



Antelope Valley-East Kern Water Agency Employee Handbook

AVEK is a valued regional water service provider supporting the high quality of life and economy of the Antelope Valley region.

The mission of AVEK is to deliver reliable, sustainable and high-quality supplemental water to the region in a cost-effective and efficient manner.

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Introduction

Introductory Statement

Welcome! As an employee of Antelope Valley-East Kern Water Agency ("AVEK" or the "Agency"), you are an important member of our team effort. We hope that you will find your position with AVEK rewarding, challenging, and productive.

Because our success depends upon the dedication of our employees, we are highly selective in choosing new members of our team. We look to you and the other employees to contribute to AVEK's success.

This employee handbook is intended to explain the terms and conditions of employment of all full- and part-time employees and supervisors. Written employment contracts between AVEK and some individuals may supersede some of the provisions of this handbook.

This handbook summarizes the policies and practices in effect at the time of publication. This handbook supersedes all previously issued handbooks and any policy or benefit statements or memoranda that are inconsistent with the policies described here. The General Manager or Office Manager-Human Resources will be happy to answer any questions you may have.

Definitions

- "Administrative Leave" is defined as paid time off given to exempt level employees.
- "Dismissal" is defined as involuntary termination of employment by the Agency.
- "Demotion" is defined as an involuntary or a voluntary reassignment to a lower classification.
- "Director" is defined as a member of the Board of Directors and is an elected position.
- "Exempt" is defined as a position that is not subject to the overtime provisions of the Fair Labor Standards Act and is therefore not eligible to receive overtime pay. Exempt positions will be identified in their respective job descriptions.
- "Hours Worked" for purposes of premium time compensation or overtime pay shall not include vacation, sick, holiday or other paid leave where the employee performs no services for the Agency.
- "Inactive Status" is defined as the time an employee is on any type of leave of absence, work-related or non-work-related, that exceeds any protected State or Federal leave.
- "Personal Leave" is defined as unpaid leave of absence for personal reasons.
- "Months of Service" is defined as successive calendar months of service beginning with the first day of an employee's employment, but will not include any prior service of the employee where the employment relationship was terminated and the employee subsequently rehired.
- "Nonexempt" is defined as a position that is covered by the Fair Labor Standards

Act and is eligible for overtime pay at time and one-half when the incumbent works more than 40 hours in a workweek

- "Non-Regular Employee" is defined as one who is not assigned a regular schedule and/or is employed in a temporary capacity, or who has not completed their introductory period. Non-regular employees serve at the will and pleasure of the General Manager and may be dismissed without right of appeal.
- "Office Personnel" includes only those job classifications as designated by the General Manager.
- "Officer" is defined as a Board-appointed position. These include the General Manager and the Secretary-Treasurer.
- "Operating Personnel" includes only those job classifications as designated by the General Manager.
- "Part-Time Employee" is defined as one who is assigned on a regular basis to a less than 40-hour work week and is eligible for employee benefits only as explicitly agreed to in writing with the Agency or as required under law. Part-time employees serve at the will and pleasure of the General Manager and may be dismissed without right of appeal.
- "Premium Time" is defined as hours worked in excess of eight (8) hours for administrative employees, or eight (8), ten (10) or twelve (12) hours for operating personnel depending on shift assignment, in any one day.
- "Promotion" is defined as advancement to a higher classification.
- "Regular Employee" are those who are hired to work on a regular schedule and have completed their introductory period. Regular employees may be classified as full-time or part-time. Eligibility for benefits is determined by other policies contained in this Handbook.
- "Regular Full-time Employee" is defined as one assigned on a regular basis to a 40-hour work week and is eligible for designated employee benefits. Benefit eligibility may depend on length of continuous service. Benefit eligibility requirements may also be imposed by the plans themselves or by law.
- "Resignation" is defined as voluntary separation of employment from the Agency by an employee.
- "Step Increase" is defined as an increase in salary to the next higher step within a salary range.
- "Standby Time" is defined as time required for an employee to be available to report to work within 30 minutes during off-duty hours.
- "Suspension" is defined as a supervisor-ordered absence from duty of an employee and may be with or without pay.
- "Temporary Employees" are those employed for short-term assignments. Short-term assignments generally are periods of three months or fewer; however, such assignments may be extended. Temporary employees are not eligible for employee benefits except those mandated by applicable law.
- "Transfer" is defined as a change of duties and/or work station of an employee with no change in salary range.
- "Working Day" is defined as 8 hours work for administrative personnel, and 8, 10, or 12

- hours work for operating personnel, in any calendar day.
- "Workweek" is defined as that time period from 12:01 a.m. Saturday to 12:00 midnight the following Friday.

At-Will Employment Status

Antelope Valley-East Kern Water Agency personnel are employed on an at-will basis. Employment at-will means that the employment relationship may be terminated, with or without cause and with or without advance notice at any time by the employee or the Agency. Nothing in this handbook shall limit the right to terminate at-will employment.

No manager, supervisor, or employee of the Agency has any authority to enter into an agreement for employment for any specified period of time or to make an agreement for employment on other than at-will terms. Only the Board of Directors of Antelope Valley-East Kern Water Agency has the authority to make any such agreement, which is binding only if it is in writing.

Nothing in this at-will statement is intended to interfere with an employee's rights to communicate or work with others toward altering the terms and conditions of his or her employment.

Right to Revise

This employee handbook contains the employment policies and practices of Antelope Valley-East Kern Water Agency in effect at the time of publication. All previously issued handbooks and any inconsistent policy statements or memoranda are superseded.

AVEK reserves the right to revise, modify, delete, or add to any and all policies, procedures, work rules, or benefits stated in this handbook or in any other document, except for the policy of at-will employment. However, any such changes must be in writing and must be signed by the president of the Board of the Antelope Valley-East Kern Water Agency.

Any written changes to this handbook will be distributed to all employees so that employees will be aware of the new policies or procedures. No oral statements or representations can in any way alter the provisions of this handbook.

This handbook sets forth the entire agreement between you and Antelope Valley-East Kern Water Agency as to the duration of employment and the circumstances under which employment may be terminated. Nothing in this employee handbook or in any other personnel document, including benefit plan descriptions, creates or is intended to create a promise or representation of continued employment for any employee.

General Employment Policies

General Manager Authority

The General Manager is authorized to make administrative decisions necessary to implement and interpret the policies contained in this Handbook. He or she is also authorized to recommend additional rules to the Board that are consistent with these or any other rules adopted by the Board, Agency law, or general law that are necessary for the effective governing and management of the Agency.

Harassment, Discrimination, and Retaliation Prevention

Antelope Valley-East Kern Water Agency is an equal opportunity employer. The Agency is committed to providing a work environment free of harassment, discrimination, retaliation, and disrespectful or other unprofessional conduct based on:

- Race
- Religion (including religious dress and grooming practices)
- Color
- Sex/gender (including pregnancy, childbirth, breastfeeding or related medical conditions), sex stereotype, gender identity/gender expression/transgender (including whether or not you are transitioning or have transitioned) and sexual orientation.
- National origin (including language use restrictions and possession of a driver's license issued to persons unable to prove their presence in the United States is authorized under Federal law [Vehicle Code section 12801.9])
- Ancestry
- Physical or mental disability
- Medical condition
- Genetic information/characteristics
- Marital status/registered domestic partner status
- Age (40 and over)
- Sexual orientation
- Military or veteran status
- Any other basis protected by Federal, state or local law or ordinance or regulation

AVEK also prohibits discrimination, harassment, disrespectful, and unprofessional conduct based on the perception that anyone has any of those characteristics, or is associated with a person who has or is perceived as having any of those characteristics.

In addition, the Agency prohibits retaliation against individuals who raise complaints of discrimination or harassment or who participate in workplace investigations.

All such conduct violates AVEK policy.

Harassment Prevention

AVEK's policy prohibiting harassment applies to all persons involved in the operation of the agency. AVEK prohibits harassment, disrespectful, and unprofessional conduct by any employee of the agency, including Directors, Officers, supervisors, managers, and co-workers. The agency's anti-harassment policy also applies to vendors, customers, independent contractors, unpaid interns, volunteers, persons providing services pursuant to a contract, and other persons with whom you come into contact while working.

Prohibited harassment, disrespectful or unprofessional conduct includes, but is not limited to, the following behavior:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations, comments, posts, or messages;
- Visual displays such as derogatory and/or sexually-oriented posters, photography, cartoons, drawings or gestures;
- Physical conduct including assault, unwanted touching, intentionally blocking normal movement, or interfering with work because of sex, race, or any other protected basis;
- Threats and demands to submit to sexual requests or sexual advances as a condition of continued employment, or to avoid some other loss and offers of employment benefits in return for sexual favors;
- Retaliation for reporting or threatening to report harassment; and
- Communication via electronic media of any type that includes any conduct that is prohibited by state and/or Federal law or by Agency policy.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward an employee because of his/her gender can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

Prohibited harassment is not just sexual harassment but harassment based on any protected category.

Non-Discrimination

The Agency is committed to compliance with all applicable laws providing equal employment opportunities. This commitment applies to all persons involved in the Agency. AVEK prohibits unlawful discrimination against any job applicant, employee, or unpaid intern by any employee of the Agency, including supervisors and coworkers.

Pay discrimination between employees of the opposite sex or between employees of another race or ethnicity performing substantially similar work, as defined by the California Fair Pay Act and Federal law, is prohibited. Pay differentials may be valid in certain

situations defined by law. Employees will not be retaliated against for inquiring about or discussing wages. However, AVEK is not obligated to disclose the wages of other employees.

Anti-Retaliation

The Agency will not retaliate against you for filing a complaint or participating in any workplace investigation or complaint process, and will not tolerate or permit retaliation by management, employees, or co-workers.

Reasonable Accommodation

Discrimination can also include failing to reasonably accommodate religious practices or qualified individuals with disabilities where the accommodation does not pose an undue hardship.

To comply with applicable laws ensuring equal employment opportunities to qualified individuals with a disability, the Agency will make reasonable accommodations for the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or an employee unless undue hardship would result.

Any job applicant or employee who requires an accommodation in order to perform the essential functions of the job should contact an Agency representative with day-to-day personnel responsibilities and discuss the need for an accommodation. AVEK will engage in an interactive process with the employee to identify possible accommodations, if any, that will help the applicant or employee perform the job. An applicant, employee or unpaid intern who requires an accommodation of a religious belief or practice (including religious dress and grooming practices, such as religious clothing or hairstyles) should also contact an Agency representative with day-to-day personnel responsibilities and discuss the need for an accommodation. If the accommodation is reasonable and will not impose an undue hardship, the Agency will make the accommodation.

AVEK will not retaliate against you for requesting a reasonable accommodation and will not knowingly tolerate or permit retaliation by management, employees, or co-workers.

Complaint Process

If you believe that you have been the subject of harassment, discrimination, retaliation, or other prohibited conduct, bring your complaint to your supervisor or to:

- Any other AVEK supervisor
- The Office Manager-Human Resources
- The General Manager

as soon as possible after the incident. You can bring your complaint to any of these

individuals. If you need assistance with your complaint, or if you prefer to make a complaint in person, contact the Office Manager-Human Resources. Please provide all known details of the incident or incidents, names of individuals involved and names of any witnesses. It would be best to communicate your complaint in writing, but this is not mandatory.

The Agency encourages all individuals to report any incidents of harassment, discrimination, retaliation or other prohibited conduct forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

You also should be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing investigate and prosecute complaints of prohibited harassment, discrimination and retaliation in employment. If you think you have been harassed or discriminated against or that you have been retaliated against for resisting, complaining or participating in an investigation, you may file a complaint with the appropriate agency. The nearest office can be found by visiting the agency websites at www.dfeh.ca.gov and www.eeoc.gov.

Supervisors must refer all complaints involving harassment, discrimination, retaliation, or other prohibited conduct to the Office Manager-Human Resources so the Agency can try to resolve the complaint.

When the Agency receives allegations of misconduct, it will immediately undertake a fair, timely, thorough, and objective investigation of the allegations in accordance with all legal requirements. The Agency will reach reasonable conclusions based on the evidence collected.

AVEK will maintain confidentiality to the extent possible. However, the Agency cannot promise complete confidentiality. The employer's duty to investigate and take corrective action may require the disclosure of information to individuals with a need to know.

Complaints will be:

- Responded to in a timely manner
- Kept confidential to the extent possible
- Investigated impartially by qualified personnel in a timely manner
- Documented and tracked for reasonable progress
- Given appropriate options for remedial action and resolution
- Closed in a timely manner

If the Agency determines that harassment, discrimination, retaliation, or other prohibited conduct has occurred; appropriate and effective corrective and remedial action will be taken in accordance with the circumstances involved. The Agency also will take appropriate action to deter future misconduct.

Any employee determined by the Agency to be responsible for harassment, discrimination, retaliation, or other prohibited conduct will be subject to appropriate disciplinary action, up to, and including termination. Employees should also know that

if they engage in unlawful harassment, they can be held personally liable for the misconduct.

Confirmation of Harassment Discrimination and Retaliation Prevention Policy

I have received my copy of AVEK's Harassment, Discrimination, and Retaliation Prevention policy. I understand and agree that it is my responsibility to read and familiarize myself with this policy.

I understand that AVEK is committed to providing a work environment that is free from harassment, discrimination and retaliation. My signature certifies that I understand that I must conform to and abide by the rules and requirements described in this policy.

Signature _____

Printed Name _____

Date _____

Hours of Work

Administrative office hours of the Agency are 8:00 a.m. to 5:00 p.m., Mondays through Fridays, except for designated holidays. Nonexempt administrative personnel are provided a minimum thirty (30) minute unpaid lunch break where they are completely relieved of duties. Scheduling of the lunch break is at the discretion of the supervisor, based on the needs of the unit, coverage demands, and/or balancing schedules with other employees.

Operating hours are at the direction of the General Manager.

Time Cards

Time cards must be completed, signed, approved by the supervisor, and delivered to payroll by the end of the final shift of each pay period.

Job Descriptions

The General Manager is responsible for development of a classification plan, which will be approved by the Board of Directors.

Job descriptions will be developed for all AVEK position classifications, and will be approved by the General Manager and adopted by the Board of Directors.

Open-Door Policy

Suggestions for improving Antelope Valley-East Kern Water Agency are always welcome. At some time, you may have a complaint, suggestion, or question about your job, your working conditions, or the treatment you are receiving. Your complaints, questions, and suggestions also are of concern to the Agency.

If you have a complaint, suggestion, or question, speak with your immediate supervisors as soon as possible. If you are not comfortable speaking to your immediate supervisor, please bring the issue to the Office Manager-Human Resources or any other member of management.

Moreover, if you have raised the issue and if the problem persists, you may present it to the Office Manager-Human Resources, who will investigate and provide a solution or explanation.

Names and Addresses Policy

Antelope Valley-East Kern Water Agency is required by law to keep current all employees' names and addresses. Employees are responsible for notifying the Agency in the event of a name or address change, and are required to do so promptly after a change.

Performance Evaluations

Each employee will receive periodic performance reviews conducted by his or her supervisor. Your first performance evaluation will take place after the introductory period. Subsequent performance evaluations will be conducted annually on your anniversary date. The frequency of performance evaluations may vary depending upon job position, past performance, changes in job duties, or recurring performance problems.

Your performance evaluations may review factors such as the quality and quantity of the work you perform, your knowledge of the job, your initiative, your work attitude, and your attitude toward others. The performance evaluations are intended to make you aware of your progress, areas for improvement, and objectives or goals for future work performance. Favorable performance evaluations do not guarantee increases in salary or promotions. Salary increases, and promotions are solely within the discretion of Antelope Valley-East Kern Water Agency management and are based on performance. After the review, you will be required to sign the evaluation report simply to acknowledge that it has been presented to you, that you have discussed it with your supervisor, and that you are aware of its contents. Employees may also add comments that will be included in the official record.

Personnel Records

You have a right to inspect or receive a copy of the personnel records that Antelope Valley-East Kern Water Agency maintains relating to your performance or to any grievance concerning you. Certain documents may be excluded or redacted from your personnel file by law, and there are legal limitations on the number of requests that can be made.

Any request to inspect or copy personnel records must be made in writing to the Office Manager-Human Resources.

You may designate a representative to conduct the inspection of the records or receive a copy of the records. However, any designated representative must be authorized by you in writing to inspect or receive a copy of the records. AVEK may take reasonable steps to verify the identity of any representative you have designated in writing to inspect or

receive a copy of your personnel records.

The personnel records may be made available to you either at the place where you work or at a mutually agreeable location (with no loss of compensation for going to that location to inspect or copy the records). The records will be made available no later than 30 calendar days from the date AVEK receives your written request to inspect or copy your personnel records (unless you/your representative and AVEK mutually agree in writing to a date beyond 30 calendar days but no later than 35 calendar days from receipt of the written request).

Disclosure of personnel information to outside sources, other than your designated representative, will be limited. However, AVEK will cooperate with request from authorized law enforcement or local, state, or Federal agencies conducting official investigations and as otherwise legally required.

Employee Property

An employee's personal property, including but not limited to lockers, packages, purses, and backpacks, may be inspected upon reasonable suspicion of unauthorized possession of Antelope Valley-East Kern Water Agency property, possession of dangerous weapons or firearms, or abuse of the Agency's drug and alcohol policy.

Workplace Privacy - Audio/Video Recordings

Due to concerns regarding the potential for invasion of privacy, sexual or other harassment, and protection of proprietary or confidential information, employees may not use any audio or video recording devices while on working time. Employees also may not use any audio or video recordings in work areas that Antelope Valley-East Kern Water Agency has identified as confidential, secure or private, unless the employee is engaged in protected activity related to improving the terms and conditions of his/her employment, such as documenting health and safety issues.

AVEK uses or may use video surveillance in public areas (not in restrooms, locker rooms, or changing areas). The video surveillance will not include sound recording.

Hiring

Job Duties

During the introductory period, your supervisor will explain your job responsibilities and the performance standards expected of you. Be aware that your job responsibilities may change at any time during your employment. From time to time, you may be asked to work on special projects, or to assist with other work necessary or important to the operation of your department or the Agency. Your cooperation and assistance in performing such additional work is expected.

AVEK reserves the right, at any time, with or without notice, to alter or change job responsibilities, reassign or transfer job positions, or assign additional job responsibilities.

New Hires

The first six months of continuous employment with AVEK is considered an introductory period. During this time, you will learn your responsibilities, get acquainted with fellow employees and determine whether or not you are happy with your job. Your supervisor will closely monitor your performance. AVEK retains the right to extend the introductory period, as it deems necessary to fully evaluate an employee's performance and organizational suitability.

Completion of the introductory period does not entitle you to remain employed by Antelope Valley-East Kern Water Agency for any definite period of time. Your status as an at-will employee does not change. The employment relationship may be terminated with or without cause and with or without advance notice, at any time by you or the Agency.

Qualifications

All appointments and promotions will be based on job relevant qualifications as detailed in the job description, and these are assessed as part of the selection process. Employees whose job duties include driving must have a driving record acceptable to the General Manager and the Agency's insurance carrier.

Selection Process

The process for selecting a new employee may consist of such recognized techniques as aptitude tests, evaluation of education and experience through personal interviews or rating of applications or resumes, performance tests, evaluation of work performance, work samples, background and references checks, medical examinations, or any combination thereof.

In the event written examinations are given, candidates will have the right to inspect their own examination papers after they have been graded.

Pre-employment physical exams will be job-related and consistent with business necessity. All entering employees in the same job classification will be subject to the same physical exam. The Agency recognizes its obligation to reasonably accommodate otherwise qualified applicants and employees who have a disability.

Upon completion of the selection process, the General Manager will make appointments from candidates who, on the basis of their performance or evaluation in the selection process, appear most qualified for the position under consideration. The appointment will become effective when the selected applicant has signed all official papers required by the Agency, and those papers bear the appropriate signatures confirming the appointment.

Salary at Appointment

Employees hired through external recruitments will ordinarily be brought in at Step "1" of the established salary range; however, the General Manager has the discretion to place new hires in a higher step.

Promotions

An employee who is promoted shall serve at least one probationary period of up to six months actual service (defined as 120 days worked). An employee who does not meet the standards of the new position, or who desires to return to the previous position will have the right to return to the former position at the end of, or prior to, the completion of the probationary period.

Employment of Relatives

In order to avoid conflicts of interest or create the appearance of potential favoritism, this section states Antelope Valley-East Kern Water Agency policy and procedure regarding employment of relatives of, and those in a romantic relationship with and employee of AVEK. For the purpose of this policy, a relative is a spouse, registered domestic partner, father, mother, son, daughter, brother, sister, in laws, grandchildren, grandparents, stepparents, stepchildren, stepbrothers, stepsisters.

Employment Guidelines

1. Employees will not be supervised, either directly or indirectly, by a relative, spouse, registered domestic partner, or someone with whom they are romantically involved.
2. Relatives, spouses, registered domestic partners, or those involved in romantic relationships will not be assigned to the same immediate supervisor.
3. Relatives of Board members or the General Manager cannot be employed by AVEK.
4. When promotions or transfers would place employees in a position conflicting with policy,

the General Manager will review the situation to ensure adherence to policy.

5. If currently employed individuals enter into a romantic relationship with each other which places them in violation of the above policy, the relationship must be disclosed to their supervisors and to the General Manager. The General Manager will work with the two parties to determine if one can be transferred to another position so as to eliminate the conflict with the policy. If a transfer is not a workable solution, the General Manager and the parties will determine which employee will resign their position. It is not the Agency's intention to dictate choices made in an employee's personal life with this Policy.

Employees remain free to develop relationships and socialize outside the workplace during their personal time. The existence of those relationships raises significant concerns, however, in the workplace and sometimes lead to dissension, lack of productivity, and morale problems for employees who are involved in the relationship as well as their co-workers. In addition, employees must understand that employers are required to abide by high standards to ensure a fair, conflict free, and harassment-free workplace. As companies shoulder these greater burdens, more regulations and policies become necessary. All employees should also remember that AVEK maintains a strict policy against unlawful harassment of any kind, including sexual harassment. Any employee who believes that he or she is being harassed as a result of a personal relationship or the end of a personal relationship should report his or her concerns immediately to the supervisor, Office Manager-Human Resources, or General Manager.

Leaves of Absence

Administrative Leave

The Administrative Leave Benefit for exempt employees provides Department Managers with 40 hours of paid administrative leave per year and Executive, Operations and Engineering Managers 80 hours of paid administrative leave per year (Appendix B). Administrative Leave accrues in equal installments per pay period. There is a one-year accrual cap of 40 or 80 hours, based on the employee's classification. There is no cash payout of Administrative Leave during employment or upon separation

Bereavement Leave

Antelope Valley-East Kern Water Agency grants leave of absence to employees in the event of the death of the employee's current spouse, domestic partner, child, parent, legal guardian, brother, sister, grandparent, or grandchild; or similar in-laws and step- relatives of the employee. An employee with such a death in the family may take up to three (3) consecutive scheduled workdays off with pay, and if needed, two (2) additional days of accrued sick leave may be used. Reasonable proof that the conditions of this leave have been met may be required by the Agency.

Civil Air Patrol Leave

No employee with more than 90 days of service shall be disciplined for taking time off to perform emergency duty as a volunteer in the California Civil Air Patrol. If you are a Civil Air Patrol volunteer, please alert your supervisor that you may have to take time off for emergency duty, giving as much advance notice as possible.

Up to ten days of leave for duty may be taken each year. However, leave for a single emergency mission cannot exceed three days, unless the emergency is extended by the entity in charge of the operation and the extension of leave is approved by the Agency.

Domestic Violence, Sexual Assault or Stalking Leave and Accommodation

Employees who are victims of domestic violence, sexual assault and stalking are eligible for unpaid leave. Although the leave is generally unpaid, employees can use their paid sick time under California's Healthy Workplaces, Healthy Families Act for the purposes described below.

You may request leave if you are involved in a judicial action, such as obtaining restraining orders, or appearing in court to obtain relief to ensure your health, safety or welfare, or that of your child. Please provide reasonable advance notice of the need for leave unless advance notice is not feasible. Contact the Office Manager-Human Resources.

Employees who are victims of domestic violence, sexual assault or stalking and need a reasonable accommodation for their safety at work should contact the Office Manager-Human Resources or General Manager to discuss the need for an accommodation. If you are requesting such a reasonable accommodation, you will need to submit a written statement signed by you, or by an individual acting on your behalf, certifying that the accommodation is for the purpose of your safety at work.

For reasonable accommodation requests, the Agency will also require certification demonstrating that you are the victim of domestic violence, sexual assault or stalking. Any of the forms of certification described above for leave purposes will suffice. The Agency may request recertification every six months from the date of the previous certification. You should notify the Agency if an approved accommodation is no longer needed.

The Agency will engage in an interactive process with the employee to identify possible accommodations, if any, that are effective and will make reasonable accommodations unless an undue hardship will result.

Antelope Valley-East Kern Water Agency will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave or accommodation under these provisions.

Domestic Violence, Sexual Assault or Stalking Leave for Treatment

Employees who are victims of domestic violence, sexual assault or stalking are eligible for unpaid leave. Although the leave is generally unpaid, employees can use their paid sick time under California's Healthy Workplaces, Healthy Families Act for the purposes described below.

You may request leave for any of the following purposes:

- To seek medical attention for injuries caused by domestic violence, sexual assault or stalking;
- To obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault or stalking;
- To obtain psychological counseling related to experiencing domestic violence, sexual assault or stalking;
- To participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault or stalking including temporary or permanent relocation.

Please provide reasonable advance notice of the need for leave unless advance notice is not feasible. Contact the Office Manager-Human Resources.

Antelope Valley-East Kern Water Agency will, to the extent allowed by law, maintain the confidentiality of an employee requesting leave under this provision.

The length of unpaid leave an employee may take is limited to 12 weeks provided for in the Federal Family and Medical Leave Act of 1993 for eligible employees.

Extended Medical Leave

A medical leave of absence may be granted for non-work-related medical disabilities (other than pregnancy, childbirth, and related medical conditions) with a doctor's written certificate of disability. Extended disability leaves will also be considered on a case-by-case basis, consistent with the Agency's obligations under Federal and state disability laws.

Employees should request any leave in writing as far in advance as possible. If you are granted a medical leave, Antelope Valley-East Kern Water Agency will pay you sick pay for the period of time equivalent to your accumulated sick pay earned. You also may use any paid vacation time previously accrued.

A medical leave begins on the first day your doctor certifies that you are unable to work, and ends when your doctor certifies that you are able to return to work. Your supervisor will supply you with a form for your doctor to complete, showing the date you were disabled and the estimated date you will be able to return to work. An employee returning from a medical leave must present a doctor's certificate declaring fitness to return to work.

If returning from a non-work-related medical leave, you will be offered the same position you held at the time your leave began, if available. If your former position is not available, a comparable position will be offered. If neither the same nor a comparable position is available, your return to work will depend on job openings existing at the time of your scheduled return. Antelope Valley-East Kern Water Agency makes no guarantees of reinstatement, and your return will depend on your qualifications for existing openings.

California workers' compensation laws govern work-related injuries and illnesses. California pregnancy disability laws govern leaves taken because of pregnancy, childbirth, and related medical conditions. An employee that needs reasonable accommodations should contact a Agency representative with day-to-day personnel responsibilities and discuss the need for an accommodation.

Family and Medical Leave

PLEASE NOTE: As a public agency, Antelope Valley-East Kern Water Agency is required to include this policy in our handbook; however, because AVEK does not meet the size requirement (at least 50 employees within a 75-mile radius), it is not applicable to the employees of the Agency at this time. Additional information about this benefit is included in Appendix A should AVEK reach the employee threshold.

State and Federal family and medical leave laws provide up to 12 workweeks of unpaid family/medical leave within a 12-month period, under the following conditions:

- The employee has been employed with the Agency for a total of at least 12 months prior to the commencement of leave. The 12 months of employment must have accumulated within the previous seven years (certain exceptions apply);
- The employee has worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- The employee is employed at a work site where there are 50 or more employees within a 75-mile radius.

Jury Duty and Witness Leave

Each officer or regular employee who when called for jury duty service or when appearing in court as a subpoenaed witness, shall receive his regular compensation during the period so served; any amounts of payment received for such service shall be assigned to the Agency. A leave slip for the period of absence shall be submitted to the General Manager for approval.

Military Leave

Employees who wish to serve in the military and take military leave should contact the Office Manager-Human Resources for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Military Spouse Leave

Employees who work more than 20 hours per week and have a spouse in the Armed Forces, National Guard or Reserves who have been deployed during a period of military conflict are eligible for up to 10 unpaid days off when their spouse is on leave from (not returning from) military deployment.

Employees must request this leave in writing to Office Manager-Human Resources within two business days of receiving official notice that their spouse will be on leave. Employees requesting this leave are required to attach to the leave request written documentation certifying the spouse will be on leave from deployment.

Organ and Bone Marrow Donor Leave

Employees who are donors for organ or bone marrow may take paid time off as follows:

- Employees may take up to 30 business days of leave in any one-year period for the purpose of donating an organ to another person. The one-year period is calculated from the date the employee begins his/her leave.
- Employees may take up to 5 business days of leave in any one-year period for the purpose of donating bone marrow to another person. The one-year period is calculated from the date the employee's leave begins.
- During the leave for organ/bone marrow donors, AVEK will continue to provide and pay for any group health plan benefits the employee was enrolled in prior to the leave of absence.
- Leave taken for the purpose of organ or bone marrow donation is not leave for the purpose of family medical leave under state law, The California Family Rights Act.
- Employees who wish to take a leave of absence to donate bone marrow or an organ will be required to provide written verification of the need for leave, including confirmation that the employee is an organ or bone marrow donor and that there is a medical necessity for the donation of the organ or bone marrow.

AVEK requires that employees taking leave for organ donation use two weeks of accrued but unused sick leave and/or vacation.

AVEK requires that employees taking leave for bone marrow donation use five days of accrued but unused sick leave and/or vacation.

Once a donor has exhausted the required paid sick and/or vacation leave, the employee will be paid for the remaining leave of absence, if additional leave is needed, up to the maximum allowed by law.

Personal Leave

Employees of Antelope Valley-East Kern Water Agency may be granted an unpaid leave of absence for personal reasons if such a request does not adversely affect the interests of the Agency. Requests should be limited to unusual circumstances requiring an absence of longer than two weeks, but not more than three months. Requests must include a recommendation from the supervisor and should be submitted in writing to the General Manager for approval. An officer desiring a leave of absence without pay shall obtain the approval of the Board of Directors.

No benefits will accrue during such leave, and if a holiday falls during your leave you will not receive holiday pay. You will be required to pay the full cost of your group life and health insurance (medical and dental) for the entire period of personal leave beyond the end of the calendar month in which the leave begins. You will need to make arrangements with the Office Manager – Human Resources for payment of benefits prior to your leave.

If you do not return to work by the agreed-upon date, or obtain approval for an extension, your employment may be terminated. Material misrepresentation of the facts necessitating a personal leave of absence shall be cause for dismissal from Agency service.

AVEK will make every effort to hold your position open for the period of the approved leave. However, AVEK will not guarantee reinstatement after a personal leave of absence.

Pregnancy Disability Leave

If you are pregnant, have a related medical condition, or are recovering from childbirth, please review this policy. Any employee planning to take pregnancy disability leave should advise her supervisor and the Office Manager-Human Resources as early as possible. The individual should make an appointment with the Office Manager-Human Resources to discuss the following conditions:

- Duration of pregnancy disability leave will be determined by the advice of the employee's physician, but employees disabled by pregnancy may take up to four months of leave per pregnancy (the working days you normally would work in one-third of a year or 17 1/3 weeks). Part-time employees are entitled to leave on a pro rata basis. The four months of leave includes any period of time for actual disability caused by the employee's pregnancy, childbirth, or related medical condition. This includes leave for severe morning sickness and for prenatal care, doctor-ordered bed rest, as well as other reasons. Your healthcare provider determines how much time you need for your disability.
- AVEK will also reasonably accommodate medical needs related to pregnancy, childbirth, or related conditions or temporarily transfer you to a less strenuous or

hazardous position (where one is available) or duties if medically needed because of your pregnancy.

- Employees who need to take pregnancy disability must inform the Agency when a leave is expected to begin and how long it will likely last. If the need for a leave, reasonable accommodation, or transfer is foreseeable (such as the expected birth of a child or a planned medical treatment for yourself), employees must provide at least 30 days advance notice before the pregnancy disability leave, or transfer is to begin. Employees must consult with the Office Manager-Human Resources regarding the scheduling of any planned medical treatment or supervision in order to minimize disruption to the Agency. Any such scheduling is subject to the approval of the employee's health care provider;
- For emergencies or events that are unforeseeable, you must notify the Agency, at least verbally, as soon as practical after you learn of the need for the leave.
- Failure to comply with these notice requirements may result in delay of leave, reasonable accommodation, or transfer;
- Pregnancy leave usually begins when ordered by the employee's physician. The employee must provide AVEK with a written certification from a health care provider for need of PDL, reasonable accommodation or transfer. The certification must be returned no later than 15 calendar days after it is requested by the Agency. Failure to do so may, in some circumstances, delay PDL leave, reasonable accommodation or transfer. Please see the Office Manager-Human Resources for a medical certification form to give to your health provider.
- Leave returns will be allowed only when the employee's physician sends a release;
- An employee will be required to use accrued sick time (if otherwise eligible to take the time) during a pregnancy disability leave. An employee will be allowed to use accrued vacation or compensatory time (if otherwise eligible to take the time) during a pregnancy disability leave; and
- Leave does not need to be taken in one continuous period of time and may be taken intermittently, as needed. Leave may be taken in increments of 15 minutes.

If intermittent leave or leave on a reduced work schedule is medically advisable the employee may, in some instances, be required to transfer temporarily to an available alternative position that meets the employee's needs. The alternative position need not consist of equivalent duties, but must have the equivalent rate of pay and benefits. The employee must be qualified for the position. The position must better accommodate the employee's leave requirements than her regular job. Transfer to an alternative position can include altering an existing job to better accommodate the employee's need for intermittent leave or a reduced work schedule.

Upon submission of a medical certification that an employee is able to return to work from a pregnancy disability leave, an employee will be reinstated to her same position held at the time the leave began or, in certain instances, to a comparable position, if available. There are limited exceptions to this policy. An employee returning from a pregnancy disability leave has no greater right to reinstatement than if the employee had been continuously employed.

Employees on pregnancy disability leave will be allowed to continue to participate in group health insurance coverage for up to a maximum of four months of disability leave (if such insurance was provided before the leave was taken) at the level and under the conditions that coverage would have been provided if the employee had continued in employment continuously for the duration of the leave. In some instances, an employer can recover an employee's premiums paid to maintain health coverage if the employee fails to return following pregnancy disability leave. PDL may impact other benefits or a seniority date. Please contact the Office Manager-Human Resources for more information.

New Parent Leave

California's New Parent Leave Act provides an employee with up to a maximum of 12 weeks of unpaid Parental Leave within one year of a child's birth, adoption or foster care placement if you meet all of the following eligibility requirements:

- You have been employed with AVEK for a total of at least 12 months prior to the commencement of leave;
- You have worked at least 1,250 hours during the previous 12-month period before the need for leave; and
- You are employed at a worksite where there are 20 or more employees within a 75-mile radius.

If you are eligible for Parental Leave:

- You have the right to take up to a maximum of 12 weeks of unpaid, job-protected Parental Leave within one year of the child's birth, adoption or foster care placement.
- You are guaranteed employment in the same or comparable position at the end of your Parental Leave.
- Your group health benefits will be maintained during your Parental Leave at the same level and under the same conditions as if you continued to work (not to exceed 12 weeks over the course of a 12-month period for Parental Leave). If you currently contribute to the payment of benefits, you must continue to do so while on leave.
- If you do not return to work after your Parental Leave, you may be required to reimburse the Agency for its share of any group health insurance premium paid on your behalf during your Parental Leave — unless your failure to return is due to the continuation, recurrence, or onset of a serious health condition or other circumstances beyond your control.

You may choose to use vacation, sick leave, or other accrued paid time off during your Parental Leave. In addition, you may be eligible for Paid Family Leave (PFL) wage replacement benefits or other forms of wage replacement during your Parental Leave.

Contact the Office Manager-Human Resources for more information regarding use of accrued

paid time off, wage replacement, or other questions regarding Parental Leave.

School and Child Care Activities Leave

Employees are encouraged to participate in the school or child care activities of their child(ren). The absence is subject to all of the following conditions:

- Time off under this policy can only be used by parents, guardians, grandparents, stepparents, foster parents or a person who stands *in loco parentis* to one or more children of the age to attend kindergarten through grade 12 or a licensed child care provider;
- The amount of time off for school or child care activities described below cannot exceed a total of 40 hours each year;
- Covered employees can use the time off to find, enroll or reenroll a child in a school or with a licensed child care provider or to participate in activities of the child's school or licensed child care provider. The time off for these purposes cannot exceed eight hours in any calendar month. Employees planning to take time off for these purposes must provide reasonable notice to their supervisor;
- Covered employees can also use time off to address a "child care provider or school emergency" if the employee gives notice to the employer. A child care provider or school emergency means that the employee's child cannot remain in a school or with a child care provider due to one of the following:
 - The school or child care provider has requested that the child be picked up, or has an attendance policy (excluding planned holidays) that prohibits the child from attending or requires the child to be picked up from the school or child care provider;
 - Behavioral or discipline problems;
 - Closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
 - A natural disaster, including, but not limited to, fire, earthquake or flood.
- Employees must provide their supervisor with documentation from the school or licensed child care provider verifying that they were engaged in these child related activities on the day and time of the absence;
- If more than one parent is employed by AVEK, the first employee to request such leave will receive the time off. Another parent will receive the time off only if the leave is approved by his or her supervisor;
- Employees must use vacation leave in order to receive compensation for this time off; and
- Employees who do not have paid time off available will take the time off without pay.

Sick Leave - Regular Employees

California law provides for mandatory paid sick leave under the Health Workplaces, Healthy Families Act (the "Act"). This paid sick leave policy is intended to comply with the requirements of the Act.

Employees cannot be discriminated or retaliated against for requesting or using accrued paid sick time.

If you have any questions about paid sick leave, please contact the Office Manager-Human Resources.

Eligible Employees

This policy applies to regular staff. (See Definitions section.)

Sick Pay Accrual Amount

Regular employees earn sick leave at the rate of 3.692 hours per pay period. However, employees may not use sick leave until their 90th day of employment. Sick leave will not accrue during any leave of absence of 30 calendar day or greater.

Exempt employees are presumed to work 40 hours per workweek for purposes of sick time accrual. If their normal workweek is less than 40 hours, accrual will be based on their normal workweek.

Cap on Accrual

Employees may earn a maximum of 960 hours paid sick time. After an employee has reached this maximum amount, no additional paid sick time will be earned until some or all of the employee's accrued paid sick time is used.

Qualifying Reasons for Use of Paid Sick Leave

Paid sick time can be used for the following reasons:

- Diagnosis, care or treatment of an existing health condition for an employee or covered family member, as defined below.
- Preventive care for an employee or an employee's covered family member.
- For certain, specified purposes when the employee is a victim of domestic violence, sexual assault or stalking.

For purposes of paid sick leave, a covered family member includes:

- A child defined as a biological, foster or adopted child; a stepchild; or a legal ward, regardless of the age or dependency status of the child. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.

- A "parent" defined as a biological, foster or adoptive parent; a stepparent; or a legal guardian of an employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if he or she is not your legal parent.
- A spouse.
- A registered domestic partner.
- A grandparent.
- A grandchild.
- A sibling.

Use of Paid Sick Leave

If the need for paid sick leave is foreseeable, employees shall provide advance oral or written notification to the supervisor. If the need for paid sick leave is not foreseeable, employees shall provide notice to the supervisor as soon as practicable.

An employee's use of paid sick time may run concurrently with other leaves under local, State, or Federal law. Paid sick leave can be used in 15-minute increments. Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary.

You will be paid your regular wages for the time you spend seeking initial medical treatment. Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If you have accrued and unused sick leave, you may choose to substitute paid sick leave for any time that would otherwise be unpaid.

If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may choose to substitute vacation/paid time off for further absences from work, related to your illness or injury.

Payment for Unused Sick Leave Upon Separation

Regular employees' accrual of sick leave is capped at 960 hours of sick leave, with no accumulation beyond 960 hours and no compensation to be paid for hours beyond 960.

Upon resignation or retirement, any sick leave accumulated and unused at such time will be payable to the employee up to the maximum of 960 hours according to the following schedule.

Employees with 0 to 10 years of service at the time of resignation or retirement shall receive 50% of any accumulated and unused sick leave; employees with 11 to 15 years of service at

the time of resignation or retirement shall receive 75% of any accumulated and unused sick leave; and employees with greater than 15 years of service at the time of resignation or retirement shall receive 100% of any accumulated and unused sick leave. Employees who are dismissed shall not be entitled to any payment of accrued sick leave upon dismissal.

Employees who are rehired within one year of separation from employment may be eligible for reinstatement of previously accrued and unused paid sick time that was not paid out upon separation.

Sick Leave - Non-Regular Employees

California law provides for mandatory paid sick leave under the Healthy Workplaces, Healthy Families Act (the "Act"). This paid sick leave policy is intended to comply with the requirements of the Act.

Employees cannot be discriminated or retaliated against for requesting or using accrued paid sick time.

If you have any questions about paid sick leave, please contact the Office Manager-Human Resources.

Eligible Employees

This policy applies to non-regular staff. (See Definitions.)

Sick Pay Accrual Amount

Eligible employees earn sick leave at the rate of one hour of paid sick time for every 30 hours worked.

AVEK does not pay non-regular employees for unused paid sick leave. Employees who are rehired with one year of separation from employment may be eligible for reinstatement of previously accrued and unused paid sick time.

Cap on Accrual

Employees may earn a maximum of 48 hours paid sick time. After an employee has reached this maximum amount, no additional paid sick time will be earned until some or all of the employee's accrued paid sick time is used.

Limit on Amount of Paid Sick Leave That Can Be Taken Each Year

The maximum amount of paid sick time an employee is allowed to use in each calendar year of employment is three (3) days or 24 hours, regardless of how much paid sick time the employee has earned.

Qualifying Reasons for Use of Paid Sick Leave

Paid sick time can be used for the following reasons:

- Diagnosis, care or treatment of an existing health condition for an employee or covered family member, as defined below.
- Preventive care for an employee or an employee's covered family member.
- For certain, specified purposes when the employee is a victim of domestic violence, sexual assault or stalking.

For purposes of paid sick leave, a covered family member includes:

- A child defined as a biological, foster or adopted child; a stepchild; or a legal ward, regardless of the age or dependency status of the child. A "child" also may be someone for whom you have accepted the duties and responsibilities of raising, even if he or she is not your legal child.
- A "parent" defined as a biological, foster or adoptive parent; a stepparent; or a legal guardian of an employee or the employee's spouse or registered domestic partner. A parent may also be someone who accepted the duties and responsibilities of raising you when you were a minor child, even if he or she is not your legal parent.
- A spouse.
- A registered domestic partner.
- A grandparent.
- A grandchild.
- A sibling.

Use of Paid Sick Leave

You must be employed 90 days before taking any leave.

If the need for paid sick leave is foreseeable, employees shall provide advance oral or written notification to the supervisor. If the need for paid sick leave is not foreseeable, employees shall provide notice to the supervisor as soon as practicable.

An employee's use of paid sick time may run concurrently with other leaves under local, State, or Federal law.

Paid sick leave can be used in 15-minute increments.

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed

appointments will not be paid as time worked. If you have accrued and unused paid sick leave, you may use paid sick leave to receive pay for these absences.

School Appearances Involving Suspension

If an employee who is the parent or guardian of a child facing suspension from school is summoned to the school to discuss the matter, the employee should alert his or her supervisor as soon as possible before leaving work. In agreement with California Labor Code Section 230.7, no discriminatory action will be taken against an employee who takes time off for this purpose.

Time Off for Voting

If an employee does not have sufficient time outside of working hours to vote in an official state-sanctioned election, the employee may take off enough working time to vote. Such time off shall be taken at the beginning or the end of the regular working shift, whichever allows for more free time, and the time taken off shall be combined with the voting time available outside of working hours to a maximum of two hours combined. Under these circumstances, an employee will be allowed a maximum of two hours of time off during an election day without loss of pay.

When possible, an employee requesting time off to vote shall give his or her supervisor at least two days' notice.

Vacation

Regular full-time employees accrue paid vacation time in accordance with the following policy:

- Less than 6 years = 80 hours/year
- 6 – 10 years = 120 hours/year
- 11 or more years = 160 hours/year

Non-regular, temporary, and part-time employees do not accrue paid vacation time.

Regular full-time employees begin to accrue vacation time upon hire; however, no vacation time may be used until completion of the employee's first year of service.

Vacations will be scheduled to provide adequate coverage of job responsibilities and staffing requirements. The General Manager or supervisor will make final determinations and must approve your vacation schedule in advance.

Employees must take a minimum of 40 hours of vacation time per year.

Cash Out of Vacation Leave

Employees wishing to cash out vacation leave may do so within the following parameters.

1. Employees must make a written election before the end of December. The election is irrevocable.
2. The employee must retain a minimum of 120 hours in their vacation bank, if they are accruing at that rate or higher.
3. If an employee's vacation accrual for the year will place their balance over 480 hours, the difference will be paid out to the employee at the time of the annual accrual deposit.

Required Use of Vacation Before Unpaid Leave

You are required to take accrued and unused vacation before taking unpaid leave or having unpaid absences.

If you are absent for a reason that qualifies you for Paid Family Leave (PFL) or because of a disability that qualifies you for State Disability Insurance (SDI) benefits, please contact the Office Manager-Human Resources to discuss coordination of your benefits.

Victims of Crime Leave

An employee who is a victim or who is the family member of a victim of certain serious crimes may take time off from work to attend judicial proceedings related to the crime or to attend proceedings involving rights of the victim.

A family member of a crime victim may be eligible to take this leave if he/she is the crime victim's spouse, parent, child, or sibling. Other family members may also be covered depending on the purpose of the leave.

The absence from work must be in order to attend judicial proceedings or proceedings involving rights of the victim. Only certain crimes are covered. You must provide reasonable notice of your need for leave, and documentation related to the proceeding may be required.

If notice is not possible, you must provide appropriate documentation within a reasonable time after the absence.

Any absence from work to attend judicial proceedings or proceedings involving victim rights will be unpaid, unless you choose to take paid time off.

For more information regarding this leave (including whether you are covered, when and what type of documentation is required, and which type of paid time off can be used), please contact the Office Manager-Human Resources.

Volunteer Civil Service Personnel

No employee shall be disciplined for taking time off to perform emergency duty as a volunteer firefighter, peace Officer, or emergency rescue personnel. Employees who perform emergency duty as a volunteer firefighter, reserve peace Officer, or emergency rescue personnel may also take up to a total of fourteen days unpaid leave time per calendar year to engage in required fire, law enforcement or emergency rescue training. Please alert your supervisor that you may have to take time off for emergency duty or emergency duty training. When taking time off for emergency duty, please alert your supervisor before doing so when possible.

Health Benefits During Inactive Status

Unless health benefits continuation is covered by State or Federal law, or otherwise expressly stated in this Handbook, health benefits will terminate according to our insurance carrier's policy when you are in Inactive Status. (See Definitions.)

Benefits

Benefits Overview

Antelope Valley-East Kern Water Agency is committed to providing the following benefits for eligible employees. Benefit eligibility may be dependent upon your employee classification (full-time versus part-time, for example) and on length of continuous employment at AVEK. Benefit eligibility requirements may also be imposed by the plans themselves.

Upon becoming eligible for certain employee benefit plans, you will receive Summary Plan Descriptions which describe the benefits in greater detail. For information regarding employee benefits and to answer any questions you may have contact the Office Manager-Human Resources.

The Agency reserves the right to modify, amend or terminate benefits and to modify or amend benefit eligibility requirements at any time and for any reason, subject to any legal restrictions.

AVEK offers the following employee benefits to all regular employees. Benefit contributions may be prorated for part-time, regular employees:

- Health Insurance
- Dental Insurance
- Life Insurance
- Vision Plan
- Retirement Plan (401a)

Benefits coverage begins the first of the month following 30 days of employment for health, dental, vision, and disability insurance. Coverage for life insurance begins the first of the month following 60 days of employment. Eligibility to participate in the retirement plan begins on the date of hire.

The Retirement Plan is managed by Fidelity Investments. Employees can contribute through payroll deduction between 1% and 50% of pay up to the IRS annual dollar limit. If an employee contributes at least 4% of their base pay, AVEK will match at 10% of the base pay. Vesting is attained over a 10-year period. More information is available from the Office Manager – Human Resources.

External Employee Education

Some employees may need to attend training programs, seminars, conferences, lectures, meetings, or other outside activities for the benefit of Antelope Valley-East Kern Water Agency or the individual employees. Attendance at such activities, whether required by the Agency or requested by individual employees, requires the written approval of the General Manager.

Attendance at any such event is subject to the following policies on reimbursement and compensation. For attendance at events required or authorized by the Agency, customary and reasonable expenses will be reimbursed upon submission of proper receipts.

Acceptable expenses generally include registration fees, materials, meals, transportation, and parking.

Reimbursement policies regarding these expenses should be discussed with the general manager in advance.

Employee attendance at authorized outside activities will be considered hours worked for nonexempt employees and will be compensated in accordance with normal payroll practices.

This policy does not apply to an employee's voluntary attendance, outside of normal working hours, at formal or informal educational sessions, even if such sessions generally may lead to improved job performance. While AVEK generally encourages all employees to improve their knowledge, job skills, and promotional qualifications, such activities do not qualify for reimbursement or compensation under this policy unless prior written approval is obtained as described previously.

Holidays

Regular employee will earn 11 paid holidays for each full year of continuous service. Holiday accrual begins upon date of hire.

AVEK observes the following paid holidays:

- New Year's Day - January 1
- Martin Luther King Jr.'s Birthday*
- Lincoln's Birthday - February 12*
- Presidents' Day - third Monday in February
- Memorial Day - Last Monday in May
- Independence Day - July 4
- Labor Day - First Monday in September
- Columbus Day – Second Monday in October
- Veteran's Day – November 11
- Thanksgiving Day - Fourth Thursday in November
- Friday after Thanksgiving
- Christmas Day - December 25

*Employees may elect to observe one or the other of these holidays. They will only be paid for the one elected.

The holiday will be earned if the employee is a full time, regular employee on the "Actual"

holiday as listed above. All regular employees may elect to take an "employee observed" holiday instead of the "actual" holiday, provided 1) the employee's supervisor approves the election in advance, and 2) the observed holiday must be taken within the pay period of the actual holiday or before December 31 of the year of the actual holiday. As a condition of supervisor approval, the employee must designate the date on which the employee will observe the holiday.

Paid Family Leave

Employees may be eligible for Paid Family Leave (PFL) wage replacement benefits, which are funded through payroll deductions and coordinated through the Employment Development Department. PFL provides limited compensation for up to six weeks when an employee needs to take leave from work to care for a parent, parent-in-law, child, spouse, registered domestic partner, grandparent, grandchild, or sibling who is seriously ill, or for a working parent who wants time to bond with his or her newborn, foster child or newly adopted child. The PFL program does not provide employees with a right to a leave of absence; it is limited to a state-mandated wage replacement benefit.

Workers' Compensation

Antelope Valley-East Kern Water Agency, in accordance with state law, provides insurance coverage for employees in case of work-related injury. The workers' compensation benefits provided to injured employees may include:

- Medical care;
- Cash benefits, tax free, to replace lost wages; and
- Assistance to help qualified injured employees return to suitable employment.

To ensure that you receive any workers' compensation benefits to which you may be entitled, you will need to:

- Immediately report any work-related injury to your supervisor;
- Seek medical treatment and follow-up care if required;
- Complete a written *Employee's Claim for Workers' Compensation Benefits* (DWC Form 1) and return it to the Office Manager-Human Resources; and
- Provide AVEK with a certification from your health care provider regarding the need for workers' compensation disability leave, as well as your eventual ability to return to work from the leave.

Upon submission of a medical certification that an employee is able to return to work after a workers' compensation leave, the employee under most circumstances will be reinstated to his or her same position held at the time the leave began, or to an equivalent position, if available. An employee returning from a workers' compensation leave has no greater right to reinstatement than if the employee had been continuously employed rather than on leave. For example, if the employee on workers' compensation leave would have been laid off had he or she not gone on leave, or if the employee's position has been eliminated or filled in order to avoid undermining the Agency's ability to operate safely and efficiently during the leave, and no equivalent or comparable positions are available, then the employee would not be entitled to reinstatement.

An employee's return depends on his or her qualifications for any existing openings. If, after returning from a workers' compensation disability leave, an employee is unable to perform the essential functions of his or her job because of a physical or mental disability, the Agency's obligations to the employee may include reasonable accommodation, as governed by the Americans with Disabilities Act.

The law requires Antelope Valley-East Kern Water Agency to notify the workers' compensation insurance Agency of any concerns of false or fraudulent claims.

Agency-Provided Physician

Antelope Valley-East Kern Water Agency provides medical treatment for work-related injuries through a medical provider network, which the Agency has chosen to provide medical care to injured employees because of their experience in treating work-related injuries.

Workers' Compensation and FMLA/CFRA

Employees who are ill or injured as a result of a work-related incident, and who are eligible for family and medical leave under State and Federal law (Family Medical Leave Act (FMLA) and the California Family Rights Act (CFRA)), will be placed on FMLA/CFRA during the time they are disabled and not released to return to work. The leave under these laws runs concurrently, and eligible employees will be on FMLA/CFRA for a maximum of 12 weeks in a 12-month rolling year.

Paid Sick Leave and Workers' Compensation Benefits

Paid sick leave is a benefit that also covers absences for work-related illness or injury. Employees who have a work-related illness or injury are covered by workers' compensation insurance. However, workers' compensation benefits usually do not cover absences for medical treatment. When you report a work-related illness or injury, you will be sent for medical treatment, if treatment is necessary. You will be paid your regular wages for the time you spend seeking initial medical treatment.

Any further medical treatment will be under the direction of the health care provider. Any absences from work for follow-up treatment, physical therapy or other prescribed appointments will not be paid as time worked. If you have accrued and unused sick leave, you may choose to substitute paid sick leave for any time that would otherwise be unpaid.

If you do not have accrued, paid sick leave, or if you have used all of your sick leave, you may choose to substitute vacation/paid time off for further absences from work, related to your illness or injury.

Return to Work

In an effort to minimize serious disability due to on-the-job injuries and illnesses and to reduce workers' compensation costs, the Antelope Valley-East Kern Water Agency has developed a return to work program.

This policy is consistent with the Agency's responsibilities under the Fair Employment & Housing Act to provide reasonable accommodations to persons with disabilities.

The program will consist of a team effort made by supervisors, the Agency Representative, the JPIA claims representative, the medical provider, the injured employee, company management, and consultants as required. All team members will be asked to take an active role in returning the injured/ill employee to a productive status.

Supervisors will assist by directing the employee to appropriate care and assisting in proper reporting of the injury or illness while maintaining a positive and constant flow of communication with the injured worker. They will also assist in arranging work which meets "light duty" restrictions, as needed, to reduce lost time. The designated person will work with the JPIA claims representative to assist with the assessment of the employee's ability to return to work. Together they will actively encourage the treating physician to release the injured worker to work as soon as possible.

By this joint effort, the Agency will help the injured/ill worker recover at a more rapid rate, gain production for wages paid, minimize the employees' wage loss, and reduce workers' compensation costs.

Health Benefits

Antelope Valley-East Kern Water Agency provides group medical and dental plan insurance coverage for each Officer, including members of the Board of Directors, regular employees, and the spouses and eligible dependents of such Officers and regular employees, at Agency expense, as long as certain eligibility requirements are met. The group plans may change from time to time.

Retiree Coverage

Each employee who reaches the age of 55 and thereafter retires from the Agency, and who has completed at least 10 years of service with the Agency, shall be entitled to continue participating in the Agency's group medical and dental plan. For each such participating retiree who retires prior to age 60, the Agency shall contribute toward the cost of coverage until the retiree attains age 60 an amount equal to 50% of the cost for individual coverage for the retiree in the lowest cost health plan offered by the Agency.

Upon attainment of age 60, and for each employee who retires at or after age 60, the Agency shall contribute a specified percentage of the total cost of coverage that the Agency would be obligated to pay if the retiree had continued in the employment of the Agency, according to the following schedule:

Credited Years	Percentage of Agency Contribution
10	50
11	55
12	60
13	65
14	70
15	75
16	80
17	85
18	90
19	95
20	100

The participating retiree will be responsible for paying the remainder of his or her monthly insurance premium, and will deposit such amount with the Agency by the first day of each month. If an employee has completed 10 or more years of service with the Agency and separates from Agency service due to a work-related permanent disability, the disabled employee will continue to participate in the group plan at Agency expense until the disabled employee qualifies for disability benefits from Social Security or Medicare. Thereafter, the disabled employee may continue coverage under the group plans if he or she otherwise qualifies for postretirement coverage, as provided above. Coverage provided to an employee upon retirement, as provided above, separation from service, while in good standing, or permanent disability will be extended to the employee's spouse or surviving spouse and eligible dependents. Coverage may be terminated if the retired, separated, or disabled employee fails to deposit his or her share of the monthly premium payment with the Agency in a timely manner. If the deposit is not received by the first day of the month that it is due, the Agency will notify the retired employee of the possibility of termination of coverage. If payment is not received within 30 days of its due date, the retired employee's coverage will cease on that date and shall not be reinstated.

Former Directors who served in office after January 1, 1981 and who were first elected to a term of office beginning prior to January 1, 1995, will be insured at Agency expense provided they have completed at least 12 years of service as a Director of the Agency. Coverage will also be provided, at Agency expense, to the spouse or surviving spouse and eligible dependents of Directors who meet these eligibility requirements. All other former Directors of the Agency who do not meet the above eligibility requirements may continue to participate in the Agency's group medical and dental insurance plan under COBRA.

In accordance with applicable law, and to the extent coverage is available under the Agency's group medical and dental plans, once an Officer or employee acquires a vested interest in the post-retirement continuation of medical and dental plan insurance coverage, the Agency may not take any action that might destroy or impair that interest.

Agency Property

Electronic and Social Media

This policy is intended to protect Antelope Valley-East Kern Water Agency's computer systems and electronic information.

For purposes of these policies, the following definitions apply: "Computers" are defined as desktop computers, laptops, handheld devices (including but not limited to iPhones, Black berries, smart phones, iPads, and other electronic tablets and cell phones), computer software/hardware, and servers.

AVEK also uses various forms of "electronic communication." "Electronic communications" includes e-mail, text messages, telephones, cell phones and other handheld devices (such as cell phones, Blackberries or smart phones or writing tablets or iPads), fax machines, and online services including the Internet.

"Electronic information" is any information created by an employee using computers or any means of electronic communication, including but not limited to, data, messages, multimedia data, and files.

The following general policies apply:

- Computers and all data transmitted through AVEK servers are Agency property owned by AVEK for the purpose of conducting Agency business. These items must be maintained according to AVEK rules and regulations. Computers must be kept clean and employees must exercise care to prevent loss and damage. Prior authorization must be obtained before any Agency property may be removed from the premises.
- All electronic communications also remain the sole property of AVEK and are to be used for Agency business. For example, email messages are considered Agency records.
- Electronic information created by an employee using any computer or any means of electronic communication is also the property of Antelope Valley-East Kern Water Agency and remains the property of Antelope Valley-East Kern Water Agency.
- Information stored in AVEK computers and file servers is the property of the Agency and may not be distributed outside the Agency in any form whatsoever without the written permission of the General Manager.
- Violation of any of the provisions of this policy, whether intentional or not, will subject AVEK employees to disciplinary action, up to and including termination.

Monitoring of Agency Property

Antelope Valley-East Kern Water Agency reserves the right to inspect all Agency property to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Antelope Valley-East Kern Water Agency computers and all electronic communications and electronic information are subject to monitoring and no one should expect privacy regarding such use. The Agency reserves the

right to access, review and monitor electronic files, information, messages, text messages, email, Internet history, browser-based webmail systems, and other digital archives and to access, review, and monitor the use of computers, software, and electronic communications to ensure that no misuse or violation of Agency policy or any law occurs. Email may be monitored by the Agency and there is no expectation of privacy. Assume that e-mail may be accessed, forwarded, read or heard by someone other than the intended recipient, even if marked as "private."

Employee passwords may be used for purposes of security, but the use of a password does not affect the Agency's ownership of the electronic information or ability to monitor the information. AVEK may override an employee's password for any reason.

Employees are not permitted to access the electronic communications of other employees or third parties unless directed to do so by AVEK management.

Prohibited Use

All existing AVEK policies apply to employee use of computers, electronic communications, electronic information, and the Internet. This includes policies that deal with misuse of Agency assets or resources. It is a violation of Antelope Valley-East Kern Water Agency policy to use computers, electronic communications, electronic information, or the Internet, in a manner that: is discriminatory harassing or obscene; constitutes copyright or trademark infringement; violates software licensing rules; is illegal; or is against AVEK policy. It is also a violation of policy to use computers, electronic communications, electronic information, or the Internet to communicate confidential or sensitive information.

The display of any kind of sexually explicit multimedia content, message, or document on any Agency computer is a violation of the Agency's policy against sexual harassment. This description of prohibited usage is not exhaustive and it is within the discretion of AVEK to determine if there has been a violation of this policy. Employees that engage in prohibited use will be subject to discipline and/or immediate termination.

This policy is not intended to limit the ability of employees to discuss with other employees the terms and conditions of their employment, including such topics as wages, job performance, workload, supervisors, or staffing.

Computer and Internet Use

Antelope Valley-East Kern Water Agency provides computers, electronic communications, electronic information, and information technology resources, including the Internet, to its employees to help them do their job. Generally, these Agency resources should be used for business related purposes. However, the Agency recognizes that occasional personal use of these Agency resources and property may occur during working time. AVEK allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time, consume supplies, slow other users, slow the servers or computer systems, or tie up printers or other shared resources, or violate any Agency policy,

including policies against harassment, discrimination and disclosure of confidential information.

This policy is not intended to limit the ability of employees to use Agency email systems to communicate with other employees regarding the terms and conditions of their employment, including such topics as wages, job performance, workload, supervisors, or staffing.

All policies relating to monitoring usage of Agency property apply. Antelope Valley-East Kern Water Agency reserves the right to adjust this policy on a case by case basis as it deems appropriate.

Social Media

Antelope Valley-East Kern Water Agency does not condone the use of social media in the workplace for any purpose. Social media is a set of Internet tools that aid in the facilitation of interaction between people online. If you have specific questions about which programs the Agency deems to be social media, consult with the Office Manager-Human Resources.

Use of Internet based programs such as Facebook, Linked In, and Twitter (this is not meant to be an exhaustive list) for personal use is a violation of Agency policy and use of Agency property (including computers or handheld devices) to access social media tools or programs during working time on the work premises can result in discipline up to and including termination.

Employees can use their own personal devices to engage in social media during non-working times, such as breaks and meal periods; however, all other Agency policies against inappropriate usage, including the Agency's no tolerance for discrimination, harassment or retaliation in the workplace, and protection of confidential information apply.

Nothing in the Agency's social media policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment.

Employee-owned Devices

Antelope Valley-East Kern Water Agency recognizes that occasional use of the employee's own computers (including hand held devices) and electronic communications may occur during working time. The Agency allows such occasional personal use as long as the usage does not interfere with the employee's work performance, take away from work time, or violate any Agency policy. All other Agency policies, including the Agency's no tolerance for discrimination, harassment or retaliation in the workplace apply. Antelope Valley-East Kern Water Agency reserves the right to adjust this policy on a case by case basis as it deems appropriate.

Employer Property

Lockers, furniture, desks, computers, cell phones, data processing equipment/software, vehicles, and lockers are Antelope Valley-East Kern Water Agency property and must be maintained according to Agency rules and regulations. They must be kept clean and are to be used only for work-related purposes. Antelope Valley-East Kern Water Agency reserves the right to inspect all Agency property including computer or phone data or messages to ensure compliance with its rules and regulations, without notice to the employee and at any time, not necessarily in the employee's presence. Prior authorization must be obtained before any AVEK property may be removed from the premises.

Agency voice mail and/or electronic mail (e-mail) including texting, pagers and mobile email are to be used for business purposes. Antelope Valley-East Kern Water Agency reserves the right to monitor voice mail messages, and e-mail messages, and texts to ensure compliance with this rule, without notice to the employee and at any time, not necessarily in the employee's presence.

Antelope Valley-East Kern Water Agency may periodically need to assign and/or change "passwords" and personal codes for:

- email
- voicemail
- cell phones
- laptops/personal computers

These communication technologies and related storage media and databases are to be used only for Agency business and they remain the property of Antelope Valley-East Kern Water Agency.

Antelope Valley-East Kern Water Agency reserves the right to keep a record of all passwords and codes used and/or may be able to override any such password system. Messages on the Agency voice-mail and email systems are subject to the same Agency policies against discrimination and harassment as are any workplace communications. Offensive, harassing or discriminatory content in such messages will not be tolerated.

For security reasons, employees should not leave personal belongings of value in the workplace. Terminated employees should remove any personal items at the time they leave

Antelope Valley-East Kern Water Agency. Personal items left in the workplace are subject to disposal if not claimed at the time of an employee's termination.

Off-Duty Use of Facilities

Employees are prohibited from remaining on Antelope Valley-East Kern Water Agency premises or making use of Agency facilities while not on duty. Employees are expressly prohibited from using Agency facilities, Agency property, or Agency equipment for personal use. This policy is not intended to limit the ability of employees to use the Agency's email systems to communicate with other employees regarding the terms and conditions of their employment during

non-working times, including such topics as wages, job performance, workload, supervisors, or staffing.

Prohibiting Personal Use of Agency Cell Phone and Tablet

Cell phones (including handheld devices and smart phones such as iPhones) and electronic tablets may be provided to some employees to assist them in performing their job. Cell phones and tablets are Agency property. Data (including web browsing), messages (including voice mail, mobile email, and text messaging), and other stored electronic information is subject to monitoring and the employee does not have an expectation of privacy in the use of this Agency property.

The Agency may ask you to assign a password to your Agency cell phone and/or tablet to prevent unauthorized access. This password does not affect the Agency's ownership of the cell phone or tablet, or its ability to monitor the information.

Agency cell phones and tablets must not be used in any manner that violates any other Agency policy, including safety policies, confidentiality policies, electronic and social media policies, and policies against discrimination and harassment.

Smoking

Smoking is only allowed in designated outdoor areas during normal break times at Antelope Valley-East Kern Water Agency facilities. The smoking prohibition applies to all smoking devices, including, but not limited to, the use of electronic smoking devices, such as electronic cigarettes, pipes, hookahs, and vaping devices.

Damage to Property

If an employee damages AVEK property or observes or discovers damage to AVEK property, he or she is to provide a thorough and accurate written report as soon as is practicable. The report must be submitted to the employee's supervisor and the General Manager. Failure to report within 36 hours in accordance with the intent of these rules may be cause for disciplinary action up to and including termination.

Solicitation and Distribution of Literature

In order to ensure efficient operation of the Agency's business and to prevent disruption to

employees, we have established control of solicitations and distribution of literature on AVEK

property. Antelope Valley-East Kern Water Agency has enacted rules applicable to all employees governing solicitation, distribution of written material, and entry onto the premises and work areas. All employees are expected to comply strictly with these rules. Any employee who is in doubt concerning the application of these rules should consult with his or her supervisor.

No employee shall solicit or promote support for any cause or organization during his or her working time or during the working time of the employee or employees at whom such activity is directed. No employee shall distribute or circulate any written or printed material in work areas at any time, or during his or her working time or during the working time of the employee or employees at whom such activity is directed.

Under no circumstances will non-employees be permitted to solicit or to distribute written material for any purpose on Agency property.

Employee Conduct

Business Conduct and Ethics

Directors, Officers, and employees of Antelope Valley-East Kern Water Agency at all levels are guardians of the public trust. Agency officials and employees are required to be impartial and responsible in the fulfillment of their duties. AVEK customers expect and must receive the highest standard of ethics from all those in public service, regardless of personal consideration.

Responsibilities of Public Service

Antelope Valley-East Kern Water Agency Directors, Officers, and employees are obligated to uphold the Constitution of the United States and the Constitution of the State of California and to comply with Federal, State, and local laws and Antelope Valley-East Kern Water Agency policies.

Recognizing the special responsibilities of serving the Agency and its citizens and customers, Agency Directors, Officers, and employees are required to maintain the highest standards of integrity and honesty, and they are expected to treat all members of the public and fellow Agency employees with respect, courtesy, concern and responsiveness. The conduct of Agency Directors, Officers, and employees in both their official and private affairs should be above reproach to assure that their Agency position is not used for personal gain.

General Rule with Respect to Conflicts of Interest

AVEK Directors, Officers, and employees are expected to avoid any conflicts of interest. Further, Directors, Officers, and employees should avoid the appearance of conflicts of interest to ensure that Agency decisions are made in an independent and impartial manner. All Agency Directors, Officers, and employees are prohibited from making, participation in making, or attempting in any way to use his or her official position to influence an Agency decision in which the employee knows or has reason to know he or she has a financial interest as defined by law. For example, Agency Directors, Officers, and employees shall not make personal investments nor maintain any direct or indirect interest in enterprises, activities, or entities which they have or have reason to believe may be involved in decisions or recommendations to be made by them or persons under their supervision, or which may create a conflict between their private interests or may impair their independence of judgment in the accomplishment of their official duties. If, however, persons in the public service have financial interests in matters coming before them, or before the department in which they are employed, they shall remove themselves from making, participating in the making, or seeking to influence any decision regarding such matter. Employees who are designated in the Agency's Conflict of Interest Code, shall file the appropriate disclosure statements required under State Law.

Acceptance of Favors, Gifts, and Gratuities

No Director, Officer, or employee may accept a favor, gift, or gratuity from any customer, vendor, supplier, or other person doing business with Antelope Valley-East Kern Water

Agency because doing so may give the appearance of influencing business decisions, transactions or service. Please discuss expenses paid by such persons for business meals or trips with the General Manager in advance.

No Fee for Agency Service

No Director, Officer, or employee of the Agency shall charge, request, or receive for his own use any fee, reward, or payment of any kind from any person, firm, or corporation other than the Agency for any services rendered by him as such Officer or employee; or render during his office hours, or hours of work for the Agency, any service to anyone other than such services as he is employed by the Agency to render; provided, however, that Officers and employees of the Agency are hereby authorized and it is made their duty to make and furnish copies of public records to private persons during office hours and to charge and collect the fees prescribed by law, or if no fee is prescribed by law, then to charge and collect the reasonable cost of making such copies, provided all such fees and charges shall be paid into the Treasury, and no Officer or employee of the Agency shall retain any such fee or charge for his own use.

No Director, Officer, or employee of the Agency shall make copies of public records outside of office hours and make a charge therefore nor shall any Agency Officer or employee make a charge or retain for his own use any compensation for permitting any person other than an Agency employee to make or furnish copies of any records.

No Fee for Services to Other Governmental Agencies or for Court Appearances

No person employed by the Agency for full-time service shall receive or retain for his own use any fee or compensation paid to him by the State or a County under order of a court for service as a witness, expert, or examiner, and no person employed by the Agency for full-time service shall receive or retain for his own use any fee or compensation from the United States of America, State of California, or from any municipality for service performed by him; provided, however, that nothing in this section shall prohibit persons performing military service or other service for any of the armed forces of the United States of America or military service for the State of California from receiving or retaining compensation for such service; nor from receiving or retaining pension or disability payments paid them by reason of previous service for the United States of America, State of California, County, or any municipality; nor from receiving or retaining for their own use while on leave of absence without pay, or for services rendered outside of regular working hours for the Agency, such compensation as they shall receive while acting as instructors in the service of any college, or university, including the University of California or any of its branches, where such instruction is in a field

germane to government, and provided that no persons shall be granted leaves of absence for this purpose without the permission of the Board on the recommendation of their Department head. All such fees or sums so received, except as provided in this section, shall be immediately deposited in the Treasury by the person receiving them.

This section shall apply whether the service for which the fee or compensation is received is performed during the hours when such person is required to render service for the Agency after the regular hours of service or while on leave of absence from active service, but shall not apply to persons employed for part-time service only. Failure to comply with this section shall be deemed reason for dismissal. Nothing in this section shall be deemed to prohibit persons employed by the Agency from testifying as witnesses, nor from making examinations and reports in judicial proceedings, and any such person who is required to and who does attend any court, board, or commission authorized by law to compel his attendance, and who is absent without pay during such attendance, may receive or retain for his own use such sums as are paid him for such attendance, including the usual fee for non-expert witness, mileage, traveling, and other expenses and sums paid him by reason of loss of his Agency pay, but no such person shall receive or retain any fee as an expert witness or examiner, nor any fee as a witness greater than that authorized by law for non-expert witness.

Conducting Personal Business

Employees are to conduct only Antelope Valley-East Kern Water Agency business while at work. Employees may not conduct personal business or business for another employer during their scheduled working hours.

Customer Relations

Employees are expected to be polite, courteous, prompt, and attentive to every customer. When an employee encounters an uncomfortable situation that he or she does not feel capable of handling, the supervisor should be called immediately.

Never argue with a customer. If a problem develops or if a customer remains dissatisfied, ask your supervisor or the General Manager to intervene.

Drug and Alcohol Abuse

Purpose

Antelope Valley-East Kern Water Agency recognizes that the use of alcohol, drugs, and controlled substances in the workplace is not conducive to safe working conditions. In order to promote a safe, healthy, and productive work environment for all employees and the public, it is the Agency's objective to have a work force who is free from the influence of substance abuse. This policy also is intended to comply with all applicable Federal regulations governing workplace anti-drug programs and safety sensitive employees. The Federal Drug Free Workplace Act of 1988 and similarly, the California Drug Free Workplace Act of 1990 requires the establishment of drug free workplace policies and the reporting of certain drug related offenses to the Federal Department of Transportation (DOT). Also, the Federal Highway Administration (FHWA) (whose alcohol and drug testing rules are now enforced by the recently created Federal Motor Carrier Safety Administration (FMSCA) of the DOT has enacted regulations that mandate urine drug testing and breathalyzer alcohol testing for safety sensitive positions and prevent performance of safety sensitive functions where there is a positive test result. The DOT also has set standards for the collection and testing of urine and breath specimens. Employees shall be asked to sign a statement certifying that he/she has received a copy of this policy and understands its contents. Any questions regarding rights and obligations under this Policy shall be referred to the employee's supervisor, the Office Manager-Human Resources, or the General Manager.

Personnel Affected

The prohibition against substance abuse in the workplace applies to all AVEK employees when they are on Agency property or when performing any Agency related business, or when driving a motor vehicle on private roads and serious injury results. If you are a **safety sensitive employee** covered by this policy, you must familiarize yourself with this policy's provisions because there are additional compliance requirements associated with your position that are also a condition of your employment. A safety sensitive employee is an employee who meets any of the criteria below and as designated by the Agency in its sole discretion:

- A. One in any position that the respective Agency department has designated as requiring the use of a Class A or Class B commercial driver's license.
- B. One who performs safety sensitive functions, the performance of which may affect the public safety, including:
 - 1. Driving the controls of a commercial motor vehicle;
 - 2. Spending time in a commercial motor vehicle;
 - 3. Loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending to a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or giving or receiving receipts for shipments loaded

or unloaded;

4. Repairing, obtaining assistance, inspecting, maintaining, or attending to a commercial motor vehicle;
5. Use of heavy equipment.

A safety sensitive employee is considered to be performing a safety sensitive function during any period in which that employee is actually performing, ready to perform, or immediately available to perform any safety sensitive function, including off site lunch periods and breaks.

Policy

A. Prohibited Substances

1. Alcohol

This policy addresses the use of alcoholic beverages or substances, including any medication or food containing alcohol such that it is present in the body at a level in excess of that stated in the guidelines by the Department of Transportation, as amended, and currently set at a breath alcohol concentration of .02 liters or as otherwise noted in this Policy. Alcohol is defined as the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

2. Drugs or Controlled Substances

This policy addresses any substance which, in the opinion of competent medical professionals, causes or may cause significant impairment of job performance or which causes or may cause behavior that is a threat to the safety of the affected employee or others. All substances listed in any Federal, State or local controlled substance acts or regulations, including, but not limited to, marijuana, amphetamines, opiates, phencyclidine (PCP) and cocaine, and those substances listed in Schedules I through V of the Section 202 of the Federal Controlled Substances Act, are covered by this policy.

3. Prescription Drugs

No prescription drug shall be possessed or used by an employee other than the employee for whom the drug is prescribed by a licensed medical practitioner. A prescription drug shall be used only in the manner, combination, and quantity prescribed. An employee must advise his/her supervisor of the use or influence of any prescription drug prior to beginning work, when taking the medication or drug could interfere with the safe and effective performance of duties, or the operation of an Agency vehicle or heavy machinery, such that the employee poses a direct threat to the health and safety of himself/herself or others. An employee's failure to provide this notice in a timely manner can result in discipline, up to and including termination. In the event there is a question regarding an employee's ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician may be required.

B. Prohibited Conduct

The Agency prohibits the following acts:

1. Being under the influence of, or in possession of alcohol, drugs, or controlled substances when reporting for work;
2. Ingesting, injecting, or otherwise using alcohol, drugs, or controlled substances while performing job duties, except in accordance with above Section A.3 regarding prescription drugs where applicable;
3. Being under the influence of alcohol, drugs, or any controlled substances while subject to being called to duty, including stand-by time;
4. Performing a safety-sensitive function within four hours of using alcohol or while using alcohol;
5. Directly or through a third party, manufacturing, selling, distributing, dispensing, otherwise attempting to manufacture, sell, or distribute alcohol, drugs, or controlled substances during work hours, including rest breaks or while on Agency premises;
6. Use of Agency property or premises to manufacture, sell, or distribute alcohol, drugs, or controlled substances;
7. Absence or tardiness as a result of having been under the influence of alcohol, drugs, or controlled substances during non-work time; and
8. Refusing to submit immediately to any alcohol, drug, or controlled substance test required by this Policy when directed by the Agency. Refusal includes but is not limited to:
 - a. A refusal to provide a urine sample for a drug test;
 - b. An inability to provide a urine sample without a valid medical explanation;
 - c. A refusal to complete and sign a testing authorization form;
 - d. An inability to provide breath or to provide an adequate amount of breath without a valid medical explanation;
 - e. Tampering with or attempting to adulterate or substitute the urine specimen;
 - f. Not reporting to the collection site in the time allotted by the supervisor or manager who directs the employee to be tested;
 - g. Obstructing the collection procedure or testing process in any way; or
 - h. Leaving the scene of an accident without a valid reason as to why and no authorization from a supervisor or manager was not obtained.
9. Consuming alcohol, drugs, or controlled substances during the eight hours immediately

following an accident in which the employee was involved, or until the employee undergoes a post-accident alcohol or drug test, whichever comes first.

C. Notifying the Agency of Any Criminal Drug Statute Conviction

In accordance with the Drug Free Workplace Act of 1988, an employee must immediately notify the Agency of any criminal drug statute conviction of a violation that occurred in the workplace no later than five days after such conviction. Any employee who fails to provide this notice will be subject to discipline, up to and including termination.

D. Consequences for Violation of this Policy

1. Discipline

Any violation of this Policy may result in discipline, up to, and including termination.

Discipline may be imposed regardless of whether or not an employee is convicted of any crime related to any violation of this Policy. Any violation of this Policy that may constitute criminal conduct or violation of the DOT regulations may be reported to the appropriate law enforcement agencies and/or subject the employee to civil penalties.

2. Removal from Work Site

Employees reasonably believed to be under the influence of alcohol, drugs, or controlled substances shall be immediately prevented from engaging in further work and shall be detained for a reasonable time until they can be safely transported from the work site.

3. Removal of Safety Sensitive Functions

An employee whose alcohol test indicates an alcohol concentration level between .02 and .04 will be removed from his/her safety sensitive position for at least 24 hours. An employee whose alcohol test indicates an alcohol concentration level greater than .04 will be removed from his or her safety sensitive position for a period to be determined by the immediate supervisor or Office Manager – Human Resources. If an employee tests positive for drugs or controlled substances, the employee may not perform safety sensitive functions until satisfying the following requirements:

- a. The employee must be retested and receive a verified negative result; and
- b. When referred to a Substance Abuse Professional, the employee must complete any course of rehabilitation and submit to a return to duty test, as developed with the assistance of the Substance Abuse Professional. The Agency is not required to pay for this type of treatment. A Substance Abuse Professional is a licensed physician, psychologist, social worker, or addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol, drug, and controlled substance abuse disorders.

4. Termination for Inability to Perform Essential Functions

After the Agency has complied with any legal obligation to reasonably accommodate an employee's protected disability, the Agency may terminate an employee who is unable to perform the essential functions of the job.

E. Alcohol and Drug Testing

1. Pre-employment Testing

Prior to the start of employment, the Agency may require all applicants to submit to a test for alcohol and illegal drug use as a condition of employment. Any applicant who refuses to provide consent for this test, or who receives a verified positive result will be disqualified from Agency employment.

a. Requirement for Records Check

As required by the DOT regulations, an applicant to a safety sensitive position will be asked to provide, by written consent, alcohol and drug testing records from prior employers regulated by the DOT for the two-year period prior to the date of application. These records shall include any alcohol test results of .04 or higher alcohol concentration; refusals to be tested; verified positive drug tests; and documentation of the successful completion of return to duty requirements by the DOT.

b. Requirements for Direct Inquiry

The applicant also must provide information regarding whether he/she has tested positive or has refused to test on any pre-employment drug or alcohol test for any safety sensitive job applied for but not obtained during the prior two years, as required by the DOT regulations.

2. Reasonable Suspicion Testing and Search

If a supervisor reasonably suspects that an employee is under the influence of alcohol, drugs, or controlled substances while performing job duties or operating Agency equipment and, upon prior approval by the General Manager, the supervisor may require the employee to submit to an alcohol and/or drug test. An employee's refusal to submit to such a test is cause for discipline, up to and including termination. Examples of indicators which can form a reasonable suspicion that an employee is under the influence of alcohol, drugs, or controlled substances include but are not limited to direct observation of the following:

- a. slurred speech;
- b. glassy or bloodshot eyes;
- c. odor of alcohol;
- d. unsteady walking and movement;
- e. an accident involving Agency property, employee or client;

- f. a near accident or other safety violation;
- g. physical or verbal altercation;
- h. possession of alcohol, drugs, controlled substances, or drug paraphernalia;
- i. sleeping on the job;
- j. pattern of abnormal or erratic behavior;
- k. information either provided by reliable and credible sources or independently corroborated;
- l. conviction for a drug related offense; and
- m. tampering with a previous drug test.

3. Post-Accident Testing

Unless the Agency determines that the employee's performance was not a contributing factor, any employee involved in a reportable accident may be subject to an alcohol test within two hours following the accident and to a drug test within 32 hours following the accident. Not only may the operator of the vehicle be tested, but so may any other employee whose performance may have contributed to the accident, such as the employee who maintains the vehicle or work site where the accident occurred. An accident is considered reportable if it occurs while in an Agency commercial motor vehicle on Agency property, or when operating a commercial motor vehicle on a public road in commerce and involves any of the following:

- a. while performing safety sensitive functions with respect to the vehicle, the accident involved a fatality; **or**
- b. the issuance of a citation by law enforcement to the employee for a moving traffic violation arising from the accident **and**
 - i. bodily injury demanding immediate medical treatment away from the scene of the accident **or**
 - ii. vehicular damage so that the vehicle must be towed away from the scene of the accident, even after simple repairs on the scene. The operator of the vehicle must immediately report this accident to the appropriate authorities, as well as the Agency, so that the relevant drug/alcohol tests may be conducted.

4. Transfers to Safety Sensitive Positions

a. Requirement for Records Check

As required by the DOT regulations, employees who transfer to a safety sensitive job will be asked to provide, by written consent, alcohol and drug testing records for the two-year period prior to the date of application. These records shall include any alcohol test results of .04 or higher alcohol concentration; refusals to be tested; verified positive drug tests; and documentation of the successful completion of return to duty requirements by the DOT.

b. Requirements for Direct Inquiry

Transferred employees also must provide information regarding whether he/she has tested positive or has refused to test on any pre-employment drug or alcohol test for any safety sensitive job applied for but not obtained during the prior two years, as required by the DOT regulations.

5. Random Testing

Safety sensitive employees will be subject to random alcohol and drug testing as required by the DOT guidelines. Depending on the random selection, some employees may be tested more than once in a year, while others are not tested at all. Testing will take place just prior to the employee performing a safety sensitive function, while the employee is performing a safety sensitive function, or just after the employee has stopped performing a safety sensitive function.

a. Alcohol Test

Unless otherwise amended by the DOT guidelines, the Agency will participate in a consortium pool to randomly test safety sensitive employees.

b. Drug Test

Unless otherwise amended by the DOT guidelines, the Agency will participate in a consortium pool to randomly test safety sensitive employees.

6. Return to Duty Testing

An employee who has violated this Policy may be subject to a return to duty test, and up to six unannounced drug/alcohol tests during the first twelve months back to a safety sensitive position. The results must indicate an alcohol concentration of less than .02, or in cases of a drug test, must indicate a verified negative result. This testing is separate from any random testing obligation.

F. Testing Procedures

The procedures regarding alcohol and drugs testing will be provided upon employee request to the Office Manager - Human Resources. Analytical urine-controlled substance testing and breath testing for alcohol will be conducted as required under the DOT guidelines.

G. Records Keeping and Confidentiality

The Agency is obligated to maintain records of the administration, including violations, of this Policy for a period of five years. Through the consortium pool, an annual report summarizing this information will be issued. Any laboratory reports and test results shall not appear in an employee's general personnel folder but will be contained in a separate, confidential medical folder that will be securely kept under the control of the Office Manager-Human Resources.

The report or test results may be disclosed to Agency management on a strictly need to know basis and to the tested employee upon request. Disclosures, without patient (employee) consent, may also occur under the following situations:

1. When the information is compelled by law or by judicial or administrative process;
2. When the information has been placed at issue in a formal dispute between the employer and employee;
3. When the information is to be used in administering an employee benefit plan; or
4. When the information is needed by medical personnel for the diagnosis or treatment of the patient (employee) who is unable to authorize disclosure.
5. When requested by the DOT or any state or local officials with regulatory authority over the Agency or any of its safety sensitive employees.

H. Rehabilitation

The Agency encourages employees to use Agency sponsored employee assistance programs voluntarily to assist them in resolving any alcohol, drug, or controlled substance abuse problems. Employees should contact their supervisor or Office Manager - Human Resources for additional information, including further information concerning the dangerous effects of alcohol misuse and drug use on an employee's health, work, and personal life. The Agency is committed to providing reasonable accommodation to those employees whose alcohol or drug abuse problem classifies them as disabled under Federal and/or state law. While the Agency will be supportive of those who seek help voluntarily, the Agency will be firm in identifying and disciplining those who continue to be substance abusers and who do not seek help or continue substance abuse even while enrolled in counseling or rehabilitation programs. Therefore, the Agency may require employees to use employee assistance programs, and in addition to mandatory referrals to a Substance Abuse Professional where applicable.

News Media Contacts

Employees may be approached for interviews or comments by the news media. Only Officers and/or employees designated by the General Manager may comment to news reporters on Antelope Valley-East Kern Water Agency policy or events relevant to Antelope Valley-East Kern Water Agency.

This policy does not limit an employee's right to discuss the terms and conditions of his or her employment, or to try and improve these conditions.

Off-Duty Conduct

While Antelope Valley-East Kern Water Agency does not seek to interfere with the off-duty and personal conduct of its employees, certain types of off-duty conduct may interfere with the Agency's legitimate business interests.

Off-duty conduct by an employee that directly conflicts with the Agency's essential business interests and disrupts AVEK business will not be tolerated.

Prohibited Conduct

Employees are expected to conduct themselves in a manner to further the Agency's objectives. The following conduct is prohibited and will not be tolerated by Antelope Valley-East Kern Water Agency. This list of prohibited conduct is illustrative only; other types of conduct that threaten security, personal safety, employee welfare and the AVEK offices and worksites also may be prohibited and will result in disciplinary action up to and including termination.

- Falsifying employment records, employment information, or other Agency records;
- Inefficient or careless performance of job responsibilities or inability to perform job duties satisfactorily;
- Recording the work time of another employee or allowing any other employee to record your work time, or falsifying any time card, either your own or another employee's;
- Theft and deliberate or careless damage or destruction of any Agency property, or the property of any employee or customer;
- Removing or borrowing Agency property without prior authorization;
- Unauthorized use or misuse of Agency equipment, time, materials, or facilities;
- Provoking a fight or fighting during working hours or on Agency property;
- Participating in horseplay or practical jokes on Agency time or on Agency premises;
- Carrying firearms or any other dangerous weapons on Agency premises at any time;
- Engaging in criminal conduct whether or not related to job performance;

- Causing, creating or participating in a disruption of any kind during working hours on Agency property;
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward a supervisor or member of management;
- Using abusive, threatening or intimidating language at any time on Agency premises;
- Violation of Agency punctuality and attendance policies. Absences protected by State or Federal law do not count as violations of this policy. Protected paid sick time under California law does not count as a violation of this policy;
- Failing to obtain permission to leave work for any reason during normal working hours, not including meal periods;
- Failing to observe working schedules, including rest and lunch periods;
- Sleeping or malingering on the job;
- Working overtime without authorization or refusing to work assigned overtime;
- Violation of dress standards;
- Violating any safety, health, security or Agency policy, rule, procedure or violation of the Agency's drug and alcohol policy;
- Committing a fraudulent act or a breach of trust under any circumstances;
- Violating the Agency's anti-harassment or equal employment opportunity policies;
- Failing to promptly report work-related injury or illness.

This statement of prohibited conduct does not alter the Agency's policy of at-will employment.

Either you or Antelope Valley-East Kern Water Agency remain free to terminate the employment relationship at any time, with or without reason or notice.

Prohibited Use of Agency Cell Phone While Driving

In the interest of the safety of our employees and other drivers, Antelope Valley-East Kern Water Agency employees are prohibited from using cell phones (including all smart phones) or other wireless communication devices (including laptops) while driving on Agency business and/or Agency, unless the vehicle is equipped with handsfree capability per State law.

This prohibition includes any use of the cell phone or other wireless communications device, such as answering or placing calls, engaging in conversations, texting, Web browsing or using any smart phone application while driving.

Under no circumstances should employees place phone calls while operating a motor vehicle while driving on Agency business and/or Agency time if the vehicle is not equipped with handsfree capability. Violating this policy is a violation of law and a violation of Agency rules.

Punctuality and Attendance

As an employee of Antelope Valley-East Kern Water Agency, you are expected to be punctual and regular in attendance. Any tardiness or absence causes problems for your fellow employees and your supervisor. When you are absent, your assigned work must be performed by others.

Employees are expected to report to work as scheduled, on time, and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for meal periods or when required to leave on authorized Agency business. Late arrivals, early departures or other unanticipated and unapproved absences from scheduled hours are disruptive and must be avoided.

If you are unable to report for work on any particular day, you must provide reasonable notice to your supervisor before the time you are scheduled to begin working for that day. You must inform your supervisor of the expected duration of any absence. If you fail to provide reasonable notice before your scheduled time to begin work and do not arrive in time for your assigned shift, you will be considered tardy for that day. Notice of late arrival should be given by calling your direct supervisor or the Office Manager-Human Resources. If the circumstances for your tardiness or absence were unforeseen, inform your supervisor as soon as practicable of the reason for the tardiness or absenteeism.

Excessive absenteeism or tardiness, providing false information or abuse of leave laws will not be tolerated. Generally, if you fail to report for work without any notification to your supervisor and your absence continues for a period of three (3) days, Antelope Valley-East Kern Water Agency will consider that you have voluntarily abandoned or quit your employment.

Absences protected by local, State and Federal law do not count as a violation of the punctuality and attendance policy. Paid sick time protected under California law does not count as a violation of this policy.

Dress Code and Other Personal Standards

Employees are expected to wear clothing appropriate for the nature of our business and the type of work performed. Clothing should be neat, clean and tasteful. Avoid clothing that can create a safety hazard.

Because each employee is a representative of Antelope Valley-East Kern Water Agency in the eyes of the public, each employee must report to work properly groomed and wearing appropriate clothing. Employees who work in the administrative offices are expected to dress

neatly and in casual, business casual, or business attire.

The following are examples of acceptable office attire:

- Slacks
- Dress shirts
- Blouses
- Sweaters
- Skirts
- Suits
- Business dresses
- Sport coats
- Blazers
- Ties
- Dress Jeans (no blue jeans)
- Collared Shirts

Tank or halter tops are not permitted for any employees. All clothing should be clean and without rips or holes. Employees who report to work inappropriately dressed may be asked to clock out and return in acceptable attire.

This dress code policy will not be enforced in a manner that discriminates against anyone based on a protected class, such as race, sex, gender identity or gender expression, religion, national origin or any other class protected by Federal, State or local law. For more information, see the *Harassment, Discrimination and Retaliation Prevention* policy. Employees who need a reasonable accommodation because of religious beliefs, observances or practices should contact an Agency representative with day-to-day personnel responsibility and discuss the need for accommodation.

All employees required to wear uniforms provided by Antelope Valley-East Kern Water Agency must take care of their uniforms and report any wear or damage to their supervisors. Instructions regarding cleaning and maintenance of uniforms will be provided. Supervisors will inform you of additional requirements regarding acceptable attire. Certain employees may be required to wear safety equipment or clothing. Any deviations from these guidelines must be approved by your supervisor.

Required safety clothing will be provided by AVEK.

Tattoos

1. Any visible tattoos cannot be obscene, sexually explicit, discriminatory as to sex, sexual orientation, race, religion, or national origin, extremist, and/or gang-related.
2. Any non-conforming tattoos must be covered with clothing or a bandage while at work or removed.
3. If an employee has a question about how the tattoo policy applies to him or her, the matter should be immediately raised with the supervisor for consideration and determination.

Outside Employment

Pursuant to Government Code Section 1126, "...a local agency Officer or employee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency Officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed. The Officer or employee shall not perform any work, service, or counsel for compensation outside of his or her local agency employment where any part of his or her efforts will be subject to approval by another Officer, employee, board, or commission of his or her employing body."

Policy

Any AVEK employee who wishes to engage in work for remuneration outside of his or her Agency employment must obtain permission, in writing, from the supervisor prior to beginning the desired employment. The following standards apply to the evaluation of the proposed outside employment:

- A. AVEK employees may not accept employment outside Agency service or participate actively in the management or operation of any business or enterprise that:
 1. Is incompatible with the employee's Agency employment or would result in a conflict of interest with his or her responsibilities and obligations to the Agency; or
 2. Could result in criticism or discredit to the Agency.
 3. Involves the use of Agency time, facilities, equipment, and/or supplies; or the uniform, prestige, or influence of the Agency employee's position;
 4. Involve such time demands as would render performance of his or her duties as an AVEK employee less efficient.
 5. Involve the direct or indirect use of confidential Agency information.

- B. Employees whose outside employment may prolong recovery while on leave for injury, whether work-related or not, illness, or while on light duty assignments for the Agency, are in violation of this policy.

Approval

1. Prior to accepting outside employment, employees must submit a request in writing to the supervisor and discuss the pending outside employment with the supervisor to determine if it will interfere or conflict with their AVEK employment.
2. While both the supervisor and the employee will consider the following with relation to outside employment, the supervisor will make the final determination as to the conflict of interest of the proposed outside employment using the criteria above, and:
 - a. The potential impact of the outside work on the employee's AVEK duties;
 - b. Attendance during regular working hours;
 - c. Availability for such things as overtime required to meet Agency needs, attendance at meetings, or travel outside regularly assigned work hours.

Upon approval, the supervisor will provide written approval for the outside employment.

Wages and Hours

Advances

Antelope Valley-East Kern Water Agency does not permit advances against paychecks or against unaccrued vacation.

Meal and Rest Periods

Rest Breaks

All nonexempt administrative employees will be provided breaks. All nonexempt plant employees will be provided breaks whenever possible. Timing of breaks is also at the discretion of the supervisor. They are normally 15 minutes in the middle of the morning and 15 minutes in the middle of the afternoon. However, breaks are considered work time and should not interfere with continued business operations. Breaks are not to be combined or added to a meal period or to permit late arrival or early departure from work.

Meal Period

Nonexempt Administrative Employees

All nonexempt administrative employees will be provided an uninterrupted unpaid meal period of not less than 30 minutes if you work five (5) hours in a day. You will be permitted a reasonable opportunity to take this meal period, and you will be relieved of all duty. During your meal period, you are free to come and go as you please and are free to leave the premises. You are expected to return to work promptly at the end of any meal period. Some positions and/or assignments may require you to stay nearby and be available to perform work during your meal period. In those circumstances, you will remain in compensable status. Timing of meal periods is at the discretion of the supervisor.

Nonexempt Plant Employees

Meal periods for nonexempt plant employees will be timed to meet business needs. Meal periods for nonexempt plant staff are compensable and are generally taken at the mid-way point of an 8-hour shift. Shifts 10-hours or greater two meal periods will be provided, one during the first half of the shift and second during the second half of the shift

Recording Meal Periods

Nonexempt administrative staff will not include their meal period when recording time worked. Nonexempt plant staff will include their meal period when recording time worked.

Overtime for Nonexempt Employees

Employees may be required to work overtime as necessary. Only actual hours worked in a given workday or workweek can apply in calculating overtime. Antelope Valley-East Kern Water Agency will attempt to distribute overtime evenly and accommodate individual schedules. All overtime work must be previously authorized by a supervisor. AVEK provides compensation for all overtime hours worked by nonexempt employees at time and one-half as follows:

Administrative Staff

All hours worked in excess of eight hours in one workday or 40 hours in one workweek will be treated as overtime.

Operating Staff

All hours worked in excess of eight, ten or twelve, depending upon shift assignment, or work in excess of 40 hours in one workweek will be treated as overtime.

Workday and Workweek

A workday begins at 12:01 a.m. and ends at midnight 24 hours later. Workweeks begin each Saturday at 12:01 a.m. Shift work may result in workdays beginning at varying times unless otherwise required or agreed.

Payment of Wages

Wages are paid biweekly. Payday is the first Friday following the end of the pay period. Paychecks may be obtained from administration. If you observe an error on your check, please report it immediately to your supervisor or the Office Manager – Human Resources.

If a regular payday falls on a holiday, employees will be paid on the workday before the holiday.

AVEK offers direct deposit. You may begin and stop automatic payroll deposit at any time. To begin automatic payroll deposit, you must complete a form (available from the payroll department). Because payment of wages through direct deposit is more efficient than the issuance of a pay check, funds deposited via direct deposit may be deposited into employees' bank accounts earlier than payday.

Timekeeping Requirements

All nonexempt employees are required to use timecards to record time worked for payroll purposes. All time worked must be accurately reported on your time record.

Employees must record their own time at the start and at the end of each work period.

Employees are not allowed to work "off the clock." Working off the clock violates Agency policy. Any work performed before or after a regularly scheduled shift must be approved in advance by your supervisor. If you perform any off-the-clock work, please report the work to your supervisor.

Employees also must record their time whenever they leave the building for any reason other than AVEK business.

Employees will be required to certify that their time record is accurate. Any errors on your timecard should be reported immediately to your supervisor.

Please also refer to Antelope Valley-East Kern Water Agency's Meal and Rest Periods Policy.

Work Schedules

Antelope Valley-East Kern Water Agency's Administrative Office is normally open for business between the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. Your supervisor will assign your individual work schedule. All employees are expected to be prepared and ready to work at the start of their scheduled shifts.

Exchanging work schedules with other employees is discouraged. However, if you need to exchange schedules, notify your supervisor, who may authorize an exchange if possible. Work schedule exchanges will not be approved for the mere convenience of an employee or if the exchange interferes with normal operations or results in excessive overtime.

The workweek begins at 12:01 a.m. Saturday and ends at midnight on Friday.

Reporting-Time Pay

Antelope Valley-East Kern Water Agency will comply with all applicable regulations regarding reporting-time pay for nonexempt employees.

AVEK will pay a minimum of two hours of pay to employees who are required to report to work on a day other than their normally scheduled workday.

AVEK will not pay employees who report to work but are unable to work under the following circumstances:

- Interruption of work because of the failure of any or all public utilities; or
- Interruption of work because of natural causes or other circumstances beyond the Agency's power to control.

Salary Schedule

The Board of Directors will adopt a salary schedule annually. The schedule will provide for uniform compensation for like services.

In the event that the Directors do not adopt a salary schedule prior to the beginning of a new fiscal year, the salary schedule approved for the prior year will continue in force and effect until a new schedule is adopted.

Compensation of Officers

The compensation of the Officers, the General Manager and Secretary-Treasurer, shall be fixed by the AVEK Board of Directors, except when otherwise required by law.

Acting Pay

In the event the Agency selects an employee to perform in a higher job classification on a temporary basis, that employee will receive acting pay during the assignment, provided the employee serves for at least 30 days in the assignment. After the initial 30 days, the acting pay will be paid retroactively to the start of the assignment. Employees must perform all the job duties and responsibilities of the position. Acting pay shall be, at a minimum, one step higher in the salary range than the existing salary and will be determined by the General Manager. Upon the conclusion of the assignment, the employee will return to his/her regular position and pay rate.

Standby

Standby periods are designated by the General Manager and will be set for periods (daily, weekly, etc.) he or she determines will provide the most effective service. Daily standby will be the 12, 14, or 16 hours following the end of an employee's regular work period.

Standby Pay

Pay for time while an employee is on standby will be at the employee's regular hourly rate, with one hour for each 24-hour standby period following the regular workday. Standby pay will be in addition to any regular pay and overtime pay.

Call-Out Time

The work of the Agency requires availability of some staff 24/7. Therefore, staff may be assigned to be on-call periodically. When an employee is called to perform a function for the Agency outside of his or her regularly scheduled work hours, the following applies.

1. The employee will receive a minimum of two hours pay at one and one-half his or her regular rate of pay for each call-out. If the work performed during a call-out falls on an employee's observed holiday, the rate of pay will be two times the employee's regular rate of pay.
2. The employee will be compensated at the regular rate of pay for five or more call-outs.

Compensatory Time

Nonexempt employees may accrue compensatory time-off in lieu of wages for overtime worked if the Agency agrees prior to overtime work being performed. Compensatory time-off will accrue at the rate of one and one-half hours for each overtime hour worked. Compensatory time off may not be accumulated in excess of 40 hours. Use of compensatory time off earned will be granted so that it does not unduly disrupt the operations of the Agency.

AVEK retains the right to pay off any accrued compensatory time by check at any time.

Night Shift Differential

AVEK employees assigned to work the night shift, defined as starting between 4:00 p.m. and 8:00 p.m. and ending between 4:00 a.m. and 8:00 a.m., will receive a 7.5% differential based upon their current compensation rate for hours worked during the night shift. The 7.5% differential will apply only to the night shift hours worked.

Class A License Incentive Pay

Antelope Valley-East Kern Water Agency may from time to time own and maintain equipment which, when operated on public streets, will require the operator to hold a Class A drivers' license. In order to efficiently utilize such equipment, it is a benefit to the Agency to have operational personnel with the required certificate. The following incentives are offered to encourage four personnel (with a maximum of two from any treatment plant) to maintain a Class A driver's license.

1. The Agency will provide for the required physical examination performed by a medical facility selected by the Agency.
2. The Agency will provide drivers with Class A license (up to a maximum of four individuals as indicated above) \$600 per year incentive pay.
3. Payment will be provided after the annual anniversary date of the physical and upon demonstration by the Class A driver that the license is current. The payment will be prorated as needed to reflect any lapses in the license currency or in the event of resignation of an employee in good standing. Pro-rated payment will not be provided for an employee terminated for cause.
4. If at any time the Agency determines that having personnel with Class A licenses is not a benefit, this incentive program will be terminated, and participants will receive the incentive on a prorated basis.

Class A drivers are required to comply with all provisions in the "Alcohol and Drug Policy" detailed in this Handbook.

Advanced Licensing Incentive Pay

All regular full-time employees of the Agency that are in good standing shall be eligible for additional incentive pay if they possess a valid State of California Water Board certified license in either water treatment or water distribution that exceeds the license required by their job description. The incentive amount shall be no more than 2% added to their current bi-weekly rate of pay as determined by the Agency salary schedule in force at the time the incentive is awarded. This incentive pay shall be awarded at the discretion of the General Manager.

Staff Development Educational Loans

Employees will be provided loans for reimbursement for the cost of tuition and required books for instructional courses from accredited schools and universities or from approved trade organizations, up to four (4) courses in one calendar year. Eligible courses must have relevance

to the employee's job duties or career advancement at the Agency. For example, any class related to water science, life science, physical science, chemistry, biology, mathematics, accounting, environmental health, public and business administration, computer science, engineering, construction technology and communication skills (both written and verbal) may be considered relevant. All courses must be approved in advance by the General Manager. A course may be denied for reimbursement if, in the judgment of the General Manager, the cost of the course exceeds the normal cost for similar courses.

The employee will be reimbursed upon the receipt of satisfactory completion of work (grade "C" or better), and submission of paid receipts or other proof requested by the General Manager. Employees will also be required to sign loan agreements prior to receiving the funds. Should an employee receiving such reimbursement, leave the agency after less than three full years following reimbursement, the employee is obligated to return the reimbursement to the agency according to the following loan schedule: 100% if within first year; 66% if within the second year; or 33% if within the third year. After the third year the loan will be forgiven.

Forms to request loans may be obtained from the Office Manager-Human Resources.

Work Related Educational Reimbursement

Antelope Valley-East Kern Water Agency requires that employees maintain all certifications and licenses necessary for their respective positions. To assist employees in meeting these requirements, AVEK will reimburse the employee upon the receipt of satisfactory completion of class or test and submission of paid receipts or other proof requested by the General Manager.

Failure to maintain certificates or licenses required of the individual classification may result in disciplinary action, up to and including termination of employment.

Protective Footwear Reimbursement

Operations employees may be reimbursed up to \$150 per fiscal year (July 1 – June 30) for necessary protective footwear if approved by the Operations Manager. The protective footwear may not be cowboy boots, athletic shoes or hunting boots. Receipts for reimbursement should be submitted to the Operations Manager for approval.

Longevity Pay

All regular full-time employees of the Agency who are in good standing and who have also reached the top step within their job classification shall be eligible for longevity pay as outline below. This pay shall be awarded at the General Manager's discretion.

Years of Service	Longevity Pay Amount
15	2%
20	2%
25	2%
30	2%
35	2%

Safety and Health

Employees Who Are Required to Drive

Employees whose job duties require them to drive an Agency vehicle or their own vehicles for Agency business will be required to show proof of current valid driving licenses and proof of insurability under the Agency's policy or current effective insurance coverage before the first day of employment.

Antelope Valley-East Kern Water Agency participates in a system that regularly checks state Department of Motor Vehicles (DMV) records of all employees who are required to drive as part of their job.

If an employee is required to drive as part of his or her job, AVEK retains the right to transfer to an alternative position, suspend, or terminate an employee whose license is suspended or revoked, or who fails to maintain personal automobile insurance coverage or who is uninsurable under the Agency's policy.

Employees who drive their own vehicles on Agency business will be reimbursed at the rate of IRS standard mileage rate per mile. Employees in safety sensitive positions must also adhere to the requirements detailed in the "Alcohol and Drug Policy" section of this Handbook, which complies with Department of Transportation regulations.

Fitness for Duty

The General Manager may require an employee to submit to a fitness for duty examination to determine if the employee has a disability and is able to perform the essential functions of his or her job when there is significant evidence that:

- the employee's ability to perform one or more essential functions of his or her job has declined; or
- could cause a reasonable person to question whether an employee is still capable of performing one or more of his or her essential job duties, or is still capable of performing those duties in a manner that does not harm him or herself or others.

Health and Safety

All employees are responsible for their own safety, as well as that of others in the workplace. To help us maintain a safe workplace, everyone must be safety-conscious at all times. Report all work-related injuries or illnesses immediately to your supervisor or to the Office Manager-Human Resources. In compliance with California law, and to promote the concept of a safe workplace, Antelope Valley-East Kern Water Agency maintains an Injury and Illness Prevention Program. The Injury and Illness Prevention Program is available for review by employees and/or employee representatives in the General Manager's office.

In compliance with Proposition 65, Antelope Valley-East Kern Water Agency will inform employees of any known exposure to a chemical known to cause cancer or reproductive toxicity.

Heat Illness

Antelope Valley-East Kern Water Agency is concerned with employee health and safety. Employees who work outside may be exposed to extreme temperatures or adverse working conditions, particularly in the summer months. All supervisors are trained in the recognition and prevention of heat illness. Employees who work outside are encouraged to frequently drink water. Employees who work outside are also allowed and encouraged to take a cool-down rest in the shade of at least five minutes (in addition to the time needed to access the shade) when needed to protect themselves from overheating. These preventative cool-down rests are paid time.

Please refer to the Agency's Injury Illness and Prevention Program or talk to your supervisor for details on how to ensure you are protected from heat illness dangers.

Recreational Activities and Programs

Antelope Valley-East Kern Water Agency or its insurer will not be liable for payment of workers' compensation benefits for any injury that arises out of an employee's voluntary participation in any off-duty recreational, social, or athletic activity that is not part of the employee's work-related duties.

Security

Antelope Valley-East Kern Water Agency has developed guidelines to help maintain a secure workplace. Be aware of persons loitering for no apparent reason in parking areas, walkways, entrances and exits, and service areas. Report any suspicious persons or activities to your supervisor. Secure your desk or office at the end of the day. When called away from your work area for an extended length of time, do not leave valuable and/or personal articles in or around your workstation that may be accessible. The security of facilities as well as the welfare of our employees depends upon the alertness and sensitivity of every individual to potential security risks. You should immediately notify your supervisor when unknown persons are acting in a suspicious manner in or around the facilities, or when keys, security passes, or identification badges are missing.

Workplace Violence

Antelope Valley-East Kern Water Agency has adopted the following workplace violence policy to ensure a safe working environment for all employees.

AVEK has zero tolerance for acts of violence and threats of violence. Without exception, acts and threats of violence are not permitted. All such acts and threats, even those made in apparent jest, will be taken seriously, and will lead to discipline up to and including termination.

Possession of weapons on Agency premises and at Agency-sponsored events shall constitute a threat of violence.

It is every employee's responsibility to assist in establishing and maintaining a violence-free work environment. Therefore, each employee is expected and encouraged to report any incident which may be threatening to you or your co-workers or any event which you reasonably believe is threatening or violent.

You may report an incident to any supervisor or manager.

A threat includes, but is not limited to, any indication of intent to harm a person or damage Agency property. Threats may be direct or indirect, and they may be communicated verbally or nonverbally.

Discipline, Grievances, and Separation

Employee References

All requests for references must be directed to the Office Manager-Human Resources. No other manager, supervisor, or employee is authorized to release references for current or former employees.

By policy, Antelope Valley-East Kern Water Agency discloses only the dates of employment and the title of the last position held of former employees.

Involuntary Termination and Disciplinary Action

Violation of Antelope Valley-East Kern Water Agency policies and rules may warrant disciplinary action. Disciplinary action may include verbal warnings, written warnings, and suspension. The system is not formal, and Antelope Valley-East Kern Water Agency may, in its sole discretion, utilize whatever form of discipline is deemed appropriate under the circumstances, up to, and including, immediate termination of employment. The Agency's disciplinary action policy in no way limits or alters the at-will employment relationship.

Voluntary Resignation

Voluntary resignation results when an employee voluntarily resigns from his or her employment at Antelope Valley-East Kern Water Agency, or fails to report to work for three consecutively scheduled workdays without notice to, or approval by, his or her supervisor (unless the absence is protected by law). All Agency-owned property, including vehicles, keys, uniforms, identification badges, and credit cards, must be returned immediately upon termination of employment.

If an employee is considered to have abandoned their position, resulting in voluntary resignation, the employee will be given written notice, at his or her address of record, of the circumstances of the job abandonment, and an opportunity to provide an explanation for the unauthorized absence. If the employee promptly responds, within the timeframe set forth in the written notice, he or she can arrange for an appointment with the General Manager before final action is taken, to explain the unauthorized absence and failure of notification. An employee separated due to job abandonment will be reinstated upon proof of justification for such absence, such as severe accident, severe illness, false arrest, or mental or physical impairment which prevented notification. No employee separated for job abandonment has the right to a post-separation appeal.

Reduction in Force

Whenever it becomes necessary to reduce the number of employees because of factors including, but not limited to, lack of work, lack of funds, or in the interests of economy, the supervisor shall recommend and the General Manager shall approve the specific positions to be discontinued.

In case of a layoff of an Officer or regular employee of the Agency through no fault of his or her own, and who has been employed for over one continuous year, severance pay equivalent to one bi-weekly salary payment shall be made to the employee. Resignation or dismissal for cause shall not entitle an employee to any severance payment.

Employee Grievances or Concerns

AVEK strives to maintain a positive and productive work environment, and encourages anyone who may have a concern or complaint to bring it to the attention of your supervisor, manager, and/or to the Office Manager-Human Resources.

AVEK defines a grievance as an expressed dissatisfaction by employees pertaining to conditions of their employment. Complaints may include such things as discipline, transfer, job posting, harassment, unfair assignment, overtime, vacation or holiday time, a personal request that has been denied, etc.

Submit your concern to the Office Manager-Human Resources in a timely manner, if it is related to a specific incident that has occurred. The Office Manager-Human Resources will schedule a meeting with the supervisor and department manager. The facts of the concern will be examined thoroughly and confidentially. The employee will be informed of the decision in writing transmitted by overnight delivery by a nationally recognized courier within ten business days after that meeting.

If the employee disagrees with the decision made, he or she is welcome to make an appointment with the General Manager within five business days after the employee receives the decision referenced above.

After the appointment, the Office Manager-Human Resources and the General Manager will then have 15 business days in which to review the matter, make a final determination concerning the matter, and communicate the decision to the employee in writing transmitted by overnight delivery by a nationally recognized courier. The decision rendered by the Office Manager-Human Resources and General Manager shall be considered final.

Nothing in this section shall in any way abrogate or alter the Agency's employment at will status, where either the Agency or the employee can end the employment relationship at any time for any reason, or for no reason.

Traveling on AVEK Business

Allowable Travel Expense

Whenever any Director, Officer, or employee of the Agency is required, or an official guest invited to perform business for the Agency, such persons shall be allowed their travel and other expenses as follows:

- A. The cost of transportation which shall not exceed the standard coach class rates for airline transportation. If mileage is claimed pursuant to designated procedures, such claim shall be allowed up to the cost of standard coach class airline transportation plus the reasonable cost of transportation to and from airports at home and the business destination.
- B. Lodging, meals, automobile rental, taxis, parking fees, registration fees, and gratuities. Such expenses shall be allowed when supported by receipts to the extent practicable, or determined to be reasonable by the General Manager.
- C. Justification for the attendance of any meeting outside the Agency shall be filed with the Board by the General Manager on behalf of any employee or Officer prior to such meeting when practicable or immediately thereafter.
- D. It shall be the policy of this Agency to reduce to a practical minimum the expenditures made on attendance of such meetings and the General Manager shall so administer this function.
- E. Any Director, the General Manager, or his or her designee is authorized to include in their expense claims such expenses above described of employees, or Officers or guests when they actually accompany them in the performance of an official assignment. The spouse or other family member of a Director, Officer, employee or guest shall not be considered a guest whose expenses are allowed for reimbursement.

Mileage Allowance

Unless otherwise provided by resolution of the Board, any Director, Officer or employee of the Agency who is required to travel on business for the Agency and is authorized to use an automobile or airplane in his own private possession or control shall be allowed as traveling expenses in addition to his salary or Director's fee for each and every mile so traveled on Agency business the rate per mile then allowed by the Internal Revenue Service for deduction of business expenses.

Mileage from Home to First Point of Contact

When an Officer or employee is required to drive his private automobile *as a part of his duties in the Agency service*, mileage will be allowed from home to the first point of contact as is equal to or less than the distance from the office or headquarters to the first point of contact and in

no case shall the mileage allowed from home to the first point of contact be greater than the amount that would be allowed from the office or headquarters to the point of contact. Similarly, only such mileage will be allowed from the last point of contact to home as is equal to or less from the last point of contact to the office or headquarters.

No Officer or employee will be paid for mileage for driving to or from the work site for their regularly scheduled workday, unless specially authorized and provided for by the Board.

Mileage Outside of Working Hours

When an Officer or a Department Head is required to use his privately-owned automobile on Agency business outside of working hours, or when an employee is ordered by his department head to perform specific duties outside of working hours, mileage shall be allowed from his residence to the first point of contact in the performance of his duties, or from the last point of contact in the performance of his duties to his residence.

Confirmation of Receipt

Confirmation of Receipt

I have received my copy of the Antelope Valley-East Kern Water Agency's employee handbook. I understand and agree that it is my responsibility to read and familiarize myself with the policies and procedures contained in the handbook.

I understand and agree that nothing in the employee handbook creates or is intended to create a promise or representation of continued employment and that employment at AVEK is employment at-will; employment may be terminated at the will of either the Agency or myself. My signature certifies that I understand that the foregoing agreement on at-will status is the sole and entire agreement between Antelope Valley-East Kern Water Agency and myself concerning the duration of my employment and the circumstances under which my employment may be terminated. It supersedes all prior agreements, understandings, and representations concerning my employment with Antelope Valley-East Kern Water Agency.

I understand that except for employment at-will status, any and all policies or practices can be changed at any time by the Agency. Antelope Valley-East Kern Water Agency reserves the right to change my hours, wages, and working conditions at any time. I understand and agree that other than the General Manager of Antelope Valley-East Kern Water Agency, no manager, supervisor, or representative of the Agency has authority to enter into any agreement, express or implied, for employment for any specific period of time, or to make any agreement for employment other than at-will; only the General Manager has the authority to make any such agreement and then only in writing, signed by the General Manager.

Signature _____

Printed Name _____

Date _____

Appendix A

Family Medical Leave

Supplemental information for employers with 50 or more employees employed at a work site within a 75-mile radius. Not currently applicable to AVEK.

Leave may be taken for one or more of the following reasons:

- The birth of the employee's child, or placement of a child with the employee for adoption or foster care (FMLA/CFRA);
- For incapacity due to pregnancy, prenatal medical care or child birth (FMLA only);
- For a serious health condition that makes the employee unable to perform his or her job (FMLA/CFRA);
- To care for the employee's spouse, child, or parent who has a serious health condition (FMLA/CFRA);
- To care for the employee's registered domestic partner (CFRA only).

For additional information about eligibility for family/medical leave, contact the Office Manager-Human Resources.

Military Family Leave Entitlements

- Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.
- Eligible employees may also take a special leave entitlement of up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. (FMLA/CFRA for 12 weeks if the care provider is eligible for both, followed by 14 weeks of (FMLA only), or 26 weeks of FMLA only if leave is not CFRA covered leave). A covered servicemember is either:
 - A current member of the Armed forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or
 - A veteran who was discharged or released under conditions other than dishonorable
 - at any time during the five-year period prior to the first date the eligible

employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

*The FMLA definitions of "serious injury or illness" for current servicemembers and veterans are distinct from the FMLA definition of "serious health condition."

Calculating the 12-month Period

For purposes of calculating the 12-month period during which 12 weeks of FMLA or qualifying exigency leaves may be taken, Antelope Valley-East Kern Water Agency measures forward from the date the leave begins. Successive 12-month periods commence on the date of an employee's first use of such leave after the preceding 12-month period has ended.

Under most circumstances, leave under Federal and state law will run at the same time and the eligible employee will be entitled to a total of 12 weeks of family and medical leave in the designated 12-month period.

For leave to care for a covered servicemember, the 12-month period begins on the first day of the leave, regardless of how the 12-month period is calculated for other leaves. Leave to care for a covered servicemember is for a maximum of 26 workweeks during a 12-month period.

Pregnancy, Childbirth or Related Conditions

Leave because of the employee's disability for pregnancy, childbirth or related medical condition is not counted as time used under California law (the California Family Rights Act). However, time off because of pregnancy disability, childbirth or related medical condition does count as family and medical leave under Federal law (the Family and Medical Leave Act). Employees who take time off for pregnancy disability and who are eligible for family and medical leave will also be placed on family and medical leave that runs at the same time as their pregnancy disability leave. Once the pregnant employee is no longer disabled, or once the employee has exhausted PDL and has given birth she may apply for leave under the California Family Rights Act, for purposes of baby bonding.

Any leave taken for the birth, adoption, or foster care placement of a child does not have to be taken in one continuous period of time. California Family Rights Act leave taken for the birth or placement of a child will be granted in minimum amounts of two weeks. However, the Agency will grant a request for a California Family Rights Act leave (for birth/placement of a child) of less than two weeks' duration on any two occasions. The Agency may also grant additional requests for leave lasting less than two weeks at its discretion. Any leave taken must be concluded within one year of the birth or placement

of the child with the employee.

Leave Procedures

The following procedures shall apply when an employee requests family medical leave:

- Please contact Office Manager-Human Resources as soon as you realize the need for family/medical leave. If the leave is based on the expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or a family member, the employee must notify the Agency at least 30 days before leave is to begin. The employee must consult with his or her supervisor regarding scheduling of any planned medical treatment or supervision in order to minimize disruption to the operations of the Agency. Any such scheduling is subject to the approval of the health care provider of the employee or the health care provider of the employee's child, parent, or spouse.
- If the employee cannot provide 30 days' notice, the Agency must be informed as soon as
- is practical.
- If the Family and Medical Leave Act/California Family Rights Act request is made because of the employee's own serious health condition, the Agency may require, at its expense, a second opinion from a health care provider that the Agency chooses. The health care provider designated to give a second opinion will not be one who is employed on a regular basis by the Agency.
- If the second opinion differs from the first opinion, the Agency may require, at its
- expense, the employee to obtain the opinion of a third health care provider designated or approved jointly by the employer and the employee. The opinion of the third health care provider shall be considered final and binding on the Agency and the employee.

Certification

Antelope Valley-East Kern Water Agency requires the employee to provide certification. You will have 15 calendar days from the Agency's request for certification to provide it to the Agency, unless it is not practicable to do so. AVEK may require recertification from the health care provider if the employee requests additional leave upon expiration of the time period in the original certification. *(For example, if an employee needs two weeks of family and medical leave, but following the two weeks needs intermittent leave, a new medical certification will be requested and required.)* If the employee does not provide medical certification in a timely manner to substantiate the need for family and medical leave, AVEK may delay approval of the leave, or continuation thereof, until certification

is received. If certification is never received, the leave may not be considered family and medical leave.

If the leave is needed to care for a sick child, spouse, or parent, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition;
- Estimated amount of time for care by the health care provider; and
- Confirmation that the serious health condition warrants the participation of the employee.

When both parents are employed by the Agency, and request simultaneous leave for the birth or placement for adoption or foster care of a child, AVEK will not grant more than a total of 12 workweeks family/medical leave for this reason.

If an employee cites his/her own serious health condition as a reason for leave, the employee must provide a certification from the health care provider stating:

- Date of commencement of the serious health condition;
- Probable duration of the condition; and
- Inability of the employee to work at all or to perform any one or more of the essential functions of his/her position because of the serious health condition.

If an employee is absent because of his/her own serious health condition, AVEK will also require a medical release to return to work form or certification from the employee's health care provider that the employee is able to resume work.

Failure to a release to return to work certificate from the employee's health care provider will result in denial of reinstatement for the employee until the certificate is obtained.

Leave Related to Military Service

A leave taken due to a "qualifying exigency" related to military service must be supported by a certification of its necessity. A leave taken due to the need to care for a servicemember shall be supported by a certification by the servicemember's health care provider or other certification allowed by law. Special certification requirements apply to leaves related to military service.

Health and Benefit Plans

An employee taking family medical leave will be allowed to continue participating in any

health and welfare benefit plans in which he/she was enrolled before the first day of the leave (for a maximum of 12 workweeks, or 26 workweeks if the leave is to care for a covered servicemember) at the level and under the conditions of coverage as if the employee had continued in employment for the duration of such leave. AVEK will continue to make the same premium contribution as if the employee had continued working. The continued participation in health benefits begins on the date leave first begins. In some instances, the Agency may recover from an employee premiums paid to maintain health coverage if the employee fails to return to work following family/medical leave.

Employees on pregnancy disability leave will be allowed to continue to participate in group

health coverage for up to a maximum of four months of pregnancy disability leave (if such insurance was provided before the leave was taken) on the same terms as if you had continued to work. The right to continued group health coverage during pregnancy disability leave is a separate and distinct entitlement from the CFRA entitlement.

Payment is to be made You will be required to pay for the entire cost of group health insurance for (1) the period of any family medical leave or other mandated leave of absence beyond the end of the third calendar month following the month in which the leave begins, and (2) for the entire period of any personal leave beyond the end of the calendar month in which the leave begins. This will be offered through COBRA and you are requested to make all necessary arrangements with your Manager and the Office Manager-Human Resources before your leave commences.

Substitution of Paid Leave

Generally, FMLA/CFRA leave is unpaid. The Agency may require, or employees may choose, to use accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the Agency's normal paid leave policies. For more information on those specific circumstances requiring or allowing the substitution of paid leave contact the Office Manager-Human Resources.

Reinstatement

Under most circumstances, upon return from family/medical leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For example, if an employee on family/medical leave would have been laid off had he or she not gone on leave, or if the employee's job is eliminated during the leave and no equivalent or comparable job is available, then the employee would not be entitled to reinstatement. In addition, an employee's use of family/medical leave will not result in the loss of any employment benefit that the employee earned before using family/medical leave.

Reinstatement after family/medical leave may be denied to certain salaried "key" employees under the following conditions:

- An employee requesting reinstatement was among the highest-paid 10 percent of salaried employees employed within 75 miles of the worksite at which the employee worked at the time of the leave request;
- The refusal to reinstate is necessary because reinstatement would cause substantial and grievous economic injury to the Agency's Office;
- The employee is notified of the Agency's intent to refuse reinstatement at the time the Agency determines the refusal is necessary; and
- If leave has already begun, AVEK gives the employee a reasonable opportunity to return to work following the notice described previously.

Time Accrual

Please contact Office Manager-Human Resources with any questions regarding accrual of other Agency provided paid leave benefits (such as vacation or sick leave) during unpaid FMLA/CFRA leave.

Carryover

Leave granted under any of the reasons provided by state and Federal law will be counted as family/medical leave and will be considered as part of the 12-workweek entitlement (26-workweek entitlement if leave is to care for a servicemember) in any 12-month period. No carryover of unused leave from one 12-month period to the next 12-month period is permitted.

Intermittent Leave

Employees may take Family and Medical Leave Act/California Family Rights Act leave intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee or a qualifying family member and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. The smallest increment of time that can be used for such leave is a quarter hour.

See also the discussion of Pregnancy, Childbirth or Related Medical Conditions above.

Appendix B

The following employees have been categorized as exempt . . .

Exempt Employees

General Manager

Assistant General Manager

Secretary – Treasurer

Executive Assistant

Engineering Manager

Operations Manager

Assistant Operations Manager

Resources Manager

Lab Manager

Office Manager

Financial Manager

Appendix C

Wienhoff – DOT Letter of Agreement