maintain a minimum vacation balance as stated in 5.31 (c) following the cash-out. The cash-out amount will be limited to the extent necessary to maintain the minimum balance.

5. Cash-out payments will be calculated at 100% of the employee's rate of pay at the time of payment.

(ii). The District's General Manager has sole discretion to determine all administrative procedures regarding the time, manner, and form of the election and corresponding cash payment.

(iii). An employee experiencing an unforeseeable financial emergency (as defined in the District's 457(b) plan) may elect to receive immediate cash payment of the employee's vacation balance as stated in section 5.51, but only to the extent needed to satisfy the financial need.

(iv). The employee is responsible for the employee portion of taxes on any leave time deducted and paid from their leave balances.

(e) Upon retirement/separation of employment, employees who are in the managerial or supervisory groups will have any accrued but unused vacation leave exceeding 256 hours mandatorily contributed to the employee's account under the District's 401(a) plan up to the applicable IRS limit. Additionally, employees who are age 55 or older upon retirement/separation, regardless of classification, will have 100% of accrued but unused vacation leave mandatorily contributed to the employee's account under the District's

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401(a) plan up to the applicable IRS limit. Contributions required by this paragraph will be calculated at 100% of the employee's current rate of pay at retirement/separation.

(f) The General Manager shall approve a schedule of vacations, and employees shall adhere to such schedule. No vacation may be taken without prior approval of the General Manager or his/her designee. The vacation of the General Manager shall be subject to the approval of the Board of Directors.

(g) Pay for vacation leave shall be at the payroll rate currently paid the employee at the time the vacation is taken.

(h) In computing the amount of vacation leave due an employee, holidays, vacation time, and sick leave shall be included as total service. The period of time to be granted to an employee for said leave shall be in addition to Saturdays, Sundays, and Holidays within or at the beginning or end of such leave.

(i) Vacation time may be taken in blocks or increments of one (1) hour or more for hourly employees, and one (1) day or more for salaried employees with proper authorization and approval of Supervisor. The District expects employees to extend common courtesy to their co-workers and supervisors by giving as much advance notice as possible for vacation requests.

- For vacation requests of less than 5 consecutive working days off, employees must give more than 48 hours advance notice in writing to their supervisor.
- For vacation requests between 5 consecutive working days off and 10 consecutive working days off, employees must give 3 weeks advance notice in writing to their supervisor.
- Any vacation requests for more than 10 consecutive working days off shall require employees to give 4 weeks advance notice in writing to their supervisor.

Exceptions to the above requirements may be granted by the General Manager at his/her sole discretion.

Sec. 5.31.1 revised via Ordinance No. 473 /January 15, 2020

Sec. 5.31.1 revised via Ordinance No. 467 / September 18, 2019

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Sec. 5.31.1. Executive Time Off for Managers and Supervisors

Following 90 days of employment for new or rehired Managers and Supervisors and at the sole discretion of the General Manager, Executive Time Off may be granted up to 32 hours for Managers and up to 24 hours for Supervisors in a Calendar Year (CY). Hours will be prorated to the end of the CY based on hire date. Increments must be taken in full work days with supplements as required. Executive Time has no cash value; the hours cannot be carried over to the next CY.

Executive Time Off for General Manager

The General Manager shall be granted up to 80 hours of Executive Time Off with the same terms and requirements as Managers and Supervisors as set forth above.

Sec. 5.32 revised via Ordinance No. 531/ July 16, 2025
Sec. 5.32 revised via Ordinance No. 473 / January 15, 2020
Sec. 5.32. revised via Ordinance No. 463 / February 13, 2019
Sec. 5.32. revised via Ordinance No. 435 / January 27, 2016
Sec. 5.32. revised via Ordinance No. 422 / January 14, 2015
Sec. 5.32. (b) revised via Ordinance No. 418 / June 18, 2014
Sec. 5.32. revised via Ordinance No. 413 / February 12, 2014
Sec. 5.32. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.32. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.32. revised via Ordinance No. 315 / January 26, 2005
Sec. 5.33. became 5.32. via Ordinance No. 305 / October 22, 2003
Sec. 5.33. (a) revised via Ordinance No. 295 / July 24, 2002

Sec. 5.32. Sick Leave. Sick leave is defined as the necessary absence from work because of illness, serious disability, or absence authorized for medical or dental care, injury or exposure to contagious disease suffered by the employee, or a member of the employee's family as defined in California law, Labor Code Section 245.

Employees shall be entitled to sick leave with pay following 90 days of employment (rehires with 90 days of combined service time) under the following conditions:

a. Each full-time employee who works a regularly scheduled 40-hour workweek shall be entitled to accrue 96 hours sick leave per one year of employment, which starts accruing with the hire

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date. Employees that work less than 40 hours per week for a regular schedule shall accrue hours on a pro-rated basis.

b. Sick leave may be accumulated up to a maximum of 640 hours. Additional sick leave may be granted at the discretion of the Board of Directors and approval thereof.

c. Each calendar year, employees may elect to convert sick time to cash in accordance with the following:

(i) An employee may elect to receive cash payment of future sick accruals, subject to the following:

- The election must be made in the calendar year before the sick time is accrued.
- The election is limited to sick time accrued in the calendar year after the election.
- Payment will be in November of the calendar year in which the sick time is accrued.
- The employee must maintain a minimum sick balance of 320 hours after the cash-out. The cash-out amount will be limited to the extent necessary to maintain this minimum balance.
- Cash-out payments will be calculated at 100% of the employee's rate of pay at the time of payment.

(ii) The District's General Manager has sole discretion to determine all administrative procedures regarding the time, manner, and form of the election and corresponding cash payment.

(iii) An employee experiencing an unforeseeable financial emergency (as defined in the District's 457(b) plan) may elect to receive cash payment of the employee's sick balance as stated in section 5.51 and at the employee's then-current pay rate, but only to the extent needed to satisfy the financial need.

(iv) An employee may elect to receive cash payment of the employee's sick leave balance for reasons other than an

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economic hardship referred to in Section 5.51 of the District's Administrative and Ethics Code. Such payments, will, however, be paid at 90% of the employee's then-current pay rate, with the remaining 10% balance forfeited. This election must be made during the District's November sick leave cashouts outlined in section 5.32.c. The employee shall maintain a minimum bank of 240 hours of combined vacation and sick leave after the cash out is made.

(v) The employee is responsible for the employee portion of taxes on any leave time deducted and paid from their leave balances.

d. Employees who have accumulated more than 640 hours of sick leave will have 100% of their sick leave over 640 hours converted at the employee's then current rate of pay and contributed to his/her VEBA account in November of each year. If the employee does not have a VEBA account established, the employee will receive payment for any hours over 640 at his/her current rate of pay.

e. At retirement/separation, an employee's accumulated sick leave will be allocated at the employee's then current pay rate in the following order:

- First,100% of accumulated sick hours over 417 hours will be contributed to VEBA. but only if the employee has a VEBA account established.

- Second, 35% of accumulated sick leave hours from 240 hours to 416 hours will be contributed to VEBA, but only if the employee has a VEBA account established.

- Third, if the employee is age 55 or older upon retirement/separation, 100% of the remaining accumulated sick balance will be mandatorily contributed to the District's 401(a) plan up to the applicable IRS limit.

- Lastly, any remaining accumulated sick leave balance will be paid to the employee in cash

f. All requests to be paid sick leave shall be submitted in writing via a "Request for Time Off" Form. After using 48-hours of the

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current calendar year's sick leave, a request to be paid sick leave shall be accompanied by a doctor's certificate verifying the employee's/family member's (as defined in Sec. 5.32 – Sick Leave) illness and the date thereof.

g. Abuse of sick leave privileges shall be grounds for discipline or dismissal.

h. In computing the amount of sick leave time due an employee, holidays, vacation time, and sick leave shall be included as total service. The period of time to be granted to an employee shall be in addition to Saturdays, Sundays, and holidays within or at the beginning or end of such leave.

Sec. 5.33. revised via Ordinance No. 509 / August 16, 2023
Sec. 5.33. revised via Ordinance No. 422 / January 14, 2015
Sec. 5.33. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.33. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.33. Jury Duty and Voting Time Off.

Jury Duty - Employees are eligible for jury duty leave with pay for up to four weeks per calendar year per court when required by any legally constituted court to appear for examination or jury service. No deduction will be made for the value of mileage allowances, meals or lodgings furnished by the court. Jury Duty will be paid in accordance with the actual number of hours served on jury duty, including travel time to/from the courthouse.

The only document accepted as proof of attendance is the Jury Services Attendance Certification form that has been dated and time-stamped "in" and "out" by the courthouse. Hand written or other non-approved forms will not be accepted.

In the absence of proof of attendance, or in instances of jury duty beyond four weeks, an employee may use vacation or compensatory leave. In instances when a trial is scheduled for four weeks or less, when an employee is selected and the trial extends beyond four weeks, the employee may petition the General Manager via their supervisor, in writing, for additional jury duty leave beyond four weeks. The decision to grant additional jury duty leave is at the sole discretion of the General Manager and is final.

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Within five (5) days of receiving a Jury Duty notice/summons, employees must provide a copy of the notice that specifies the dates that the employee will be serving as a juror to his/her Supervisor or Manager and Human Resources for retention in his/her personnel file.

Jury Duty is not considered time worked under the workers' compensation policy. Jury Duty is considered time worked for calculating overtime in an employee's day or workweek. The current overtime calculation policy will apply in determining these occurrences.

Employees may lose their alternative work schedule off day(s) while serving on jury duty; however, the employee will be paid for the actual time served on jury duty.

Supervisors and Managers are encouraged to minimize employees having to work seven (7) consecutive days in a workweek due to jury duty by changing employee's days off to correspond with jury duty as long as it does not incur overtime for the employee or other employees in the department. Because of being unable to predict the length of an employee's jury duty and OMWD's 24-hour operations, this may not always be possible.

Voting Time Off - Employees who do not have sufficient time outside of their working hours to vote in a state or federal election will be granted a reasonable amount of time for that purpose at either the beginning or end of their shift, whichever provides the least disruption to the normal work schedule, provided that the employee submits a request to their supervisor at least two (2) working days before election day.

Up to two (2) hours of paid time off will be provided to employees at the beginning or end of their shift.

Supervisors may request that the employee provide a valid voter's registration card and voter's receipt as a condition of approval for paid time off.

Sec. 5.34. revised via Ordinance No. 509/ August 16, 2023

Sec. 5.34. revised via Ordinance No. 498 / January 19, 2022

Sec. 5.34. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.34. revised via Ordinance No. 305 / October 22, 2003

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Sec. 5.34. Bereavement Leave. At such time as there is a death in an employee's immediate family, the General Manager is authorized to grant up to a maximum of 4 days leave with pay, subject to employee's written request for such compensation. Written request shall contain the following information:

- Name of deceased
- Relationship to employee
- Date(s) of employee's requested leave and return to work

All Bereavement Leaves must have prior approval of the General Manager.

Employee is eligible for Bereavement Leave for abortion or miscarriage.

Immediate family is defined as: spouse, common law spouse, registered domestic partner, child, parent, brother, sister, grandparents, mother-in-law, father-in-law, brother-in-law, sister-in-law, aunt, uncle, or any other family member physically living in the employee's home.

Paid Bereavement leave of up to 4 days, if approved, is not to be charged against an employee's accrued time off. If additional leave is necessary, the employee may request additional unpaid time off. This additional leave may be charged against the employee's accrued time off bank.

Sec. 5.35 revised via Ordinance No. 509 / August 16, 2023
Sec. 5.35 revised via Ordinance No. 473 / January 15, 2020
Sec. 5.35. revised via Ordinance No. 463 / February 13, 2019
Sec. 5.35.(H) revised via Ordinance No. 422 / January 14, 2015
Sec. 5.35.(H) revised via Ordinance No. 365 / August 13, 2008
Sec. 5.35. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.35. (5) revised via Ordinance No. 305 / October 22, 2003
Sec. 5.36. became 5.35. via Ordinance No. 305 / October 22, 2003
Sec. 5.36.(A.2) revised via Ordinance No. 302 / Dec. 18, 2002
Sec. 5.36. revised via Ordinance No. 295 / July 24, 2002

Sec. 5.35. Leaves of Absence Without Pay. It is the District's policy to grant leaves of absence without pay to all eligible employees on a non-discriminatory basis. General Manager pre-approval is needed

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for employees requesting unpaid leaves of absence [excluding Family Medical Leave Act (FMLA) and California Family Rights Act (CFRA),] and are eligible only after the employee has completed 90 days of service and exhausted all accumulated and unused sick leave, vacation leave, paid injury leave or unused compensation time. Exception to this General Manager pre-approval policy may occur if more than one (1) unpaid day is needed due to an unforeseen event. Employees on a pre-approved unpaid leave will be responsible to pay insurance coverage while out on leave (see section 5.35 A4.B)

Leaves of absence without pay pursuant to the FMLA, CFRA, compulsory, and military leaves of absence will be permitted as specified below:

A. Medical Leaves of Absence:

(1) Grounds for Leave. The Family Medical Leave Act of 1993 (FMLA) and California Family Rights Act (CFRA) of 1993 entitle eligible employees that have worked for the District for at least 12 months and at least 1,250 hours in the last 12 months to take up to 12 weeks of unpaid job protected leave each year for the employee's own serious health condition; caring for a family member with a serious health condition; bonding with a newborn or adopted child; and certain military exigencies. For the purposes of FMLA and CFRA leave, "family member" includes the employee's child, parent, and spouse. For the purpose of CFRA leave only, "family member" also includes the employee's registered domestic partner, designated person, grandparent, grandchild, sibling, or parent-in-law.

A "designated person" for purposes of CFRA leave means a person identified by the employee at the time the employee requests family care and medical leave. The District limits employees to one designated person per 12-month period for family care and medical leave.

(2) CFRA exclusively includes up to 12 weeks of unpaid, job protected leave each year for the serious health condition of a registered domestic partner as defined in California Family Code Section 297, and/or birth or adoption of a registered domestic partner's child.

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(3) The District has posted such notices as required explaining employee rights and procedures under the FMLA and CFRA. Employees granted this leave will receive reinstatement at the end of the leave in their current or an equivalent position, subject to all defenses allowed by law.

(4) Pregnant employees that are disabled by pregnancy and pregnancy-related conditions are eligible for California pregnancy disability leave (PDL). A pregnant employee is entitled to up to four months of PDL depending on the period of actual disability. The District has posted such notice as required explaining employee rights. Employees granted this leave will receive reinstatement at the end of the leave in their current or an equivalent position, subject to all defenses allowed by law.

B. Insurance Coverage. The District will maintain the group health, vision, dental, long term disability (LTD), and life insurance coverage for an employee whenever such insurance was provided before the FMLA/CFRA leave was taken and on the same terms as if the employee had continued to work, i.e employee contributions, if any, must still be paid by the employee. (Under no circumstances will group health insurance benefits be maintained by the District longer than 12 weeks of approved FMLA/CFRA leave.) If an employee is on a non-FMLA/CFRA leave , the employee must use 60 hours per pay period of accrued leave to maintain District insurance benefits, in addition to any required employee contributions. All leave time, comp time, holiday pay, and overtime count towards hours worked in a pay period. Duty pay does not count towards hours worked. The cost the employee is responsible for is based on an hourly cost of benefits for the number of hours less than 60 in the pay period. The employee will reimburse the District for costs including: health, dental (COBRA and the administrative fee), vision, life, and LTD (both the employee and employer portion).

C. Requests for Leave and Medical Certification. Employees requesting leave of absence shall submit a written request at least 30 days in advance, when foreseeable, to Human Resources, which will present to the General Manager for review and a decision. The request shall specify the date the leave will commence, the estimated duration of the leave, and

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the date on which it is expected that the employee will be able to return to work. Medical certification is required supporting the need for leave due to a serious health condition affecting the employee, child, immediate parent, spouse or registered domestic partner as defined in California Family Code Section 297. The employee shall provide the District with a physician's statement during the medical leave of absence updating the District on the status of the incapacity and the probable date of return to work.

An employee shall not directly or indirectly maintain outside business or employment or engage in any other outside business that conflicts, in any manner, with the interest of returning to the District's employment during the leave. In order to maintain the approved leave, an employee wishing to engage in part time employment or self-employment, while on leave, must have such employment approved in advance by the General Manager. Failure to comply with this notice requirement is grounds for, and may result in denial or deferral of the requested leave until the employee complies with this policy and may be grounds for disciplinary action or termination.

Failure to comply with these noticed periods is grounds for and may result in denial or deferral of the requested leave until the employee complies with the noticed policy.

The District requires certification from the health care provider as to the needs of the child, immediate parent, spouse or in the case of CFRA exclusively, the domestic partner’s child, or registered domestic partner as defined in California Family Code Section 297, who has a serious health condition before allowing the employee a leave to care for the family member.

Eligible employees may take leave intermittently or on a reduced leave schedule under certain conditions. Intermittent or reduced leave is available for birth/adoption of a child and must be pre-approved in writing by the General Manager. Intermittent, recurring shorter leaves may be taken when medically necessary for treatments (such as chemotherapy), subject to advanced notification and medical certification for the intermittent or reduced leave.

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There are certain exceptions to eligibility for family care leave and the District is legally permitted to deny a request for leave under certain conditions. Taking family care leave may impact certain benefits and seniority as identified in Article 5.

D. Physician's Statement Prior to Return. An employee who has taken a leave of absence due to his or her own medical condition, will be required to provide a statement from a licensed physician in California who has treated the employee's condition, which confirms the employee's ability to return to work with or without reasonable accommodation(s).

E. Term of Leave. Leave without pay granted pursuant to this section may not exceed 180 consecutive calendar days or 12 weeks for FMLA, CFRA, or 4 months for PDL unless authorized by the Board for a longer period. The District shall use the rolling, 12 month calculation method when calculating leave entitlement. Leave may be terminated at any time by the employee's return to work.

F. Sick, Vacation, Compensatory Time Use. An employee may use accrued sick, vacation, and compensatory time while on approved medical leave.

G. Benefits and Service Time. Vacation and sick leave shall not accrue during leaves of absence without pay of 30 days or longer. An employee will not be credited with service during any unpaid, approved leave of absence of 30 days or longer, unless the approved unpaid leave being taken qualifies under the Family Medical Leave Act (FMLA), California Family Rights Act (CFRA) or Pregnancy Disability Leave (PDL). The District shall continue payment of the employee's and employee's dependents group health insurance and group life policy during the approved unpaid medical leave of absence not to exceed 12 weeks.

Payments of health insurance and life insurance shall cease upon termination of the employee. The District will offer continuing health benefits according to COBRA Legislation Public Law 99-272 to employees, widows, ex-spouses, ex-registered domestic partner as defined in California Family Code, Section 297, and other dependents, who would lose coverage as a result of an employee's death, divorce, or termination of employment.

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H. Hardship Credits. An employee may receive leave credits by voluntary donation from fellow employees. To be eligible, the following conditions must apply:

- The Hardship Credits must be approved by the General Manager (or his/her designee).
- Be on an unpaid leave of absence approved by the General Manager.
- Have exhausted all sick leave, vacation pay, and floating holidays.
- Face financial hardship due to a prolonged illness or injury.
- Face financial hardship due to the prolonged illness or injury of a spouse, child, or registered domestic partner as defined in California Family Code, Section 297.

Employees may donate floating holiday(s), vacation pay, compensatory time, or sick leave in one (1) hour increments. Donated hours may not be taken from the donor employee's payroll records immediately, but will be withdrawn when the recipient's payroll requires hours. The order that donations are received will be used to determine the order that donations will be utilized. All donated time will have the hours converted into dollars at the donor employee's rate of pay. This dollar amount will then be converted into hours using the recipients' hourly rate.

When the employee's need for donated hours stops, per the determination of the General Manager, any donated hours waiting to be utilized will not be used and will be returned to the leave balance of the last donor.

I. Restoration of Employment and Benefits. When an employee is placed on an approved, unpaid leave of absence, an effort will be made to hold the employee's position open as designated by state and federal regulations. However, due to business needs, there will be times when positions cannot be held open and it is not possible to guarantee reinstatement to previous position. If an employee's former position is unavailable when the employee is ready to return to work from an approved unpaid leave, every effort will be made to place the employee in a comparable position for which the employee is qualified.

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In addition, the District will attempt to reasonably accommodate employees who are released for partial or modified duty according to the Early Return to Work Policy.

An employee who does not accept the position offered will be considered to have voluntarily terminated employment, effective the day such refusal is made.

J. Military Leave.

According to the Uniformed Services Employment and Re-employment Act, (USERRA), the District will offer benefits and job protection for individuals returning to civilian employment after serving in the military. Uniformed services is defined to include Army, Navy, Air Force, Marine Corps, Coast Guard (and the Reserves for each of those branches), Army National Guard, Air National Guard, commissioned corps of the Public Health Service and any other category of persons designated by the President in time of war or emergency.

Employees qualifying for military leave in accordance with the Uniformed Services Employment and Re-Employment Rights Act (USERRA) shall be restored to their former position when the employee returns from the military leave of absence. If the position has been abolished or terminated during the employee's absence, the employee will be reinstated to a position of similar seniority, status and pay if such position exists, or if no such position exists, the employee shall have the same rights and privileges that the employee would have had if s/he occupied the position when it ceased to exist and had not taken a military leave of absence.

According to AB392, an employee is eligible for leave under this statute if s/he is the spouse of a “qualified member” of the military (defined below) and works an average of 20 or more hours per week.

The employee’s spouse must be a “qualified member” of the military, which means either:

1. a member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or

2. a member of the National Guard or reserves who has been deployed anywhere during a military conflict.

A "period of military conflict" means either a period of war declared by the US Congress, or a period of deployment for which a member of a reserve component of the military is ordered to active duty.

In addition, although this statute only expressly applies to spouses, because the California Family Code provides that registered domestic partners are entitled to the same rights and privileges under state law as spouses, this law applies equally to registered domestic partners.

Employees may only take leave under the law when their spouse is on leave from military deployment. More specifically, employees are entitled to take leave when either an enlisted military spouse is on leave from a combat zone or a Reserve or National Guard spouse is on leave from an assignment anywhere after being activated during a military conflict.

Employees shall notify the District of their intention to take leave under this statute within two (2) business days of receiving official notice that the employee's spouse will be on leave from military deployment. The District and statute requires the employee to provide written documentation certifying the spouse's temporary leave from active duty during the time the leave is requested.

The statute provides that military spousal leave cannot affect, or prevent an employee from taking leave that the employee is otherwise entitled to take. Thus the employee isn't required to use accrued vacation time or paid time off while on military spousal leave. In addition, employees are not forced to take military spousal leave concurrently with any other available statutory leave. There shall be no retaliation or adverse employment action against employees who request and/or take military spousal leave.

K. Compulsory Leave.

If in the opinion of the General Manager an employee is unable to perform the regular duties of their position or performance of those duties would create an immediate

danger to the health or safety of the employee or others, the General Manager may require the employee to submit to an examination by a licensed physician designated by the General Manager. All costs of the medical examination shall be borne by the District and a copy of the medical examination shall be provided to the employee. If the report of the physician shows that the employee is unable to perform the duty described in their job description or performance of those duties would create an immediate danger to the health or safety of the employee or others, the General Manager may, subject to the approval of the Board of Directors, compel said employee to take sufficient leave of absence to correct the problem. Prior to taking final action, the General Manager shall provide the employee with an opportunity to submit an independent medical examination for consideration. The results of all medical examinations conducted in accordance with this section shall be treated as confidential to the extent required by applicable law.

L. Miscellaneous Leaves

Various other leaves as mandated by law will be granted in accordance with State and Federal law. The Human Resources Department maintains leave details for employees. The leaves of absence without pay include:

Crime or Abuse Victim's Leave - In compliance with applicable laws, an employee who is a victim of crime or abuse (including domestic violence, sexual assault, stalking, or a crime that caused physical injury or, in certain cases, mental injury or that resulted in the death of an immediate family member) will be granted time off work to seek protection to provide for their own or their child's health, safety, or welfare. This includes, but is not limited to, time off for medical treatment; psychological counseling; safety planning, including temporary or permanent relocation; legal proceedings; or to obtain a restraining order.

A leave of absence taken under this policy may run concurrently with leave entitlement under the FMLA and the CFRA if the employee is eligible for such FMLA/CFRA leave.

An employee who needs a leave of absence under this policy must notify his or her supervisor of the need for a specific leave and submit a leave request. Additionally, supporting

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leave documentation or certification must be submitted to the District within the timeframe provided.

This certification may be any of the following:

1) A police report indicating that the associate was a victim of crime or abuse.
2) A court order protecting or separating the associate from the perpetrator of the act of crime or abuse.
3) Other evidence from the court or prosecuting attorney that the employee has appeared in court.
4) Documentation from a medical professional, domestic violence advocate or advocate for victims of sexual assault, health care provider or counselor that the employee was undergoing treatment for physical or mental injuries or abuse due to the crime or abuse.
5) Any other form of documentation that reasonably verifies that the crime or abuse occurred, including but not limited to, a written statement signed by the employee, or an individual acting on the employee's behalf, certifying that the absence is for a purpose authorized under this policy.

Records regarding the employee's leave under this policy will be kept strictly confidential and will be shared only on a need-to-know basis.

In an emergency situation where advance notice of absence is not possible, employees should provide supporting documentation as soon as reasonably practicable to support the need for leave. Employees have the option to use accrued sick or other leave and are required to use any accrued time off before taking unpaid leave.

School Activity Leave - An employee who is the parent, step-parent, foster parent, guardian, or grandparent of, or who stands in loco parentis to, a child enrolled in kindergarten or grades 1 to 12, or attending a licensed childcare provider, is entitled to take up to one day per month, not to exceed 40 hours each year, to 1) find, enroll, or reenroll the child in a school or with a licensed child care provider, 2) participate in

the child's school, or a licensed child care provider's activities, or 3) address a child care provider or school emergency.

The employee must provide reasonable advance notice to the employee's supervisor of the planned absence. An employee may use existing vacation or other leave for this time; otherwise the absence shall be a leave without pay. An employee's supervisor may require the employee to provide documentation from the school or licensed child care provider verifying the date and time of the visit for participation in such activity.

School Appearance Leave - If an employee is the parent or guardian of a child who has been suspended from school and that employee receives a notice from the child's school requesting that the employee spend part of a school day in the child's classroom, the employee may take unpaid time off to appear at the school. The employee must, prior to the planned absence, give reasonable notice to their supervisor.

Organ and Bone Marrow Donor Leave - Donor leave is available to employees undergoing an organ or bone marrow donation procedure or related treatment. An employee requesting donation leave shall notify the District at least 30 days before leave is to begin. If the employee cannot provide 30 days' notice, the employee should inform the District as soon as is practicable.

Employees must provide written verification supporting the need for donation leave. The verification must state that the employee is a bone marrow or organ donor and that the donation is medically necessary.

Organ donation. The District will grant a paid leave of absence of up to 30 business days to an employee who donates an organ to another person, and an additional 30 business days of unpaid leave in any one-year period. (Cal. Lab. Code § 1510.) The leave may be taken intermittently or continuously during the one-year period after the leave begins. An employee who requests leave for organ donation will be required to use accrued sick and/or other accrued time off hours for the first two weeks of leave prior to receiving the 30 days of District-paid leave.

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Bone marrow donation. The District will grant five (5) days of paid leave to an employee who donates their bone marrow to another person. The leave may be taken intermittently or continuously during the one-year period after the leave begins. An employee who requests leave for bone marrow donation will be required to use available accrued sick and/or other accrued time off hours for the first week of leave prior to receiving the five (5) days of District-paid leave.

Employees who take donor leave will not be retaliated or otherwise discriminated against for doing so.

The District will continue the employee's health and welfare benefits under the same terms and conditions, as long as the employee continues to pay their portion of the applicable premium contribution during the leave of absence. Employees will be restored to the position held when the donor leave started or to a position with equivalent status, benefits, and pay. The District may decline to restore an employee because of conditions unrelated to the employee's qualified use of donor leave.

Sec. 5.36 revised via Ordinance No. 463 / February 13, 2019

Sec. 5.36. Employee Assistance Program (EAP).
The District will provide each Board Director and Employee with access to an Employee Assistance Program, the cost of which shall not exceed an amount determined by the Board of Directors. The program will be provided at no premium cost to the employees.

Sec. 5.37. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.37. revised via Ordinance No. 463 / February 13, 2019
Sec. 5.37. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.37. revised via Ordinance No. 370 / February 11, 2009
Sec. 5.37. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.37. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.37. Health and Life Insurance. The District will provide each Board Director and qualified employee with a health insurance policy, the cost of which shall not exceed an amount determined by the District. The District has the right to modify or cancel any insurance coverage except as required by COBRA or any signed MOU with District employees. Effective January 1, 2023, the District will offer a total of five medical insurance plans for active employees and Directors to

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choose from. The premium cost for the plans will be cost shared by both the District and the employees as outlined in the current MOU.

(1) Each full-time employee shall be eligible for a life insurance policy or group policy, as determined by the District, which will provide a specified amount of protection or coverage at no premium cost to the employee.

(2) A supplemental life insurance policy shall be available on a voluntary employee contribution basis for interested employees and their spouse or registered domestic partner as defined in California Family Code Section 297. All costs of the supplemental life insurance policy shall be paid by the employees desiring them. Employees may authorize payroll deductions for this purpose.

(3) The District provides a health plan to each full-time employee and their dependents and eligible former employees. No health benefits shall be allowed to eligible former employees beyond those expressly set forth in the plan as amended from time to time by the Board of Directors of the District. Retired Board Directors whose term of office commenced on or after January 1, 1995, must pay for their own medical benefits regardless of their years of service. No health benefits shall be allowed to eligible former Board Directors beyond those expressly set forth in the plan as amended from time to time by the Board of Directors of the District. The District will offer continuing health benefits according to COBRA Legislation Public Law 99-272 to widow, ex-spouses and other dependents who would lose coverage as a result of a worker's death, divorce, termination of employment, or Medicare eligibility. The extended coverage would last up to three years, except in the case of terminated employees, who would get only 18 months of continued coverage.

The 18 months of continuation coverage will be extended for an additional 11 months of coverage to a maximum of 29 months for all qualified beneficiaries, if the Social Security Administration determines a qualified beneficiary was disabled, according to Title 11 or XVI of the Social Security Act on the date of the qualifying event or at any time during the first 60 days of continuation coverage.

Another extension of the 18 month continuation period can occur, if during the 18 months of continuation coverage a second event takes place, (divorce, legal separation, death) then the 18 months of continuation coverage will be extended to 36 months from the date of

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the original qualifying event date for the qualified beneficiary spouse and/or dependent child.

The District will require those insured under the rule to pay 102% of the current premium rate. The coverage will stop if payments are not made by participant, or if the individual becomes covered under Medicare or another health plan.

An employee shall not be entitled to any benefits effective the day following the day that the employment is terminated. Health and vision insurance coverage, depending on the contract, may be continued through the end of the month of the termination. 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.

Sec. 5.38. Dental Insurance. The District shall provide each Board Director, full-time employee and their dependents with a dental insurance policy or group policy, as determined by the Board of Directors, which will provide a reasonable amount of protection or coverage at no cost to the employee or Board Director, as determined by the District, in its sole discretion. The District has the right to modify or delete dental insurance coverage except as required by COBRA or any signed MOU with District employees.

Sec. 5.39. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.39. Vision Care Plan. The District will provide each Board Director, full-time employee and their dependents with an eye care plan as determined by the Board of Directors. The plan will provide coverage at no premium cost to the employee or Board Director, as determined by the District, in its sole discretion. The District has the right to modify or delete vision care insurance coverage except as required by COBRA or any signed MOU with District employees.

Sec. 5.40. revised via Ordinance No. 498 / January 19, 2022

Sec. 5.40. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.40. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.40. Disability Insurance.

A. All employees are required by state law to participate in the California State Disability Insurance Program (known as SDI).

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SDI provides benefits to workers who are unable to work due to non-work related illness, injury, or pregnancy. Although work connected disabilities are covered by workers compensation laws, SDI benefits may also be paid for work related illnesses or injuries under certain circumstances prescribed by law. The state sponsored insurance program requires that employees make direct application with the Employment Development Department for benefits determination.

B. In addition to SDI, full-time employees shall participate in a long-term Group Disability Insurance Plan. The cost of such premiums shall be borne 50% by the District and 50% by the employee. The employees' share shall be administered as a payroll deduction.

C. All employees are required by state law to participate in the Paid Family Leave (PFL) program. Senate Bill 1661 extends disability compensation to individuals who take time off work to care for a seriously ill child, spouse, parent, registered domestic partner, or to bond with a new minor child. PFL is a component of the SDI program and, thus, those workers covered by SDI are also covered for this benefit. The state sponsored insurance program requires that employees make direct application with the local Employment Development Department for benefits determination.

See. 5.41. Unemployment Insurance. The District is self-insured with respect to the State Unemployment Insurance Program.

Sec. 5.42. revised via Ordinance No. 430 / August 19, 2015

Sec. 5.42. revised via Ordinance No. 420 / September 10, 2014

Sec. 5.42. revised via Ordinance No. 404 / January 16, 2013

Sec. 5.42. revised via Ordinance No. 399 / August 8, 2012

Sec. 5.42. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.42. Retirement Plan. In accordance with an agreement between the District and the California Public Employees' Retirement System (CalPERS), all regular part-time or full-time employees upon first day of employment shall be enrolled as members of the System. For employees hired before 1/1/2013 and employees hired on or after 1/1/2013 who do not meet the Public Employees' Pension Reform Act of 2013 (PEPRA) definition of a new member, their retirement benefit formula will be: 2.5% at 55, the member contribution rate shall be 8%, and the District shall pay the total employer share of the required contributions (annually calculated by CalPERS). As

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mandated by PEPRA, for employees hired on or after 1/1/2013 and who meet the PEPRA definition of a new member, their retirement benefit formula will be: 2% at 62 and the total normal cost rate will be shared between the employee and the District. The total normal cost rate, including the employee and employer rate, will be annually calculated by CalPERS.

Per the PEPRA Government Code Section 7522.34, CalPERS is prohibited from calculating the retirement benefit for new members using the following types of compensation:

1. Uniform Allowance.
2. Any one time or ad-hoc payment or lump sum payment (such as commercial driver's license lump sum payment or goal incentive pay).
3. Pay for work outside of normal working hours (for example shift differential pay).

Refer to California Government Code Section 7522.34 for a complete listing of the compensation items that cannot be reported and used for calculating retirement benefits for CalPERS members fitting the definition of a new member. This Code section does not apply to classic CalPERS members whose retirement benefits shall be defined in current contracts with CalPERS, any MOU, and/or this Administrative and Ethics Code.

Temporary part-time employees are not eligible for membership in the Public Employees' Retirement System unless they exceed 1,000 hours worked per fiscal year.

Sec. 5.43. revised via Ordinance No. 525 / December 11, 2024
Sec. 5.43. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.43. revised via Ordinance No. 473 / January 15, 2020
Sec. 5.43. revised via Ordinance No. 463 / February 13, 2019
Sec. 5.43. revised via Ordinance No. 422 / January 14, 2015
Sec. 5.43. revised via Ordinance No. 411 / December 11, 2013
Sec. 5.43. revised via Ordinance No. 328 / March 10, 2006
Sec. 5.43. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.43. revised via Ordinance No. 315 / January 26, 2005
Sec. 5.43. revised via Ordinance No. 310 / May 14, 2004

Sec. 5.43. Deferred Compensation Plans. The District has made available to all employees, on a voluntary basis, the opportunity to participate in two different 457 Deferred Compensation Plans. The 457 plans enable

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employees to defer a tax-exempt portion of their salary for retirement purposes. Refer to the actual plan documents for specific plan provisions.

Pursuant to Article 4.1 of the District's Administrative and Ethics Code, 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, subject to the approval of the Board of Directors in the Annual Budget and any required meet and confer process required under the law.

The District shall contribute matching 457 deferred compensation for all employees based on employee longevity. The District match is a taxable benefit. The specifics of the qualifications and amounts are detailed in the current memorandum of understanding (MOU) with the bargaining units. Employees who do not contribute the matching amount to their 457 plan(s) during the calendar year are not eligible to receive District matching 457 deferred compensation contributions. Employees who contribute less than the maximum shall only receive an equal match of what they contributed to their 457 plan(s). On or about November 1st of each year, payroll personnel will perform an audit of employee deferred compensation contributions to verify participation. Any employee that has not contributed the funds for that year will be notified and given the opportunity to meet their commitment before the end of the calendar year. The funds can be directed by the employee into either of their 457 plan(s) in any amount. The matching contribution shall be deposited by the District in November for each calendar year. For new employees, the District will not provide longevity matching for the first 5 years of employment. Rehires must have 5 years of combined service time to be eligible. Commencing in calendar year 2022, the District 457 longevity matching contributions shall be as follows:

- 0 to 5 years - no funding
- 5 to 10 years - $1,250 per employee per year
- 10 to 15 years - $1,750 per employee per year
- 15 to 20 years - $2,250 per employee per year
- 20 plus years - $2,750 per employee per year

In addition to the longevity match, each year the General Manager shall determine in his/her sole discretion an additional District

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deferred compensation matching contribution amount for Managers/Supervisors. The District will issue any matching funds into a 401(a) account established for each Manager/Supervisor. The 401(a) accounts will be available to Managers/Supervisors only and only OMWD employer contributions can be deposited into 401(a) accounts. The District retains the right to make any changes to this program at any time.

The annual Manager/Supervisor matching contributions by the District will be made based upon inclusion in the annual budget and the General Manager's approval, which can include successful annual review scores as determined by the General Manager, no disciplinary action stating removal from the program, and Manager/Supervisor participation in a deferred compensation plan. Eligible Managers/Supervisors must have contributed matching funds during the current calendar year.

Sec. 5.44. revised via Ordinance No. 498 / January 19, 2022

Sec. 5.44. Internal Revenue Code Section 125 Plan. The District has established a flexible spending plan, meeting the requirements of the Internal Revenue Code (IRC) Section 125. Through voluntary participation in this program, the employee can withhold from his/her pay on a pre-tax basis, an amount equal to unreimbursed medical expenses and/or dependent care. The plan allows employees to receive reimbursement for unreimbursed medical, dental and health related expenses not covered by the District insurance and for the reimbursement of child/dependent care with pre-tax earnings, to the extent authorized by the IRC. The IRC does not allow refunds to employees for any unused funds at the end of each program year. The District has no obligation to fund any contributions to the Plan or expenses of the plan and may refuse any related expenses in any plan year in its sole discretion. Effective January 1, 2023 the District will provide a voluntary premium only plan option for pre-tax payroll deductions for employee paid health insurance premiums.

Section 5.45. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.45. Federal Social Security and Medicare. Federal Social Security (FICA) and Medicare coverage is required by law for every District employee. The District and the employee make contributions to Social Security and Medicare. The amount paid by the District employee is at the prevailing rate as prescribed by Federal Law.

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Retirement benefits under Social Security are payable at any time after reaching age 62 on a reduced basis, or as full benefits based on the Social Security age schedule.

Sec. 5.46. revised via Ordinance No. 463 / February 13, 2019

Sec. 5.46. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.46. Workers' Compensation Insurance. The District is covered as required by California Law, by Workers' Compensation Insurance. All Board Directors and employees, without exception, are therefore afforded the protection and benefits provided by compensation insurance.

Injury Leave Definition. Injury leave means a paid absence from duty as a result of a job-related injury. A job related injury shall mean an injury or death sustained by an employee arising out of and in the course of employment.

The District will pay full compensation of salary lost due to on-the-job injuries up to 10 working days on claims approved by Workers' Compensation. Compensation by the District shall be the difference between that which is reimbursed by Workers' Compensation and the employee's regular salary. The amount paid by the District during the first three days of injury leave shall be deducted from the employee's accumulated sick time, except as otherwise stated below.

Eligibility for Injury Leave shall be as follows:

A. Injury leave may be granted only during the period the employee is unable to perform his/her duties and is entitled to Workers' Compensation temporary benefits. No injury leave may be granted during the first three days after the employee leaves work as a result of the injury except in a case where the injury causes disability of more than fourteen days or necessitates hospitalization within the three day waiting period, in which case, injury leave may commence the first day the injured employee leaves work or is hospitalized as a result of the injury and shall not be deducted from employee's sick time.

B. An employee shall not be entitled to injury leave under the following conditions:

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1. Failure to use or wear prescribed safety or personal protection equipment.
2. Failure to follow safety rules or regulations.
3. Where the employee's gross negligence or willful misconduct is proximate cause of injury.

C. Injury leave shall not be granted for aggravation, recurrences or sequences of a pre-existing non-service-connected disability or any condition existing prior to employment by the District; provided, however, that this subsection shall not disqualify an employee otherwise entitled to sick leave under other conditions and sections.

D. Workers' Compensation leave shall run concurrently with Family and Medical Leave (FMLA) for those employees who meet the FMLA criteria and are eligible.

E. Employees on Workers' Compensation leave may use their available vacation, sick and compensatory time off earned to supplement workers compensation disability benefits if they cannot return to work after ten (10) work days.

F. The District recognizes the need to provide temporary transitional work to employees who are unable to perform regular job duties due to work related illness or injury as soon as the treating physician deems it medically feasible. This program is designed to define the District and employee responsibilities and to provide reasonable accommodation to persons with disabilities pursuant to the Americans with Disabilities Act.

G. An Early Return to Work or Transitional Work Program offers the following elements and details can be found in the employee handbook and safety manual:

1. An identification of modified or transitional work assignments which are available to injured employees;
2. Advice to each injured employee and his or her physician regarding the operation of the Early Return to Work or Transitional Work Program;
3. A medical determination by the injured employee's physician that the modified duties available to the injured employee are consistent with the injured

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employee's physical limitations as determined by the physician; and

4. A written agreement by the injured employee to participate in the Early Return to Work or Transitional Work Program.

H. Transitional or modified work is limited and will be assigned to employees on a "first come, first serve" basis when work related medical restrictions allow eligibility for the job position available. This program is available to industrially injured employees for no longer than one hundred eighty (180) days after the date of the employee's injury.

I. The Human Resources Department shall be responsible for supervising the implementation and management of the Early Return to Work or Transitional Work Program and follow up with employees regarding the results of their participation in either Program.

Sec. 5.47 (B) revised via Ordinance No. 362 / June 25, 2008

Sec. 5.47 (B) revised via Ordinance No. 320 / July 27, 2005

Sec. 5.47. (C) revised via Ordinance No. 305 / October 22, 2003

Sec. 5.47. Labor-Management Committee.

A. The District agrees to establish a Human Resources/ Employee Association Team (HEART) Committee for the purpose of discussing work-related issues and issues relating to the Labor Agreement. The Committee shall have no authority to change, modify, alter or amend any Labor Agreement.

B. The Committee shall be composed of the President of the Employees' Association(s) or their designee and two (2) employees covered by the Labor Agreement. In addition, the District shall appoint the General Manager or a designee and two (2) management employees.

C. Meetings shall be held at times that are mutually acceptable to both parties. The party desiring to meet shall request the meeting at least fifteen (15) days prior and shall submit an agenda of items to be discussed.

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D. It is the intent of the parties to foster a cooperative atmosphere and harmonious working relations. Therefore, the parties agree to issue only joint statements, when necessary, on the results of the Committee meetings.

Sec. 5.48. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.48. revised via Ordinance No. 320 / July 27, 2005
Sec. 5.48. revised via Ordinance No. 315 / January 26, 2005

Sec. 5.48. Tuition Reimbursement and Education Incentive Pay. The purpose of the reimbursement program is to provide financial assistance to those employees who voluntarily engage in educational pursuits beneficial to the District. Employee educational reimbursement is confined to expenses for voluntary, off-duty development which benefits both the employee and the District and which have been approved by District management in advance. Approval of tuition reimbursement shall be in the sole discretion of the General Manager or designee. Reimbursement shall not exceed $2,000.00 for any employee in any fiscal year. Commencing July 1, 2022, reimbursement shall not exceed $4,500.00 per fiscal year.

In addition, beginning July 1, 2022, the District shall allow one time Education Incentive Pay for certifications and degrees that are above employee's current job requirements but are related to future growth and development at the District. Details on this program are outlined in the current MOU.

Elements and procedures for participation in these programs can be found in the employee handbook provided to every employee or from the Human Resources Department.

Sec. 5.49. revised via Ordinance No. 320 / July 27, 2005

Sec. 5.49. Tiger Team Award Programs. The District administers various employee recognition programs. They are designed to encourage and provide a measure of acknowledgement for employee creativity and improvements for time and money saving ideas. The Tiger Team Programs include Safety Recognition, Better Way, Excellence and other cost savings or alternative revenue generating ideas.

Sec. 5.50. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.50. revised via Ordinance No. 473 / January 15, 2020
Sec. 5.50. revised via Ordinance No. 305 / October 22, 2003

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Sec. 5.50. Employee/Employer Recreation Program. The District shall contribute $100 per employee and for each Director of the District annually for the use and enjoyment of all the employees and Board Directors in an organized recreation program approved by District management. Commencing in July 2022, the District annual contribution to the program shall increase annually by the San Diego CPI-U. The program shall have approved bylaws and rules for administration of the program.

Sec. 5.51. revised via Ordinance No. 408 / June 12, 2013

Sec. 5.51. was added via Ordinance No. 401 / October 10, 2012

Sec. 5.51. Economic Hardship Cash Out. Notwithstanding provisions of Sections 5.31 and 5.32, the following shall be permitted:

1. Financial hardship requests to convert additional accrued sick or vacation leave to cash will be reviewed on a case by case basis and require the approval of the General Manager. Elective hours off – “floating holiday hours” and compensatory time earned – may not be used to convert to cash via a financial hardship request. Financial Hardship written requests shall be submitted to the Human Resources Department with appropriate justification and documentation.

2. No more than one (1) approved hardship request will be allowed each calendar year per employee.

3. Employees may be permitted to cash out accrued sick or vacation leave on an emergency basis at the discretion of the General Manager. Employees shall maintain a minimum bank of 100 hours of combined vacation and sick leave after the cash out is made. Elective hours off – “floating holiday hours” and compensatory time earned – may not be used to calculate the minimum bank hours. Emergency shall be defined as a sickness or death in an employee’s immediate family, financial emergency or other unforeseen hardship. The General Manager shall be the sole arbiter of the approval of the request.

4. If the General Manager has his/her own hardship request, it shall be brought to the Board Personnel Committee for consideration.

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Sec. 5.52. revised via Ordinance No. 498 / January 19, 2022
Sec. 5.52 revised via Ordinance No. 473 / January 15, 2020
Sec. 5.52. was added via Ordinance No. 418 / June 18, 2014

Sec. 5.52. Voluntary Employees' Beneficiary Association (VEBA). Effective July 1, 2014, an OMWD Medical Savings Trust together with the OMWD Medical Savings Plan will provide eligible employees, eligible former employees (separated after July 1, 2014) and their dependents and beneficiaries the opportunity to receive reimbursement for eligible medical expenses per IRS regulations; for further details see the VEBA Trust and Plan documents.

1. All money available in the VEBA accounts of each employee will be available for use both pre and post termination for family and qualified dependents medical expenses and insurance use. VEBA funds will be eligible to be transferred to qualified dependents and/or beneficiaries designated by the employee upon the employee's death. The VEBA accounts will be established in each employee's name and managed via a third party trustee.

2. Employees will be eligible to join VEBA after one year of service. All employees may participate in the VEBA, including part-time employees as defined in §4.7 of the Administrative Code and shall have their VEBA District contribution pro-rated by hours worked pursuant to this same section. The pre-tax employee contribution percentages shall remain the same for part-time employees. Employees must opt in or out of VEBA after one year of service. All employees who are employed at the District and have one year of service credit or more must opt in or out at that time. Employees will have a 15 day election period to opt in or out of VEBA. Once an employee has a VEBA account established, he/she will then be allowed a one-time opportunity to stop participating in the VEBA plan and cannot rejoin at a later date.

   Upon start date, rehires (returning employees who have combined service time of at least one year) will have a 15 day election period to opt in or out of the VEBA plan.

3. The VEBA shall be eligible to be used on all IRS allowable expenses, similar to those benefits offered under a Section 125 Flexible Spending Plan. For employees participating in the District 125 plan, flex account funds must be exhausted prior to VEBA reimbursement.

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4. The District will pay each employee's administrative fees as negotiated in the current MOU. The District will cover the administrative fee for the VEBA during employment until separation for employees that separate with less than 15 years of (combined) service. For employees that separate with more than 15 years of (combined) service, the District will reimburse the VEBA administrative fee for one year after separation. If the employee retires via CALPERS from OMWD, the District shall reimburse the administrative fee on a yearly basis for the VEBA until such time as the employee participates in Medicare. The employee must submit proof of annual fees paid in order to be reimbursed.

5. Annual Funding contribution by the District shall be contributed in November of each calendar year. The years of service to qualify for the District contribution shall be calculated as the years of service of each employee as of the preceding January. The pre-tax funding by the District shall be as follows:

   - Up to 1 year of service = no funding
   - More than 1 year of (combined) service = $1,000 per participating employee per year

6. The participating employees shall make their required contribution of 2% of base wages pre-tax in bi-weekly increments through payroll deductions. Base wage shall mean the employees base hourly or salary rate without overtime, allowances, awards, or other compensation.

7. The HEART Committee may annually negotiate the employee contribution amounts in December of each year. The limits are not required to be changed each year, but may be as a result of this annual process. These current employee contribution amounts can be found in the MOU.