

Section 5. Employment Practices

5.0 Performance Evaluations

Except for Probationary employees, all employees shall have his/her performance evaluated by the immediate supervisor and department head every twelve (12) months or at other times deemed appropriate by the department head. The evaluation process is normally determined by the employee's anniversary date. The General Manager and Management Services Administrator will review all performance evaluations.

Neither the performance evaluations, nor the performance evaluation process, shall be subject to the Grievance Policy or Employee Relations Policy described in Sections 12 and 13.

A performance evaluation does not guarantee a wage or salary increase will be granted automatically. The General Manager or designee must approve all pay increases.

5.1 Performance Improvement Plans (PIP)

Periodically it may be necessary or appropriate for a supervisor to implement a PIP for an employee. The purpose of a PIP is to provide a mechanism for performance correction when an employee's job performance falls below established standards and where management deems it would be suitable to identify area(s) requiring improvement(s), to further outline performance expectations, additional training and development, and the timing to achieve a satisfactory performance level.

The following guidelines will be considered when implementing a PIP:

- A. If an employee demonstrates unsatisfactory performance, the manager/supervisor shall complete a PIP prior to meeting with the employee to identify areas of deficiency, explain performance expectations, provide assistance, and advise the employee of future consequences if significant improvement in performance does not occur.
- B. If an unsatisfactory performer does not improve with informal counseling, he/she shall be placed on a PIP. If performance improves, but not to an acceptable level, the PIP may be extended for up to an additional thirty (30) days if the supervisor/manager feels a satisfactory level of performance can be achieved and sustained by the extended date.
- C. If an unsatisfactory performer who is on a PIP fails to improve within a reasonable time period, the employee may be considered for transfer or reclassification to a more suitable position that may include a demotion or termination.

5.2 Promotions, Transfers, Demotions, and Reclassifications

- A. Promotions - A promotion is defined as a move up in pay grade and position responsibilities and skills. MCWD prefers to promote from within the organization whenever it is operationally efficient and appropriate based on the skills, knowledge and other competencies of the employee and the requirements of the vacant position. At the time of promotion, consideration may be given for a promotional pay rate increase based on related experience, internal equity, and the length of time since the employee's last performance evaluation. Promotions will normally include a minimum of five percent (5%) salary increase, depending upon the salary range and step at the time of promotion.

In all cases, promotions will re-establish the employee's new Probationary Period and performance evaluation date to reflect the effective date of change, but not seniority/hire date or longevity/anniversary dates. Salary increases normally become effective the first day of the first payroll period after the approved increase.

- B. Transfers - A transfer is a lateral move within the same pay grade. Normally, an employee who requests a transfer to a different department is given preference over external applicants provided the employee is equally or better qualified. An employee subject to a PIP or disciplinary action will not be considered for transfer unless approved in advance by the General Manager or designee.

Transfer or Reassignment – In the case of a transfer or reassignment from one position to another in the same salary range, the employee shall continue in the same salary range and step. In the case of a transfer from one position to another in a classification with a lower salary range, the employee may be placed in any step closest to, but not exceeding his/her previous salary.

At the discretion of the General Manager or designee, an employee may be transferred or reassigned from one department to another, providing the employee possesses the minimum qualifications for the transferred or reassigned position.

When an employee voluntarily transfers, including to a position having a lower salary/pay rate, or is reassigned from one position to another of the same salary/pay rate, the salary and merit increase eligibility date shall not change.

- C. Demotions - A demotion is a move to a lower pay grade in a position having lesser responsibilities and/or required skills. MCWD regards demotions as rare and conducted only under unusual circumstances.

Non-disciplinary demotions may be voluntary or involuntary but in either case, the affected employee will normally be provided with thirty (30) days advance notice of the change of classification and an opportunity to respond. However, MCWD reserves the right to determine, on an individual basis, how a demotion will affect pay and under what circumstances it is in the best interests of MCWD to demote an employee.

- D. **Reclassifications** - A reclassification is the redefinition of an existing position, either occupied or vacant, as needed to meet the changing operational demands of MCWD and usually requires a change in the job title, essential duties, responsibilities, and requirements.

The salary of a probationary or regular employee in a position which is reclassified, and for which the employee is fully qualified in all respects for the reclassified position, shall be determined as follows:

1. If to a class with the same salary range the salary and merit increase eligibility date will not change.
2. If to a class with a higher or lower salary/pay rate; the salary/pay rate of the employee shall be determined as follows:
 - a. If the salary of the employee is the same or less than the maximum of the new class, the salary and merit increase eligibility date of the employee shall not change.
 - b. If the salary of the employee is greater than the maximum of the new range, the salary of the employee shall be designated as Y-rated (frozen) and shall not change during the continuous regular service until the maximum of the new range exceeds the salary of the employee.

A regular employee in good standing reclassified to a position in a lower class for reasons other than unsatisfactory performance shall receive the highest salary in the new grade that does not exceed the employee's rate of pay immediately prior to the reclassification, and shall retain the merit increase eligibility date to which the employee was entitled prior to reclassification.

5.3 Working Out of Classification

An out of classification assignment is a temporary assignment of a regular employee for more than twenty (20) days in a calendar year. When an employee is officially assigned to perform the primary and essential duties of a higher paid vacant position, that employee shall be compensated at the step in the higher classification that provides an increase to the assigned employee of at least five percent (5%). Such increase will normally begin on the twenty-first (21st) working day after the assignment to the higher position or earlier, subject to the discretion of the General Manager or designee.

5.4 Employee Records

MCWD maintains a personnel file of current and former employees and restricts disclosure of information to only authorized individuals. Employees who want to review his/her official records must [complete and submit a MCWD Personnel Record Request form to the Management Services Administrator and](#) request an appointment ~~to do so with the Management Services Administrator~~ during normal working hours. Personnel files will be reviewed under the supervision of the Management Services Administrator and no documents may not be removed from the file.

Employees may take notes related to documents in his/her employee file; however, no alterations of these records are permitted nor can a document be added to or removed from the file at the time of an employee review. Employees may request and receive a copy of any document containing his/her signature.

It is important that employees promptly notify MCWD of any changes to his/her personal information including:

- Name
- Home and/or mailing address
- Telephone number(s)
- Number, names, and status of dependents
- Change of emergency contact information
- Educational accomplishments
- Marital status (including pending divorce proceedings)
- Payroll deductions
- Wage garnishments
- Benefit plan beneficiary
- Banking information (if participating in direct deposit)

5.5 Employment Verifications/References

All employment verification requests, either verbal or written shall be forwarded to the Management Services Administrator for response. Responses by MCWD to such requests will be restricted to dates of employment and the last or current job title held by an employee. Requests for salary and any other additional information must be made in writing and accompanied by the employee's signed authorization to release this information.

5.6 Internships

Internships are available to full-time college students (taking twelve (12) or more units), and limited to no more than sixteen (16) hours per week during regular Fall/Spring semesters or quarters. Additional hours may be offered during semester or quarter breaks. Flexible scheduling will be available.

Driving a MCWD vehicle may be necessary to perform the job duties, therefore, the Intern will need to be insurable and have a valid California driver's license. All potential Interns will be required to complete a MCWD application and participate in an interview prior to hiring.

5.7 Use of MCWD Vehicles

It is MCWD's policy that before an employee can be eligible to operate any vehicle for MCWD business, a valid driver's license, and a California Department of Motor Vehicles driver's license Pull Report must be on file. In addition, employees are responsible for immediately reporting to his/her immediate supervisor any changes in automobile insurance policy or change in the status of his/her driver's license such as suspension or revocation. Employees who are uninsurable or who create the potential for an increase in MCWD's liability insurance premiums may be reassigned. Any questions regarding this policy should be directed to the Management Services Administrator.

In addition to applying good common sense regarding the safe operation of vehicles, the following rules pertain when operating any vehicle on MCWD business:

- No use of MCWD or personal cell phone is allowed while driving unless a proper hands-free device is used.
- Text messaging is strictly prohibited.
- Driver and all passengers must wear seat belts.
- Any employee who is under the influence of or impaired by any illegal drug or alcoholic beverage or any legal drug that may impair an employee's abilities must not operate any vehicle.
- MCWD vehicles are to be used by employees only for official business purposes and not for personal use.
- Use of any vehicle for MCWD business must have the prior approval of the employee's immediate supervisor. Any mechanical defects of a MCWD vehicle should be reported by the employee to his/her immediate supervisor before operating the vehicle. All employees driving a vehicle on MCWD business must immediately report to his/her immediate supervisor any accident and any moving or non-moving violation for which he/she is cited. MCWD accepts no responsibility for citations issued to an employee by any law enforcement agency while driving a vehicle on MCWD business under any circumstance. All liabilities created by any citation will be the responsibility of employees who receive them.
- All employees operating vehicles on MCWD business are required to obey all traffic regulations.
- Only designated employees may drive MCWD vehicles. No employee is permitted to lend a MCWD vehicle to a non-employee.

An employee who is involved in an accident in the course of using a MCWD vehicle on MCWD business shall adhere to the following procedure:

1. Do not argue, admit liability, or make a statement to anyone except the police, the employee's immediate supervisor, or other appropriate MCWD management.
2. Obtain the names and addresses of:
Owner of other vehicle(s)
Insurance Carrier of the other driver(s)
Witnesses
Injured person(s)
Other driver(s), including the number of and state issuing the driver's license
3. Note these items:
Speed of each vehicle with its direction of travel
Signal given by each driver, if any
Point and time of accident
Any mechanical aspect of the other vehicle, which may have caused the accident (e.g. no brake lights, etc.)
4. Promptly report to MCWD management any damage done to a customer, the public, -an employee, or his/her property.

Accident reports and insurance contacts will be promptly handled by the Management Services Administrator.

5.8 Use of Personal Vehicle for MCWD Business

Employees who are asked and agree to use his/her personal vehicle in the course of performing MCWD business shall be eligible for mileage reimbursement at the current IRS established rate. Travel must be confined to only the authorized destination and return location.

Employees who operate his/her own vehicles on MCWD business may do so provided the following conditions are met:

- The vehicle must be in sound and safe operating condition and maintained as such at the employee's own expense.
- The driver and vehicle must be insured in accordance with at least minimum coverage and liability standards established by the State of California. Proof of insurance is required and should be forwarded to the Management Services Administrator.
- The driver must observe driving conditions and obey all State and local driving laws, including but not limited to wearing a seat belt, avoid eating, drinking, or the use of a cell phone while driving unless a proper hands-free device is used.
- Text messaging is prohibited.
- The driver must possess and maintain a valid California driver's license. Employees who are required or may be called upon to use his/her vehicle

in the course of MCWD business who have his/her driver's license suspended, revoked, or receive driving violations other than parking citations are required to promptly report these conditions to the Management Services Administrator. Employees who are required to drive in the course of MCWD business or operations who have his/her license revoked, suspended or receive driving violations other than parking citations or who are involved in an accident may be subject to either work modification or termination at MCWD's discretion.

When a privately-owned vehicle that is used for official travel and is damaged in an accident not caused by the employee, MCWD will reimburse an employee a maximum of \$250.00 for his/her automobile insurance deductible. The employee must provide satisfactory proof of loss and insurance deductible to the Management Services Administrator.

For more information regarding the use of a personal vehicle on MCWD business, please see Section 5.B Transportation Expenses, paragraph 2.a-j of the MCWD Expense Reimbursement and Travel Policy dated June 2006.

5.9 Reimbursement of Business Expenses

Certain employees may incur business expenses in the course of his/her duties. Employees must be authorized in advance to incur business expenses, and all such expenditures must be documented on MCWD's Reimbursement Expense form and submitted to the Accounting Department, following the department head's review and approval. All original receipts for expenses should be attached to the form with an explanation of the nature of the expense. When and where applicable, the names of the persons and the business purpose for the meeting should be included.

Please refer to the MCWD Expense Reimbursement and Travel Policy dated June 2006 for more information.

5.10 Business Related Travel

Occasionally employees may be reimbursed for the cost of authorized travel to any business-related meeting or attendance at training or seminar programs, or attendance at an out-of-area conference. If the travel has been budgeted, and previously authorized by the employee's immediate supervisor, department head and approved by the General Manager or designee, reimbursement will be made upon submission of a completed MCWD Reimbursement Expense form with accompanying receipts.

Covered Expenses – The Management Services Administrator or designee is the training/travel coordinator for MCWD. He/she will make all travel/training arrangements using the most cost effective and time efficient mode of travel and accommodations. A list of travel reminders will be provided along with a confirmation memo to employees who are scheduled to attend any cost-related training or travel on MCWD business.

Employees are expected to use prudence and good judgment when ordering meals and incurring travel-related expenses. Travel related expenses include those costs incurred in the use of rental car fees (where necessary), bus, shuttles, and taxi fares. Reimbursement expenses per Section 5.8 will apply for pre-approved use of the employee's personal vehicle.

For more information please refer to the MCWD Expense Reimbursement and Travel Policy dated [October 2012](#). ~~June 2006~~.

5.11 Time Off To Meet and Confer

Except as may otherwise be authorized by an existing MOU, employees shall be authorized time off with pay to meet and confer regarding terms and conditions of employment as follows:

- A. Authorized representatives of the Marina Coast Water MCWD Employees Association (MCWDEA) and the Teamsters Local 890 (Union) meeting with the General Manager or designee regarding negotiating, preparing or interpreting an MOU between the District and its employees.
- B. During the last six months prior to the expiration of an existing MOU, the MCWDEA and the Union may meet with his/her authorized representatives for the purpose of discussing negotiations.

In addition, employees shall be authorized time off with pay to attend one meeting each calendar year of the MCWDEA in which general business of the Association or Union is conducted.

Notice to all immediate supervisors should occur no later than three (3) working days prior to a meeting described above, including the date, time and location. Due to operational requirements, a department head may require appropriate employees to remain on the job during all or part of the meeting.

5.12 Gift or Gratuity Acceptance

Employees of MCWD are prohibited from accepting, directly or indirectly, any gift, rebate, money, or anything else of value whatsoever from any person or entity if the gift, rebate, money or item of value is intended as a reward or inducement for conducting business, placing orders with, or otherwise using the employee's position to favor the contributor. Awards and promotional items shall not constitute a gift if received as a non-personal item by the employee, and the item is distributed to all employees by the contributor.

Similarly, it is strictly prohibited for any employee to solicit any gift, gratuity or other item, service or product of monetary value from any other person in connection with his/her employment with MCWD. Such actions will be subject to discipline up to and including termination. An employee having any questions concerning this policy, or concerning

specific instances, should direct them to his/her immediate supervisor or the Management Services Administrator.

5.13 Visitors

All visitors must enter MCWD facilities at the main entrance and must not enter work areas without specific management permission. Any unauthorized person or persons on MCWD property will be asked to leave immediately. Those employees who allow unauthorized visitors to enter the premises in any way may be subject to corrective action.

5.14 Separation of Employment

Separation of employment can be either voluntary or involuntary and may be initiated either by the employee or MCWD.

Voluntary Separation – When an employee resigns, the separation is considered voluntary. Employees are requested to give advance written notice, to his/her immediate supervisor. Generally, at least two (2) weeks' notice is expected in order to commence the recruitment process for replacement of a departing employee.

Involuntary Separation/Termination – An involuntary separation/termination is one that is initiated by MCWD for any reason including a reduction in force.

Job Abandonment – An employee who has been absent for three (3) consecutive scheduled workdays without notification to his/her immediate supervisor, and without legitimate extenuating circumstances that can be verified, will be considered to have abandoned his/her job and the employee will be terminated pursuant to this Handbook. The last day worked will be the date of separation.

Failure to return from an approved leave of absence or vacation within the time limits established also will be considered as a voluntary termination of employment without notice. The date of the expiration of the leave or vacation will be the separation date.

Exit Interviews – Whenever possible and appropriate, exit interviews normally will be conducted by the Management Services Administrator for all separating employees. This interview allows the separating employee to communicate his/her views on working at MCWD as well as the job requirements, operations, and training needs of the position.

Final Pay – A terminated employee shall receive his/her final pay on his/her last day of work. Employees who voluntarily resign will receive his/her final pay no later than three (3) days after his/her last day of work.

Return of MCWD Property – It is the responsibility of any separating employee to return all property issued by MCWD at any time during employment. All such property,

including any keys, identification badge, laptop computer, cell phone, pager, manuals, documents, and other items that the employee may have in his/her possession, must be returned on or before the last day of work.

5.15 Reduction in Force/Layoff and Re-Employment

A layoff is normally an involuntary termination that is initiated by MCWD as a result of reorganization, position elimination, declining operations/lack of work, or lack of funds and not otherwise caused by the affected employee.

Layoff of employees within each category of employment status and within a targeted job classification shall be based on seniority unless the employee's past job performance or disciplinary record justifies an exception to seniority ranking. For purposes of layoff, seniority shall be defined as length of continuous service while an employee of MCWD.

Authorization – The General Manager or designee may lay off any employee because of lack of appropriate funds, curtailment or lack of work, reorganization, abolition of position, or other reasons. Such lay-off shall take effect fourteen (14) working days after the receipt by the employee of a notice in writing of the proposed layoff action. The decision of the General Manager or designee to lay off employees is not subject to the grievance process in Section 12.

Order of Layoff – When it becomes necessary because of lack of work, lack of funds or other reasons to reduce the number of employees within a given department or job classification, the General Manager or designee will prepare a lay-off list and/or notice.

Lay-offs shall be made among all employees in the same job classification within MCWD in the following order:

1. Temporary employees.
2. Employees in an initial probationary period.
3. Regular employees.

Order of Re-employment – For each classification in which lay-offs occur, MCWD will maintain a list. The list shall order the employees by position title, date of lay-off from first employee laid off to most recent employee laid off. Generally, any employee laid off shall be given preference over external applicants in the event the same position, or substantially similar position having reasonably similar requirements, becomes available during the reemployment period.

An employee appearing on the layoff list shall be eligible for re-hire for one (1) year following lay-off, provided the employee is qualified to perform the essential functions of the position offered. Employees appearing on the list will be offered re-employment in

the inverse order of lay-off. If more than one (1) employee was terminated on the same day, the employee with the greatest seniority will be offered re-employment first.

It is the responsibility of the employee to keep MCWD advised of his/her availability to work, including a current address and telephone number(s) at which the employee may be reached.

Notice of Re-Employment – MCWD shall notify the laid off employee of the opportunity for re-employment by certified mail, return receipt requested. The Notice of Re-employment shall be sent to the address provided to MCWD by the employee. The notice will specify the date and time the employee's re-employment is scheduled to begin. The notice shall provide that the employee must notify MCWD of his/her intent to accept re-employment within seventy-two (72) hours of receiving the Notice of Re-employment. Failure to accept the offer of re-employment within seventy-two (72) hours, and/or failure to report for work on the date and time specified in the Notice of Re-employment shall be considered as the employee's waiver of reemployment consideration by MCWD.

Benefits for Employees Re-hired After Lay-Off – An employee re-hired following a lay-off will retain the level of seniority and benefits that were in effect at the time of the employee's layoff.