

Section 3. General Employment Policies

3.0 Employment

The laws of the State of California affirm that employees are hired and serve at the pleasure of the MCWD. However, under normal circumstances, all regular, full-time employees, except the General Manager are entitled to certain disciplinary and grievance procedures specified in Section 12. All employees have a responsibility to read and understand Section 13 that defines the type of discipline that may be imposed by MCWD and the processes associated with the type of discipline.

3.1 Equal Employment Opportunity

MCWD is an equal opportunity employer. It is MCWD's policy to provide equal employment opportunity for all applicants and employees, in all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, transfer, social/recreational programs and general treatment during employment.

MCWD does not unlawfully discriminate on the basis of race, creed, color, age, religion, [religious dress practices and religious grooming practices](#), gender, nationality, national origin, ancestry, citizenship status, physical or mental disability, medical condition (including pregnancy, childbirth, [breastfeeding and related medical conditions](#), HIV or AIDS-related conditions), marital status, genetics, gender identification, or sexual orientation. MCWD shall make reasonable accommodations for the known physical or mental disabilities of an otherwise qualified applicant/employee unless undue hardship for the employer would result. Applicants may submit requests for accommodations to the Management Services Administrator. The Management Services Administrator and/or a designee of the General Manager shall conduct an investigation into whether reasonable accommodations can be made. For more information, please refer to Section 17.

It is the responsibility of every manager and employee to follow this policy. Employees with questions or concerns about any type of discrimination or harassment on any of the basis mentioned above in the workplace are encouraged to bring these issues to the attention of his/her immediate supervisor, the Management Services Administrator, or the General Manager or designee. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination shall be subject to disciplinary action up to and including termination of employment with MCWD.

3.2 Harassment

MCWD is committed to providing a workplace free of harassment. In keeping with this commitment, MCWD maintains a strict policy prohibiting all forms of unlawful harassment, including sexual harassment and harassment based on race, color, religion, [religious dress practices religious grooming practices](#), sex, national origin, age,

sexual orientation, gender identity, or gender expression. –or any other characteristic protected by state or federal law. The California Department of Fair Employment and Housing Act (DFEH) defines “sex” as including pregnancy, childbirth, breastfeeding and related medical conditions. This policy applies to all representatives agents and employees of MCWD, including supervisors, department heads, and non-supervisory employees, and prohibits harassment of employees in the workplace by any person, including non-employees. It also extends to harassment of, or by vendors, independent contractors, and others doing business with MCWD. Furthermore, this policy prohibits unlawful harassment in any form, including verbal, physical, and visual harassment. It also prohibits retaliation of any kind against individuals who file complaints in good faith or who assist MCWD in an investigation.

- A. Definition - Sexual harassment includes, but is not limited to, making unwanted sexual advances and requests for sexual favors where either (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or (3) such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Individuals who violate this policy are subject to discipline up to and including termination.

~~Unlawful harassment may take many forms, and includes, but is not limited to:~~

The courts have defined two types of sexual harassment:

1. Quid Pro Quo – this form of sexual harassment occurs when a supervisor or manager:

- Demands, as an explicit or implied term or condition of employment decisions, a subordinate submit to sexual advances (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal); and/or;
- Makes requests for sexual favors or other verbal, visual or physical conduct of a sexual nature that is explicit or implied term or condition of employment decisions.

Examples of quid pro quo harassment include:

- Requests for sexual favors in exchange for a promotion or raise;
- Express or implied statement that a person will be demoted or fired if he/she does not submit to a sexual request or actually carrying out the threat

2. Hostile Work Environment – this form of sexual harassment occurs when an individual is subjected to unwelcome sexual advances or other gender-

based conduct that is sufficiently severe or pervasive to interfere with the individual's work performance or creates an intimidating, hostile or offensive work environment. The work environment must be both subjectively and objectively perceived as abusive. The courts look at totality of the circumstances surrounding the alleged incidents of harassment to determine whether unlawful conduct has occurred. Generally, there must be a pattern of unlawful conduct, although a single serious incident in some cases, such as sexual battery, might be enough to constitute sexual harassment. The harasser can be a manager, supervisor, co-worker or in certain circumstances, a non-employee, such as a supplier or customer.

Examples include:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment;
- Leering, making or sending sexual jokes or sexually suggestive remarks, or making sexual gestures;
- Making offensive, negative or demeaning remarks about a person's gender or physical appearance;
- Deliberate and unwelcome touching, hugging, and patting or blocking a person's movement;
- Displaying offensive sexual illustrations or pictures in the workplace;
- Unwelcome pressure for dates or sex (this may include situations which began as reciprocal relationships, but which later ceased to be reciprocal).

The intent of the person accused of sexual harassment is of secondary importance; the impact of the offensive behavior on the offended person is the primary factor in determining if sexual harassment has occurred.

1. Verbal Harassment — such as epithets, derogatory comments, slurs, or unwanted sexual advances, invitations or comments. This also includes repeated offensive sexual flirtations or propositions, commentaries regarding an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters or notes.
2. Physical Harassment — includes conducts such as unwanted touching, offensive or abusive contact, assault, impeding or blocking movement, physical interference with normal work or movement, and other misconduct.
3. Visual Forms of Harassment — includes derogatory posters, notices, bulletins, cartoons or drawings, leering, making sexual gestures, and displaying sexually suggestive objects or pictures.

- B. Reporting Procedures - Any employee or other person who believes he/she has been harassed by a co-worker, supervisor, agent of MCWD, or anyone encountered in the course of performing MCWD work should promptly report the facts of the incidents(s) and the names of the individuals involved to his/her supervisor, department head, Management Services Administrator or General Manager. It is the responsibility of each employee to immediately report any violation of suspected violation of this policy to one or more of the individuals identified above.
- C. Investigation - It is MCWD's policy to investigate all reports or complaints of harassment thoroughly, promptly, and discreetly. To the extent possible, the confidentiality of an employee or other person who has reported an incident and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. The outcome of the investigation and a timely resolution of each complaint will be reached and communicated to the employee and the other parties involved. If an investigation has concluded that harassment occurred, MCWD will take appropriate remedial corrective action, up to and including termination as identified in Section 13.

Co-workers can be held legally responsible for sexual harassment, meaning his/her personal assets are at risk. Any employee is personally liable if he/she engages in sexual harassment. This is true regardless of whether the employer knows or should have known of the contact and fails to take immediate and appropriate corrective action.

3.3 Governmental Administrative Remedies for Discrimination and Harassment

Discrimination, harassment and retaliation for opposing harassment or participating in investigations of harassment are illegal. In addition to notifying MCWD about discrimination, harassment or retaliation complaints, affected employees may also direct his/her complaints to the California Department of Fair Employment and Housing [Act](#) (DFEH), which has the authority to conduct investigations. The deadline for filing complaints with the DFEH is one (1) year from the date of the alleged unlawful conduct. The employee can contact the nearest DFEH office or the Equal Employment Opportunity Commission (EEOC) at locations listed on MCWD's Employment Law posters located at each of the work facilities.

3.4 Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interests. MCWD's reputation for integrity is its most valuable asset and is directly related to the conduct of its employees. Therefore, employees must avoid entering into transactions where it may appear that he/she is improperly benefiting from his/her employment with MCWD. An employee who has influence on purchases, contracts, or leases, shall not use that influence to benefit himself/herself or

any relative or family member. Such employee should disclose the nature of the influence to his/her immediate supervisor, General Manager or designee, in order to avoid an appearance of a conflict of interest and so that appropriate safeguards can be established to protect all parties.

Employees who engage in employment outside of MCWD, as defined in Section 3.5 below must disclose that information to MCWD and obtain written confirmation that the outside employment does not constitute a conflict of interest.

Failure to comply with MCWD's Conflict of Interest Policy shall result in disciplinary action, up to and including termination. Actions in violation of California State Law shall be referred to the appropriate governmental agency.

3.5 Outside Employment

Employees may engage in outside employment, subject to Section 3. above and the restrictions contained in this section, as long as the employee meets the performance standards of his/her assigned job and devotes his/her full loyalty to MCWD.

Employees are required to provide advance notice to the General Manager or designee before accepting secondary employment. Once approved, if MCWD determines an employee's outside work interferes with his/her performance or ability to meet the requirements of his/her position, the employee will be asked to terminate the outside employment. Outside employment may not be conducted during the employee's actual hours of work. Furthermore, MCWD premises, equipment, vehicles, supplies, or electronic communication systems may never be used for outside employment.

MCWD's Workers' Compensation Insurance will not pay for an illness or injury arising from any outside employment or outside business activity.

3.6 Employment of Relatives

MCWD discourages the hiring and employment of relatives or individuals in domestic partnership relations with current employees. However, MCWD reserves the right to exercise appropriate discretion in each case. "Relative" means spouse, mother, father, stepmother, stepfather, or person who has acted in place of one of these, father-in-law, mother-in-law, child, stepchild, brother, sister, brother-in-law, and sister-in-law.

MCWD will accept and consider applicants for employment from relatives of a current employee, as defined above. Applicants must identify any individual who is a relative, as defined above, already employed by MCWD at the time he/she applies for employment.

Employees' relatives will not be eligible for employment where potential problems of supervision, safety, security or morale, or potential conflicts of interest exist. In cases where a potential conflict arises such as might occur through a romantic relationship or

marriage of two employees, even if there is not managerial relationship involved, the parties may be separated by reassignment or terminated from employment. If the relationship is established after employment, and the determination is made to separate, then the individuals concerned must decide within thirty (30) calendars days, who will be transferred or terminated.

3.7 Political Activity

While on the job, during working hours, employees may not campaign for, or against, any candidate or issue, engage in political activities, or solicit funds for political groups, on MCWD premises. Employees may not engage in such activities while wearing a MCWD uniform, badge or similar apparel that is likely to identify him/her as a MCWD employee. Likewise, employees may not solicit or distribute politically oriented information or materials, nor place or post such materials on MCWD bulletin boards including the placement of stickers on MCWD vehicles, buildings or other property owned by MCWD.

These restrictions are solely for the purpose of keeping MCWD jobs free from political influence. Nothing in this policy is intended to prevent employees from voting, belonging to political organizations, or attending political meetings on his/her own time.

3.8 Smoking

In order to provide employees with a safe and healthful work environment and ensure compliance with the California Workplace Tobacco Laws (AB 13 and AB 846) as well as the California Labor Code Section 64045, smoking is not permitted within twenty-five (25) feet of any exit or operable window of MCWD facilities. In addition, smoking in a MCWD vehicle is prohibited.

The success of this policy depends on the thoughtfulness, consideration and cooperation of smokers and non-smokers. All individuals on MCWD premises share in the responsibility of adhering to this policy. Likewise, all MCWD employees are responsible for advising members of the public or other visitors who are observed smoking tobacco products on MCWD property of this policy. These individuals shall be asked by staff to refrain from smoking, and if the person fails to comply, the requesting staff members should inform a member of the management staff.

3.9 Drug-Free/Alcohol-Free Workplace

MCWD has a critical interest in assuring the health, safety, and well-being of its employees and the maintenance of a safe and efficient work environment. Illegal drugs and/or alcohol in the workplace are a danger and inconsistent with the behavior expected of our employees.

As such, MCWD is committed to maintaining a work environment free from the influence of alcohol and drugs. MCWD has adopted standards and guidelines in accordance with the Drug-Free Workplace Act of 1990, the federal Department of Transportation regulations and other federal laws applicable to public entities including those employing "safety sensitive" positions. Such positions shall be designated by MCWD using federal standards in order to identify which positions are subject to discretionary random drug testing.

In this connection, any location at which MCWD business is conducted, whether on MCWD property or at any other site, is declared to be a drug-free workplace. This means that:

- A. All employees are absolutely prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, sale, or use of an illegal drug, alcohol, or controlled substance in the workplace or while engaged in MCWD business. Any employee violating the policy is subject to discipline, up to and including termination.
- B. Should an employee be required to take any kind of prescription or nonprescription medication, which could affect job performance or the ability to operate machinery he/she is required to report this to his/her immediate supervisor. A written statement may be required. An employee may continue to work if MCWD determines the employee does not pose a safety threat and/or that job performance is not affected by use of the medication. Otherwise, the supervisor will determine if it is necessary to temporarily place the employee on another work assignment in order to reasonably accommodate a medical condition or to take other action as appropriate.
- C. Employees have the right to know the dangers of drug abuse in the workplace, MCWD's policy, and what help is available to combat drug problems. MCWD will provide educational material and conduct training for all employees on this subject. MCWD also recognizes that substance abuse is treatable and is willing to provide referral assistance to those who want to understand and correct his/her problem before it impairs his/her performance and jeopardizes his/her employment. One source of treatment for drug/alcohol dependency is provided to MCWD employees through coverage under the Association of California Water Agencies (ACWA) sponsored health plan.
- D. Any employee convicted of violating a criminal drug statute must inform MCWD of such conviction (including pleas of guilty and nolo contendere) within five (5) days of its occurrence. Failure to do so will subject the employee to disciplinary action, up to and including immediate termination.
- E. If MCWD has reason to suspect that an employee may be using drugs or alcohol, or may be under the influence of or impaired while at work, or when reporting for work, that employee may be ordered to submit to a blood test, urinalysis, breathalyzer, or other test conducted by a professional medical staff and laboratory. Likewise, when MCWD reasonably suspects that an employee's impairment from drugs or alcohol may have been a factor in an injury or accident during work or while operating MCWD equipment or a vehicle, that employee may also be required to take a blood test, urinalysis, or other drug/alcohol test. Such

examination and/or tests, when requested, will be on MCWD time, are considered a condition of employment, and will be at the sole expense of MCWD. Transportation will be provided to and from the medical facility. If the employee tests positive, the employee may be subject to immediate termination. Should an employee refuse to submit to the requested examination or test, the employee will be subject to corrective action, up to and including termination.

- F. MCWD retains the right to search and inspect all MCWD-owned property and premises including common areas used by employees to detect the presence of drugs, controlled substances, or alcohol. MCWD-owned property includes, but is not limited to, machinery, equipment, furniture, lockers, buildings and vehicles. In addition, MCWD may question employees and inspect any of his/her packages, vehicles, or belongings when entering or leaving MCWD premises. Such inspections may occur at any time, with or without notice. As a condition of employment, every employee is expected and required to cooperate fully with any search being conducted to detect the presence of drugs or alcohol on MCWD property.
- G. An employee who may have an alcohol or drug problem is encouraged to seek treatment before his/her performance or conduct is affected. MCWD will reasonably accommodate any employee who wishes to voluntarily enter and participate in an alcohol or drug rehabilitation program, unless it imposes an undue hardship on MCWD. Employees may use any available sick leave, as well as any accrued, unused vacation or compensation benefits for the purpose of entering and participating in such a rehabilitation program.

If such a program is offered, and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment.

3.10 Internet, E-Mail, Telephones, and Electronic Communications Ethics, Usage and Security Policy

MCWD believes that employee access to and uses of the Internet, e-mail, telephones and other electronic communication resources benefits MCWD. However, the misuse of these sources has the potential to harm MCWD.

MCWD has established this ethics, usage, and security policy to ensure that all MCWD employees use the computer resources which MCWD has provided its employees, such as the Internet and e-mail in an ethical, legal, and appropriate manner. Nothing in this policy shall operate to prohibit or in any way limit an employee's right to discuss the terms and conditions of his or her employment, as provided by law.

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All employees must adhere to these guidelines. Failure to follow this policy may lead to discipline, up to and including termination.

A. Inappropriate use of the Internet and e-mail includes, but is not limited to:

1. Accessing sites that contain pornography, exploit children, sites that contain gambling opportunities, or sites that would generally be regarded in the community as offensive, or for which there is no official business purpose to access.
2. Participating in any profane, defamatory, harassing, illegal, discriminatory, or offensive activity, or any activity that is inconsistent in any way with MCWD policies (e.g. policy on sexual harassment).
3. Exploiting security weaknesses of MCWD's computing resources and/or other networks or computers outside MCWD.
4. Knowingly allowing unauthorized persons access to or use of MCWD computing resources.
5. Transmitting any of the District's confidential or proprietary information, including customer data or other materials covered by the District's confidentiality policy; transmitting or posting information that may harm the District or its reputation or any of its employees regardless of whether the information is defamatory. This includes expressing opinions or personal views on Internet web logs ("blogs"), social networking sites such as Facebook, Twitter, LinkedIn, etc., that could be misconstrued as being those of the District.—The prohibitions described apply to employees whether the employee is on or off duty or working from a non-District computer.

MCWD employees or applicants of MCWD will not be required to provide usernames or passwords for personal social media accounts, access their accounts in the employer's presence, or divulge personal social media. However, MCWD may ask employees to divulge their personal social media for the purpose of an—employer'sMCWD's investigation into alleged employee misconduct or violations of the law.

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- B. Personal use of MCWD's computer system and access to the Internet and e-mail is not a benefit of employment with MCWD. Use of the Internet should not interfere with the timely and efficient performance of job duties.
- C. Employees should not have any expectation to the right of privacy in any MCWD computer resources, including e-mail messages produced, sent, or received by MCWD computers, cell phones, or transmitted via MCWD's

servers and network. The Network Administrator(s) may monitor the contents of all e-mail messages to promote the administration of its business and policies.

- D. Use of another employee's name/account to access MCWD's network or the Internet is prohibited without express permission of the Network Administrator(s).
- E. Employees may not use MCWD's computer resources for personal commercial activity.
- F. To maintain the integrity and firewall protection of MCWD's system, personal Internet accounts may not be accessed using MCWD's network system, telephone system, modem pool, or communication server to access the Internet.
- G. The vast majority of MCWD records are public documents. Employees should not transmit information in an electronic mail message that could be written in a letter, memorandum, or document available to the public. E-mail attachments are subject to the same ethical and legal concerns and standards of good conduct as memos, letter, and other paper-based documents. E-mail can be forwarded to others, printed on paper, and is subject to possible discovery during lawsuits in which MCWD or the employee may be involved.
- H. Downloading software and programs for other than MCWD-authorized tasks is prohibited. When required to download authorized software programs for MCWD, the Network Administrator(s) should be notified immediately. Computer viruses can become attached to executable files and program files and result in significant losses to MCWD. Employees should scan all downloaded materials before using or opening them on his/her computers to prevent the introduction of a virus.

All copyright and license agreements regarding software or publications will be adhered to. MCWD will not condone violations of copyright laws and licenses and the employee will be personally liable for any fines or sanctions caused by illegal use or infringement. Any software or publication which is downloaded onto a MCWD computer may become the sole property of MCWD.

3.11 Nondisclosure of Confidential Information

During the course of employment, employees may have access to certain confidential information including: legal information, employee information, business records, customer information, business systems, future plans and other information that MCWD considers confidential and sensitive. Employees are expected to use discretion and

exercise caution in regard to keeping information confidential about MCWD business and employees. Only the General Manager or designees are authorized to disclose confidential information as deemed appropriate for a public entity, or as otherwise authorized by the Board of Directors. Any question about the confidentiality of information should be referred to the General Manager or designees.

3.12 Inquiries from Outside Sources

From time to time, news media or the general public may contact MCWD with requests for information. All inquiries concerning MCWD operations and/or policies should be referred to the General Manager or designee. All inquiries regarding former or current employees should be referred to the Management Services Administrator.

3.13 Workplace Violence and Security, and Monitoring

MCWD recognizes the importance of maintaining a safe and violence-free workplace. MCWD is committed to providing a workplace that is free from acts or threats of violence. Although some kinds of violence result from societal problems that are beyond MCWD's control, MCWD believes that measures can be adopted to increase protection for employees and to provide a secure workplace. Accordingly, acts and/or threats of violence by or toward employees will not be tolerated and will be grounds for discipline and/or other remedial action up to and including immediate termination. Similarly, acts and/or threats of violence by visitors, members of the public, or other non-employees will likewise not be tolerated and will be grounds for appropriate remedial action. Remedial action includes, but is not limited to, removal of offenders from the premises, removal of employees from work schedules, unpaid administrative leave pending the outcome of an investigation, disciplinary action up to and including termination, the filing of a temporary restraining order or court ordered injunction, and such other actions as may be deemed appropriate based on specific conditions and circumstances.

MCWD believes prevention of workplace violence begins with recognition and awareness of potential early warning signs of a situation that presents the possibility of violence. Workplace violence includes threats of any kind; threatening or physically aggressive or violent behavior; harassing or threatening phone calls; stalking; other behavior that suggests a propensity toward violence such as belligerent speech, excessive arguing or swearing, sabotage or threats of sabotage of MCWD property; a demonstrated pattern or refusal to follow MCWD policies and procedures; defacing MCWD property or causing physical damage to MCWD facilities; or bringing weapons, firearms or any device reasonably believed by MCWD to be hazardous or a threat on MCWD premises.

Consequently, every employee has an obligation to report to his/her supervisor, or a member of the management staff, any incident involving any threat or act of violence,

use or observation of any weapon or hazardous device on MCWD premises or vehicles, including acts of intimidation or confrontational behavior. Employees should request assistance from the nearest available manager to help resolve any difficult situation or security problem. Do not confront any person who is hostile or overly agitated. Instead, immediately report to management any person(s) who acts in a suspicious, hostile, or violent manner. All reports of workplace violence will be taken seriously and will be reviewed promptly, and appropriate corrective action will be taken.

In addition to these efforts, all employees are to notify management of any security hazards. Recommendations of appropriate action to prevent workplace violence and limit access to work areas by unauthorized persons should be made to management or directly to the General Manager or designee.

In an effort to ensure the proper security of MCWD premises and related work locations, MCWD may visit, inspect, monitor and/or provide camera surveillance at certain locations, and from time to time, as conditions warrant.

3.14 Privacy

MCWD recognizes the need and expectation employees have concerning his/her privacy rights. Therefore, it should be understood that records and information about MCWD customers, suppliers, contractors and employees are considered strictly confidential and only those employees that have a job-related need to know have a right to access and use such information and then only for operational purposes. Similarly, employees should avoid undue intrusion into the personal affairs of other employees with the exception of an appropriate investigation into an alleged act of misconduct by an employee. In these cases, the privacy of those employees being investigated, including potential witnesses will be maintained to the degree possible.

Failure on the part of an employee to maintain the confidentiality and privacy of customer and employee information can result in disciplinary action up to and including termination.

3.15 MCWD Communications/Bulletin Boards

All MCWD employees are encouraged to openly and honestly communicate while maintaining tact, courtesy, respect, dignity and professionalism.

Staff Meetings – Staff meetings are held on an “as-needed” or pre-scheduled basis. All employees scheduled to work on meeting days are expected to attend while unscheduled employees are expected to learn about the content of meetings on his/her next scheduled workday. These meetings are held to provide information, promote employee participation, contribute constructive ideas in solving problems, improve the organization, and allow MCWD to operate more efficiently. It is an opportunity to exchange ideas, set goals, discuss opportunities for growth, and solve any problems

with particular projects or assignments. If unable to attend, employees should notify his/her immediate supervisor and offer to submit ideas in writing.

Bulletin Boards – Bulletin boards are used to display required documents and to provide employees with information about job openings, changes in MCWD operations, or information of general interest relative to daily operations.

Posting of any notice or document on bulletin boards or elsewhere on MCWD premises must be approved by management. Employees are discouraged from posting personal notices and solicitations on MCWD bulletin boards without prior approval from management. MCWD will follow all applicable laws regarding employees' communication rights when deciding whether to permit postings.

3.16 Personal Possessions

Employees are encouraged to avoid bringing expensive items or personal possessions that have monetary or sentimental value to work and to take all precautions to safeguard all such items especially wallets and purses, if brought to work.

Employees who bring any kind of personal items and possessions to work do so at his/her own risk since MCWD accepts no responsibility for any items or possessions that are stolen, lost or damaged in any way.

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3.17 Personal Mail and Telephone Calls

MCWD facilities are available for MCWD business. Due to the volume of business calls required during the business days, personal calls on MCWD telephones during working hours should be kept to a minimum. Personal telephone calls, including cell phone calls, should be handled during non-work time such as break periods.

While in the office during working hours, employees are to keep his/her pagers and cell phones on vibrate or silent mode so as not to disturb others. Use of MCWD telephones for personal long distance or toll calls is not permitted. Employees are to charge such calls to his/her home phone, cell phone, or calling card.

MCWD will assume that all mail addressed to the office is official MCWD mail, even though it may be addressed to an individual. Employees should not have personal mail sent to them at MCWD. Personal mail (including UPS, FED EX, etc.) and faxes are not to be delivered to MCWD facilities. All business-related mail will be opened, date stamped, and forwarded to the appropriate employee for receipt and handling.

3.18 Cell Phone Usage

This policy establishes procedures governing the use of cellular telephones and other electronic devices (such as laptops computers, ipods, CD players or MP3 players) during working hours, the use of MCWD-issued cellular telephones or laptop computers, and limitations on the use of cellular telephones or laptop computers to ensure both safety and compliance with applicable laws. As noted in Section 3.10, employees can have no expectation of privacy for any communications stored or transmitted on MCWD computers or cell phones,

Personal Cellular Telephones and Other Electronic Devices – Cellular telephones are an important resource for communication between MCWD and its employees, and, for individual employees in conducting his/her personal affairs. While at work employees are expected to exercise discretion in using personal cellular phones as is expected for the use of MCWD phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and may be distracting to others. Employees are therefore encouraged to make personal calls on non-work time.

MCWD understands that emergencies occur and will be flexible in these circumstances; however, personal conversations should not in any way be a discourtesy to others. Employees must also remember to use discretion when making statements that could be considered inappropriate. Cellular phones and other electronic devices should be in the off or vibrate mode while in the work environment.

MCWD is not liable for the loss of personal cellular telephones or other electronic devices brought into the workplace.

Care of MCWD-Issued Cellular Telephones and Laptop Computers – Employees in possession of MCWD equipment such as cellular telephones or laptop computers are expected to protect equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the telephone or laptop computer for return or inspection. Employees unable to present the telephone or laptop computer in good working condition within the time period requested may be expected to bear the cost of a replacement.

Cellular Telephone/Laptop Computer Safety – Employees whose job responsibilities include regular or occasional driving and who are issued a cellular telephone or laptop computer for business use will be provided at MCWD's expense, hands-free cellular telephone equipment to facilitate the provisions of this policy and the current Federal and/or State of California laws.

Employees are strongly encouraged to safely stop the vehicle before placing/accepting a call or operating a laptop computer regardless of the circumstances. If acceptance of a call is unavoidable and stopping safely is not an option, employees are expected to keep the call short, use MCWD provided hands-free telephone equipment, refrain from discussion of complicated or emotional discussions, and keep his/her eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or when the employee is driving in an unfamiliar area.

Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cellular telephone or laptop computer for business use, are also expected to abide by the provisions of this policy. Under no circumstances are employees allowed to place themselves or others at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of his/her personal or MCWD-issued cellular telephone while driving will be solely responsible for all liabilities that result from such actions. While the California Department of Motor Vehicles may not issue a point violation; the employee will receive a conviction notation on his/her driving record.

Any violation of this policy may be subject to disciplinary action.

3.19 Dress Code

A professional image is important and is maintained, in part, by the image that employees present to customers, visitors, vendors, and others in our business. No one gets a second chance to make a good first impression. Employees are expected to consistently utilize good judgment in determining dress and appearance on a daily basis. In choosing appropriate work attire, employees should consider tastefulness, public contact, the nature of the job, and working conditions.

MCWD expects all employees to be appropriately dressed and groomed at all times. It is, however, the responsibility of each manager to communicate MCWD's dress code standards to all current employees and each new employee as he/she is hired. Employees are expected to check with his/her immediate supervisor if he/she is unsure about the appropriateness of his/her attire or grooming.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of his/her positions. Office employees may dress in business casual attire. Business casual attire includes, but is not limited to, slacks, khakis, sport shirts, skirts and dresses, turtlenecks, sweaters, loafers, and walking shoes, but not tennis shoes.

Due to the effect it has on others, employees are also expected to refrain from the use of cologne, perfume, air fresheners, and excessive make-up and/or jewelry. Generally, male employees are expected to remain clean-shaven, however for those employees where wearing respiratory equipment is not mandatory, facial hair may be acceptable if it is well groomed.

Specific attire that is unacceptable includes:

- T-Shirts (other than those with a MCWD logo)
- Sweat Pants and Shirts or Workout Attire
- Tank Tops
- Muscle Shirts
- Shorts
- Flip-Flops, Beach Thongs or Slippers
- Torn or Patched Clothing
- Revealing Attire
- Halter Tops
- Sheer Clothing
- Bare Midriffs or Bare Back Tops/Shirts
- Baggy, Saggy or Ripped Pants
- Low Cut or Off-the-Shoulder Attire
- Clothes with Inappropriate, Profane, or Offensive Slogans or Pictures
- Gang-related attire

Non-Compliance – Employees who are inappropriately dressed may be sent home and directed to return to work in the proper attire. Non-exempt employees will not be compensated for the time away from work. Employees who repeatedly violate MCWD's dress code policy and/or grooming standards will be subject to corrective action, up to and including termination.

3.20 Solicitation/Distribution of Literature

In order to avoid disruption of operations, the following rules apply to solicitation and distribution of literature on MCWD property or premises.

Outsiders – Persons who are not employed by MCWD may not solicit or distribute literature on MCWD premises or property at any time for any purpose.

Employees – Employees may not solicit or distribute literature during “work time” or in “working areas” at any time for any purpose. Work time includes both the time of the employee doing the soliciting or distributing and the time of the employee to whom the soliciting or distributing is being directed. Work time does not include meal periods, or any other specific periods during the workday when both employees are not engaged in performing his/her work assignments.

Further, it is strictly prohibited for any employee to solicit or imply his/her availability to perform private work for any customer, Board member, or service provider of MCWD. The solicitation of private work, for pay or no pay, on or off duty, shall result in disciplinary action up to and including termination.

3.21 Personal Use of MCWD Property/Facilities

MCWD resources and facilities are to be used only for legitimate business purposes and are not to be used for personal reasons by employees. MCWD property includes equipment and tools, telephones, faxes and other communication equipment, computers, copy machines, postage, office supplies, and the like. Borrowing any MCWD property for personal use or removing MCWD property without approval is prohibited. Unauthorized use or removal of MCWD property by an employee is subject to corrective action, up to and including termination.